

By the Committee on Community Affairs; and Senator Garcia

578-03425-13

20131716c1

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 concurrency or requiring
5 proportionate-share contribution or construction for
6 new business development for a specified period;
7 providing an exception; providing for an extension of
8 the prohibition under certain conditions; providing
9 for applicability; providing for future expiration;
10 amending s. 163.31801, F.S.; prohibiting certain
11 counties, municipalities, and special districts from
12 imposing certain new or existing impact fees for a
13 specified period; providing an exception; providing
14 for an extension of the prohibition under certain
15 conditions; providing for applicability; providing for
16 future expiration; providing an effective date.

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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 provision of law, ordinance, or
24 resolution to the contrary, a local government may not apply
25 transportation concurrency within its jurisdiction and may not
26 require a proportionate-share contribution or construction for
27 new business development before July 1, 2016, unless authorized
28 by the affirmative majority vote 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, 2013.

33 (c) In order to maintain the exemption from transportation
34 concurrency and proportionate-share contribution or construction
35 pursuant to paragraph (a), a new business development must
36 receive a certificate of occupancy by July 1, 2017. If the
37 certificate of occupancy is not received by July 1, 2017, the
38 local government may apply transportation concurrency and
39 require the appropriate proportionate-share contribution or
40 construction for the business development that would have been
41 applied but for this subsection. The new business development
42 must consist of 6,000 square feet or less for anything
43 classified as other than nonresidential. Any outstanding
44 obligation related to the proportionate-share contribution or
45 construction runs with the land and is enforceable against any
46 person claiming a fee interest in the land subject to that
47 obligation.

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

53 (e) Upon written notification to the local government, a
54 developer may elect to have the local government apply
55 transportation concurrency and proportionate-share contribution
56 or construction to a business development.

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

58 Section 2. Subsection (6) is added to section 163.31801,

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59 Florida Statutes, to read:

60 163.31801 Impact fees; short title; intent; definitions;
61 ordinances levying impact fees.-

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

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

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

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88 the land subject to that obligation.

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

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

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

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