

By Senator Garcia

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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 for applicability; 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 for applicability;
16 providing for future expiration; providing an
17 effective date.

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

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

23 163.3180 Concurrency.—

24 (7) (a) Notwithstanding any provision of law, ordinance, or
25 resolution to the contrary, a local government may not apply
26 transportation or school concurrency within its jurisdiction and
27 may not require a proportionate-share contribution or
28 construction for new development before July 1, 2016, unless
29 authorized by the affirmative vote of two-thirds of the local

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30 government's governing authority.

31 (b) Paragraph (a) does not apply to proportionate-share
32 contribution or construction assessed on existing developments
33 before July 1, 2013.

34 (c) In order to maintain the exemption from transportation
35 or school concurrency and proportionate-share contribution or
36 construction pursuant to paragraph (a), a new development must
37 receive a certificate of occupancy by July 1, 2017. If the
38 certificate of occupancy is not received by July 1, 2017, the
39 local government may apply transportation or school concurrency
40 and require the appropriate proportionate-share contribution or
41 construction for the development that would have been applied
42 but for this subsection. The new development must consist of
43 10,000 square feet or less for anything classified as other than
44 nonresidential; 50 dwelling units or less for anything
45 classified as multifamily residential; or 30 dwelling units or
46 less for anything classified as single-family residential. Any
47 outstanding obligation related to the proportionate-share
48 contribution or construction runs with the land and is
49 enforceable against any person claiming a fee interest in the
50 land subject to that obligation.

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

56 (e) Upon written notification to the local government, a
57 developer may elect to have the local government apply
58 transportation or school concurrency and proportionate-share

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59 contribution or construction to a development.

60 (f) This subsection expires July 1, 2017.

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

63 163.31801 Impact fees; short title; intent; definitions;
64 ordinances levying impact fees.—

65 (6) (a) Notwithstanding any provision of law, ordinance, or
66 resolution to the contrary, a county, municipality, or special
67 district may not impose any new or existing impact fee or any
68 new or existing fee associated with the mitigation of
69 transportation impacts on new development until July 1, 2016,
70 unless authorized by the affirmative vote of two-thirds of the
71 governing authority of the county, municipality, or special
72 district. Any governing authority of a local government imposing
73 an impact fee in existence on July 1, 2012, must reauthorize the
74 imposition of the fee pursuant to this paragraph.

75 (b) Paragraph (a) does not apply to any impact fee or fee
76 associated with the mitigation of transportation impacts
77 previously enacted by law, ordinance, or resolution assessed on
78 existing development before July 1, 2013.

79 (c) In order to maintain the exemption from impact fees and
80 fees associated with the mitigation of transportation impacts
81 pursuant to paragraph (a), a new development must receive a
82 certificate of occupancy by July 1, 2017. If the certificate of
83 occupancy is not received by July 1, 2017, the county,
84 municipality, or special district may impose the appropriate
85 impact fees and fees associated with the mitigation of
86 transportation impacts on the development that would have been
87 applied but for this subsection. Any outstanding obligation

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88 related to impact fees and fees associated with the mitigation
89 of transportation impacts on the development runs with the land
90 and is enforceable against any person claiming a fee interest in
91 the land subject to that obligation.

92 (d) This subsection does not apply if it requires any
93 modification to the financing of a county, municipality, or
94 special district that would invalidate existing contracts,
95 including debt obligations or covenants and agreements relating
96 to bonds validated or issued by the county, municipality, or
97 special district.

98 (e) Upon notification to the county, municipality, or
99 special district, a developer may elect to have impact fees and
100 fees associated with the mitigation of transportation impacts
101 imposed on a development.

102 (f) This subsection expires July 1, 2017.

103 Section 3. This act shall take effect July 1, 2013.