

1                                   A bill to be entitled  
 2           An act relating to community development; amending s.  
 3           125.35, F.S.; authorizing boards of county  
 4           commissioners to include certain commercial  
 5           developments in lease agreements related to  
 6           professional sports franchise facilities; amending s.  
 7           163.3180, F.S.; prohibiting a local government from  
 8           applying transportation concurrency or requiring  
 9           proportionate-share contribution or construction for  
 10          new business development for a specified period;  
 11          providing an exception; providing for an extension of  
 12          the prohibition under certain conditions; providing  
 13          for applicability; providing for future expiration;  
 14          amending s. 163.31801, F.S.; prohibiting certain  
 15          counties, municipalities, and special districts from  
 16          imposing certain new or existing impact fees for a  
 17          specified period; providing an exception; providing  
 18          for an extension of the prohibition under certain  
 19          conditions; providing for applicability; providing for  
 20          future expiration; providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Subsection (1) of section 125.35, Florida  
 25   Statutes, is amended to read:

26           125.35 County authorized to sell real and personal  
 27   property and to lease real property.—

28           (1) (a) The board of county commissioners is expressly

29 | authorized to sell and convey any real or personal property, and  
 30 | to lease real property, belonging to the county, whenever the  
 31 | board determines that it is to the best interest of the county  
 32 | to do so, to the highest and best bidder for the particular use  
 33 | the board deems to be the highest and best, for such length of  
 34 | term and such conditions as the governing body may in its  
 35 | discretion determine.

36 | (b) Notwithstanding the provisions of paragraph (a), the  
 37 | board of county commissioners, under such terms and conditions  
 38 | as negotiated by the board, is expressly authorized to:

- 39 | 1. Negotiate the lease of an airport or seaport facility;
- 40 | 2. Modify or extend an existing lease of real property for  
 41 | an additional term not to exceed 25 years, where the improved  
 42 | value of the lease has an appraised value in excess of \$20  
 43 | million; or
- 44 | 3. Lease or license a professional sports franchise  
 45 | facility financed by revenues received pursuant to s. 125.0104  
 46 | or s. 212.20, which facility may include commercial development  
 47 | ancillary to the professional sports franchise if such ancillary  
 48 | commercial development is located on property that is part of or  
 49 | contiguous to the professional sports franchise facility; ~~under~~  
 50 | ~~such terms and conditions as negotiated by the board.~~

51 | Section 2. Subsection (7) is added to section 163.3180,  
 52 | Florida Statutes, to read:

53 | 163.3180 Concurrency.—

54 | (7) (a) Notwithstanding any provision of law, ordinance, or  
 55 | resolution to the contrary, a local government may not apply  
 56 | transportation concurrency within its jurisdiction and may not

57 require a proportionate-share contribution or construction for  
58 new business development before July 1, 2016, unless authorized  
59 by the affirmative majority vote of the local government's  
60 governing authority.

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

64 (c) In order to maintain the exemption from transportation  
65 concurrency and proportionate-share contribution or construction  
66 pursuant to paragraph (a), a new business development must  
67 receive a certificate of occupancy by July 1, 2017. If the  
68 certificate of occupancy is not received by July 1, 2017, the  
69 local government may apply transportation concurrency and  
70 require the appropriate proportionate-share contribution or  
71 construction for the business development that would have been  
72 applied but for this subsection. The new business development  
73 must consist of 6,000 square feet or less for anything  
74 classified as other than nonresidential. Any outstanding  
75 obligation related to the proportionate-share contribution or  
76 construction runs with the land and is enforceable against any  
77 person claiming a fee interest in the land subject to that  
78 obligation.

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

84 (e) Upon written notification to the local government, a  
85 developer may elect to have the local government apply  
86 transportation concurrency and proportionate-share contribution  
87 or construction to a business development.

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

89 Section 3. Subsection (6) is added to section 163.31801,  
90 Florida Statutes, to read:

91 163.31801 Impact fees; short title; intent; definitions;  
92 ordinances levying impact fees.—

93 (6) (a) Notwithstanding any provision of law, ordinance, or  
94 resolution to the contrary, a county, municipality, or special  
95 district may not impose any new or existing impact fee or any  
96 new or existing fee associated with the mitigation of  
97 transportation impacts on new business development until July 1,  
98 2016, unless authorized by the affirmative majority vote of the  
99 governing authority of the county, municipality, or special  
100 district. Any governing authority of a local government imposing  
101 an impact fee in existence on July 1, 2012, must reauthorize the  
102 imposition of the fee pursuant to this paragraph.

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

107 (c) In order to maintain the exemption from impact fees  
108 and fees associated with the mitigation of transportation  
109 impacts pursuant to paragraph (a), a new business development  
110 must receive a certificate of occupancy by July 1, 2017. If the  
111 certificate of occupancy is not received by July 1, 2017, the

112 county, municipality, or special district may impose the  
113 appropriate impact fees and fees associated with the mitigation  
114 of transportation impacts on the development that would have  
115 been applied but for this subsection. Any outstanding obligation  
116 related to impact fees and fees associated with the mitigation  
117 of transportation impacts on the development runs with the land  
118 and is enforceable against any person claiming a fee interest in  
119 the land subject to that obligation.

120 (d) This subsection does not apply if it requires any  
121 modification to the financing of a county, municipality, or  
122 special district that would invalidate existing contracts,  
123 including debt obligations or covenants and agreements relating  
124 to bonds validated or issued by the county, municipality, or  
125 special district.

126 (e) Upon notification to the county, municipality, or  
127 special district, a developer may elect to have impact fees and  
128 fees associated with the mitigation of transportation impacts  
129 imposed on a development.

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

131 Section 4. This act shall take effect July 1, 2013.