

1                                   A bill to be entitled  
 2           An act relating to community development; 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.

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 residential. Any outstanding obligation  
44 | related to the proportionate-share contribution or construction  
45 | runs with the land and is enforceable against any person  
46 | claiming a fee interest in the land subject to that obligation.

47 | (d) This subsection does not apply if it results in a  
48 | reduction of previously pledged revenue of a local government  
49 | body for currently outstanding bonds or notes or to a local  
50 | government with a mobility fee-based funding system in place on  
51 | or before January 1, 2013.

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

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

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

59 163.31801 Impact fees; short title; intent; definitions;  
60 ordinances levying impact fees.—

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

71 (b) Paragraph (a) does not apply to any impact fee or fee  
72 associated with the mitigation of transportation impacts  
73 previously enacted by law, ordinance, or resolution assessed on  
74 existing business development before July 1, 2013. The  
75 prohibition of fees in paragraph (a) applies only to new  
76 business developments that do not exceed 6,000 square feet in  
77 size.

78 (c) In order to maintain the exemption from impact fees  
79 and fees associated with the mitigation of transportation  
80 impacts pursuant to paragraph (a), a new business development  
81 must receive a certificate of occupancy by July 1, 2017. If the  
82 certificate of occupancy is not received by July 1, 2017, the  
83 county, municipality, or special district may impose the

84 appropriate impact fees and fees associated with the mitigation  
85 of transportation impacts on the development that would have  
86 been applied but for this subsection. Any outstanding obligation  
87 related to impact fees and fees associated with the mitigation  
88 of transportation impacts on the development runs with the land  
89 and is enforceable against any person claiming a fee interest in  
90 the land subject to that obligation.

91 (d) This subsection does not apply if it results in a  
92 reduction of previously pledged revenue of a local government  
93 body for currently outstanding bonds or notes or to a local  
94 government with a mobility fee-based funding system in place on  
95 or before January 1, 2013.

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

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

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