

By Senator Bennett

21-00878-12

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1                   A bill to be entitled  
2           An act relating to growth management; amending s.  
3           163.3180, F.S.; prohibiting a local government from  
4           applying transportation or school concurrency or  
5           requiring proportionate-share contribution or  
6           construction for new development for a specified  
7           period; providing an exception; providing for an  
8           extension of the prohibition under certain conditions;  
9           providing application; providing for future  
10          expiration; amending s. 163.31801, F.S.; prohibiting  
11          certain counties, municipalities, and special  
12          districts from imposing certain new or existing impact  
13          fees for a specified period; providing an exception;  
14          providing for an extension of the prohibition under  
15          certain conditions; providing application; providing  
16          for future expiration; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsection (7) is added to section 163.3180,  
21 Florida Statutes, to read:

22           163.3180 Concurrency.—

23           (7) (a) Notwithstanding any law, ordinance, or resolution to  
24 the contrary, a local government may not apply transportation or  
25 school concurrency within its jurisdiction and may not require a  
26 proportionate-share contribution or construction for new  
27 development until July 1, 2015, unless authorized by the  
28 affirmative vote of two-thirds of the local government's  
29 governing authority.

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30 (b) Paragraph (a) does not apply to proportionate-share  
31 contribution or construction assessed on existing developments  
32 before July 1, 2012.

33 (c) In order to maintain the exemption from transportation  
34 or school concurrency and proportionate-share contribution or  
35 construction pursuant to paragraph (a), a new development must  
36 receive a certificate of occupancy by July 1, 2016. If the  
37 certificate of occupancy is not received by July 1, 2016, the  
38 local government may apply transportation or school concurrency  
39 and require the appropriate proportionate-share contribution or  
40 construction for the development that would have been applied  
41 but for this subsection. Any outstanding obligation related to  
42 the proportionate-share contribution or construction runs with  
43 the land and is enforceable against any person claiming a fee  
44 interest in the land subject to that obligation.

45 (d) This subsection does not apply if it requires any  
46 modification to a local government's financing that would  
47 invalidate existing contracts, including debt obligations or  
48 covenants and agreements relating to bonds validated or issued  
49 by the local government.

50 (e) Upon written notification to the local government, a  
51 developer may elect to have the local government apply  
52 transportation or school concurrency and proportionate-share  
53 contribution or construction to a development.

54 (f) This subsection expires July 1, 2016.

55 Section 2. Subsection (6) is added to section 163.31801,  
56 Florida Statutes, to read:

57 163.31801 Impact fees; short title; intent; definitions;  
58 ordinances levying impact fees.-

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59       (6) (a) Notwithstanding any law, ordinance, or resolution to  
60 the contrary, a county, municipality, or special district may  
61 not impose any new or existing impact fee or any new or existing  
62 fee associated with the mitigation of transportation impacts on  
63 new development until July 1, 2015, unless authorized by the  
64 affirmative vote of two-thirds of the governing authority of the  
65 county, municipality, or special district. Any governing  
66 authority of a local government imposing an impact fee in  
67 existence on July 1, 2011, must reauthorize the imposition of  
68 the fee pursuant to this paragraph.

69       (b) Paragraph (a) does not apply to any impact fee or fee  
70 associated with the mitigation of transportation impacts  
71 previously enacted by law, ordinance, or resolution assessed on  
72 existing development before July 1, 2012.

73       (c) In order to maintain the exemption from impact fees and  
74 fees associated with the mitigation of transportation impacts  
75 pursuant to paragraph (a), a new development must receive a  
76 certificate of occupancy by July 1, 2016. If the certificate of  
77 occupancy is not received by July 1, 2016, the county,  
78 municipality, or special district may impose the appropriate  
79 impact fees and fees associated with the mitigation of  
80 transportation impacts on the development that would have been  
81 applied but for this subsection. Any outstanding obligation  
82 related to impact fees and fees associated with the mitigation  
83 of transportation impacts on the development runs with the land  
84 and is enforceable against any person claiming a fee interest in  
85 the land subject to that obligation.

86       (d) This subsection does not apply if it requires any  
87 modification to the financing of a county, municipality, or

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88 special district that would invalidate existing contracts,  
89 including debt obligations or covenants and agreements relating  
90 to bonds validated or issued by the county, municipality, or  
91 special district.

92 (e) Upon notification to the county, municipality, or  
93 special district, a developer may elect to have impact fees and  
94 fees associated with the mitigation of transportation impacts  
95 imposed on a development.

96 (f) This subsection expires July 1, 2016.

97 Section 3. This act shall take effect July 1, 2012.