

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Local, Federal & Veterans
 2 Affairs Subcommittee

3 Representative DiCeglie offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 24-186 and insert:

7 (2) The Legislature finds that impact fees are an
 8 important source of revenue for a local government to use in
 9 funding the infrastructure necessitated by new growth. The
 10 Legislature further finds that impact fees are an outgrowth of
 11 the home rule power of a local government to provide certain
 12 services within its jurisdiction. Due to the growth of impact
 13 fee collections and local governments' reliance on impact fees,
 14 it is the intent of the Legislature to ensure that, when a
 15 county or municipality adopts, collects, or administers an
 16 impact fee by ordinance or a special district adopts an impact

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17 fee by resolution, the governing authority complies with this
18 section to ensure a consistent statewide process.

19 (3) At a minimum, each county and municipality that
20 adopts, collects, or administers an impact fee by ordinance and
21 each special district that adopts an impact fee by resolution ~~an~~
22 ~~impact fee adopted by ordinance of a county or municipality or~~
23 ~~by resolution of a special district~~ must satisfy all of the
24 following conditions:

25 (a) Require that the calculation of the impact fee ~~must~~ be
26 based on the most recent and localized data collected within the
27 last 36 months, and exclude any cost that does not meet the
28 definition of infrastructure as defined in this chapter.

29 (b) Account for the revenues and expenditures of such
30 impact fee in a separate impact fee trust fund, if the local
31 governmental entity imposes an impact fee to address its
32 infrastructure needs. ~~The local government must provide for~~
33 ~~accounting and reporting of impact fee collections and~~
34 ~~expenditures. If a local governmental entity imposes an impact~~
35 ~~fee to address its infrastructure needs, the entity must account~~
36 ~~for the revenues and expenditures of such impact fee in a~~
37 ~~separate accounting fund.~~

38 (c) Limit administrative charges for the collection of
39 impact fees ~~must be limited~~ to actual costs. The cost per
40 student station established in school impact fee calculations

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41 may not exceed that statutory total maximum cost per student
42 station calculated under s. 1013.64(6).

43 ~~(d) The local government must~~ Provide notice not less than
44 90 days before the effective date of an ordinance or resolution
45 imposing a new or increased impact fee. New or increased impact
46 fees may not apply to current or pending permit applications
47 submitted before the effective date of an ordinance or
48 resolution imposing a new or increased impact fee. A county or
49 municipality is not required to wait 90 days to decrease,
50 suspend, or eliminate an impact fee.

51 ~~(e) Collection of the impact fee may not be required to~~
52 ~~occur earlier than the date of issuance of the building permit~~
53 ~~for the property that is subject to the fee.~~

54 ~~(e)-(f)~~ Ensure that the impact fee is ~~must be~~ proportional
55 and reasonably connected to, or have a rational nexus with, the
56 need for additional capital facilities and the increased impact
57 generated by the new residential or commercial construction.

58 ~~(f)-(g)~~ Ensure that the impact fee is ~~must be~~ proportional
59 and reasonably connected to, or have a rational nexus with, the
60 expenditures of the funds collected and the benefits accruing to
61 the new residential or nonresidential construction.

62 ~~(g)-(h)~~ ~~The local government must~~ Specifically earmark
63 funds collected under the impact fee for use in acquiring,
64 constructing, or improving capital facilities to benefit new
65 users.

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67 For the purposes of impact fees, the term "infrastructure"
68 means: any fixed capital expenditure or fixed capital outlay
69 associated with the construction, reconstruction, or improvement
70 of public facilities that have a life expectancy of 5 or more
71 years; any related land acquisition, land improvement, design,
72 engineering, and permitting costs; and all other professional
73 and related costs required to bring the public facilities into
74 service. For purposes of this subsection, the term "public
75 facilities" means facilities as defined in s. 163.3164(39), s.
76 163.3221(13), or s. 189.012(5).

77 (4) The local government may not require the collection of
78 the impact fee to occur earlier than the date the building
79 permit for the property that is subject to the fee is issued.

80 (5)(i) Revenues generated by the impact fee may not be
81 used, in whole or in part, to pay existing debt or for
82 previously approved projects unless the expenditure is
83 reasonably connected to, or has a rational nexus with, the
84 increased impact generated by the new residential or
85 nonresidential construction.

86 (6)(4) The local government must credit against the
87 collection of the impact fee any contribution, whether
88 identified in a proportionate share agreement or other form of
89 exaction, related to public education facilities, including land
90 dedication, site planning and design, or construction. Any

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91 contribution must be applied to reduce any education-based
92 impact fees on a dollar-for-dollar basis at fair market value.

93 ~~(7)-(5)~~ If a local government increases its impact fee
94 rates, the holder of any impact fee credits, whether such
95 credits are granted under s. 163.3180, s. 380.06, or otherwise,
96 which were in existence before the increase, is entitled to the
97 full benefit of the intensity or density prepaid by the credit
98 balance as of the date it was first established. This subsection
99 shall operate prospectively and not retrospectively.

100 ~~(8)-(6)~~ Audits of financial statements of local
101 governmental entities and district school boards which are
102 performed by a certified public accountant pursuant to s. 218.39
103 and submitted to the Auditor General must include an affidavit
104 signed by the chief financial officer of the local governmental
105 entity or district school board stating that the local
106 governmental entity or district school board has complied with
107 this section and the spending period provision in the local
108 ordinance.

109 ~~(9)-(7)~~ In any action challenging an impact fee or the
110 government's failure to provide required dollar-for-dollar
111 credits for the payment of impact fees or for contributions made
112 as provided in this chapter ~~s. 163.3180(6)(h)2.b.~~, the
113 government has the burden of proving by a preponderance of the
114 evidence that the imposition or amount of the fee or credit
115 meets the requirements of state legal precedent and this

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116 section. The court may not use a deferential standard for the
117 benefit of the government.

118 (10) Impact fee credits are assignable and transferable at
119 any time after establishment from one development or parcel to
120 another within the same impact fee jurisdiction for the same
121 type of public facility for which the impact fee is applicable.

122 (11)~~(8)~~ A county, municipality, or special district may
123 provide an exception or waiver for an impact fee for the
124 development or construction of housing that is affordable, as
125 defined in s. 420.9071. If a county, municipality, or special
126 district provides such an exception or waiver, it is not
127 required to use any revenues to offset the impact. To ensure
128 impact fees or equivalent contributions are only collected once,
129 a local government shall provide impact fee credits or other
130 forms of compensation where a contribution is greater in value
131 than the applicable impact fee. Contributions relating to the
132 transportation system shall be creditable against the combined
133 total of all impact fees and exactions charged for mobility.
134 This subsection shall be complied with at the time any
135 contribution is accepted, regardless of when those contributions
136 were agreed upon or committed to.

137 (12) (a) Each county and municipality that assesses impact
138 fees must establish an impact fee review committee.

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139 (b)1. The committee shall be composed of the following
140 members appointed by the county commission or the governing body
141 of the municipality, as applicable:

142 a. Two members who are employed by the county or
143 municipality.

144 b. Two members who represent the business community.

145 c. Two members who are local residential contractors.

146 d. One at-large member.

147 2. The county commission or the governing body of the
148 municipality, as applicable, shall appoint three alternate
149 members, consisting of one representative from each of the
150 categories described in sub-subparagraphs 1.a., b., and c., who
151 shall serve in the absence of their respective member.

152 3. Members and alternate members must be qualified
153 electors of the county or municipality, as applicable, for at
154 least 2 years before their appointment.

155 4. Committee members shall serve at the pleasure of the
156 local government and shall serve until they are replaced.

157 (c)1. Each committee meeting must be duly noticed.

158 2. A meeting may not be held unless a quorum is present. A
159 quorum consists of a majority of members of the committee, but
160 an alternate member shall count toward the quorum when a regular
161 member is absent.

162 3. A member who fails to attend three consecutive meetings
163 or fails to attend two-thirds of the meetings within a calendar

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164 year automatically forfeits the appointment, and the county
165 commissioners or members of the governing body of the
166 municipality, as applicable, shall promptly fill the vacancy.

167 4. Members of the committee shall serve without
168 compensation.

169 (d) The committee shall meet as needed to:

170 1. Establish a policy and methodology for determining
171 impact fees on new developments.

172 2. Review the proposed impact fee on each new development
173 before the fee becomes final.

174 3. Submit recommendations made by the impact fee committee
175 to the county commission or governing body of the municipality,
176 as applicable. The recommendations must be presented at the
177 meeting when the impact fee on the new development will be
178 discussed and voted upon.

179 4. After each impact fee is adopted by the local
180 government, review all proposed expenditures of that impact fee
181 to ensure the fee is used for capital projects within the
182 jurisdiction.

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185 **T I T L E A M E N D M E N T**

186 Between lines 7 and 8, insert:
187 providing definitions;