

CHAPTER 2009-49

Council Substitute for Committee Substitute for House Bill No. 227

An act relating to impact fees; amending s. 163.31801, F.S.; requiring the government to prove certain elements of an impact fee by a preponderance of the evidence; prohibiting a court from using a deferential standard in a court action; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (5) and (6) are added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.

Section 2. This act shall take effect July 1, 2009.

Approved by the Governor May 21, 2009.

Filed in Office Secretary of State May 21, 2009.