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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/25/2013 01:39 PM

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Before line 13

insert:

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

163.3180 Concurrency.—

(7) (a) Notwithstanding any provision of law, ordinance, or resolution to the contrary, a local government may not apply transportation concurrency within its jurisdiction and may not require a proportionate-share contribution or construction for new business development before July 1, 2016, unless authorized by the affirmative majority vote of the local government's



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14 governing authority.

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

18 (c) In order to maintain the exemption from transportation
19 concurrency and proportionate-share contribution or construction
20 pursuant to paragraph (a), a new business development must
21 receive a certificate of occupancy by July 1, 2017. If the
22 certificate of occupancy is not received by July 1, 2017, the
23 local government may apply transportation concurrency and
24 require the appropriate proportionate-share contribution or
25 construction for the business development that would have been
26 applied but for this subsection. The new business development
27 must consist of 6,000 square feet or less for anything
28 classified as other than residential. Any outstanding obligation
29 related to the proportionate-share contribution or construction
30 runs with the land and is enforceable against any person
31 claiming a fee interest in the land subject to that obligation.

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

37 (e) Upon written notification to the local government, a
38 developer may elect to have the local government apply
39 transportation concurrency and proportionate-share contribution
40 or construction to a business development.

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

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



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43 Florida Statutes, to read:

44 163.31801 Impact fees; short title; intent; definitions;
45 ordinances levying impact fees.—

46 (6) (a) Notwithstanding any provision of law, ordinance, or
47 resolution to the contrary, a county, municipality, or special
48 district may not impose any new or existing impact fee or any
49 new or existing fee associated with the mitigation of
50 transportation impacts on new business development until July 1,
51 2016, unless authorized by the affirmative majority vote of the
52 governing authority of the county, municipality, or special
53 district. Any governing authority of a local government imposing
54 an impact fee in existence on July 1, 2012, must reauthorize the
55 imposition of the fee pursuant to this paragraph.

56 (b) Paragraph (a) does not apply to any impact fee or fee
57 associated with the mitigation of transportation impacts
58 previously enacted by law, ordinance, or resolution assessed on
59 existing business development before July 1, 2013. The
60 prohibition of fees in paragraph (a) applies only to new
61 business developments that do not exceed 6,000 square feet in
62 size.

63 (c) In order to maintain the exemption from impact fees and
64 fees associated with the mitigation of transportation impacts
65 pursuant to paragraph (a), a new business development must
66 receive a certificate of occupancy by July 1, 2017. If the
67 certificate of occupancy is not received by July 1, 2017, the
68 county, municipality, or special district may impose the
69 appropriate impact fees and fees associated with the mitigation
70 of transportation impacts on the development that would have
71 been applied but for this subsection. Any outstanding obligation



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72 related to impact fees and fees associated with the mitigation
73 of transportation impacts on the development runs with the land
74 and is enforceable against any person claiming a fee interest in
75 the land subject to that obligation.

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

81 (e) Upon notification to the county, municipality, or
82 special district, a developer may elect to have impact fees and
83 fees associated with the mitigation of transportation impacts
84 imposed on a development.

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

86
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 2

90 and insert:

91 An act relating to community development; amending s.
92 163.3180, F.S.; prohibiting a local government from
93 applying transportation concurrency or from requiring
94 proportionate-share contribution or construction for
95 new business development before a specified date;
96 providing an exception; providing for an extension of
97 the prohibition under certain conditions; providing
98 for applicability; providing for future expiration;
99 amending s. 163.31801, F.S.; prohibiting certain
100 counties, municipalities, and special districts from



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101 imposing certain new or existing impact fees until a
102 specified date; providing an exception; providing for
103 an extension of the prohibition under certain
104 conditions; providing for applicability; providing for
105 future expiration;