



694132

LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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04/30/2014 03:25 PM

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Senator Detert moved the following:

1 **Senate Amendment to Amendment (494350) (with title**
2 **amendment)**

3
4 Between lines 4 and 5
5 insert:

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

8 163.3180 Concurrency.—

9 (7) (a) Notwithstanding any provision of law, ordinance, or
10 resolution, before July 1, 2017, a local government may not,
11 unless authorized by majority vote of the local government's



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12 governing authority, apply transportation concurrency within its
13 jurisdiction or require a proportionate-share contribution or
14 construction for a new business development. This paragraph does
15 not apply to:

16 1. Proportionate-share contribution or construction
17 assessed on an existing business development before July 1,
18 2014.

19 2. A new business development that consists of more than
20 6,000 square feet and that is classified as other than
21 residential.

22 3. A new business development that will include a business
23 that employs more than 12 full-time employees.

24 (b) In order to maintain the exemption from transportation
25 concurrency and proportionate-share contribution or construction
26 pursuant to paragraph (a), a new business development must
27 receive a certificate of occupancy on or before July 1, 2018. If
28 the certificate of occupancy is not received by July 1, 2018,
29 the local government may apply transportation concurrency and
30 require the appropriate proportionate-share contribution or
31 construction for the business development that would otherwise
32 be applied notwithstanding this subsection. Any outstanding
33 obligation related to the proportionate-share contribution or
34 construction runs with the land and is enforceable against any
35 person claiming a fee interest in the land subject to that
36 obligation.

37 (c) This subsection does not apply if it results in a
38 reduction of previously pledged revenue of a local government
39 for currently outstanding bonds or notes or to a local
40 government with a mobility fee-based funding system in place on



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41 or before January 1, 2014.

42 (d) A developer may, upon written notification to the local
43 government, elect to have the local government apply
44 transportation concurrency and proportionate-share contribution
45 or construction to a business development.

46 (e) This subsection expires July 1, 2018.

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

49 163.31801 Impact fees; short title; intent; definitions;
50 ordinances levying impact fees.—

51 (6) (a) Notwithstanding any provision of law, ordinance, or
52 resolution, before July 1, 2017, a county, municipality, or
53 special district may not, unless authorized by majority vote of
54 the county's, municipality's, or special district's governing
55 authority, impose any new or existing impact fee or any new or
56 existing fee associated with the mitigation of transportation
57 impacts on a new business development. This paragraph does not
58 apply to:

59 1. Any impact fee or fee associated with the mitigation of
60 transportation impacts previously enacted by law, ordinance, or
61 resolution assessed on an existing business development before
62 July 1, 2014.

63 2. A new business development that consists of more than
64 6,000 square feet and that is classified as other than
65 residential.

66 3. A new business development that will include a business
67 that employs more than 12 full-time employees.

68 (b) The governing authority of any county, municipality, or
69 special district imposing an impact fee in existence on July 1,



70 2013, must reauthorize the imposition of the fee pursuant to
71 this subsection.

72 (c) In order to maintain the exemption from impact fees and
73 fees associated with the mitigation of transportation impacts
74 pursuant to paragraph (a), a new business development must
75 receive a certificate of occupancy on or before July 1, 2018. If
76 the certificate of occupancy is not received by July 1, 2018,
77 the county, municipality, or special district may impose the
78 appropriate impact fees and fees associated with the mitigation
79 of transportation impacts on the business development that would
80 otherwise be applied notwithstanding this subsection. Any
81 outstanding obligation related to impact fees and fees
82 associated with the mitigation of transportation impacts on the
83 business development runs with the land and is enforceable
84 against any person claiming a fee interest in the land subject
85 to that obligation.

86 (d) This subsection does not apply if it results in a
87 reduction of previously pledged revenue of a county,
88 municipality, or special district for currently outstanding
89 bonds or notes or to a county, municipality, or special district
90 with a mobility fee-based funding system in place on or before
91 January 1, 2014.

92 (e) A developer may, upon notification to the county,
93 municipality, or special district, elect to have impact fees and
94 fees associated with the mitigation of transportation impacts
95 imposed on a business development.

96 (f) This subsection expires July 1, 2018.

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98 ===== T I T L E A M E N D M E N T =====



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99 And the title is amended as follows:

100 Between lines 1767 and 1768

101 insert:

102 163.3180, F.S.; prohibiting a local government from
103 applying transportation concurrency or requiring
104 proportionate-share contribution or construction for a
105 new business development for a specified period;
106 providing exceptions; amending s. 163.31801, F.S.;
107 prohibiting a county, municipality, or special
108 district from imposing certain new or existing impact
109 fees on a new business development for a specified
110 period; providing exceptions; amending s.