

By Senator Bennett

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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 or school concurrency or
5 requiring proportionate-share contribution or
6 construction for new development for a specified
7 period; providing an exception; providing for an
8 extension of the prohibition under certain conditions;
9 providing application; providing for future
10 expiration; amending s. 163.31801, F.S.; prohibiting
11 certain counties, municipalities, and special
12 districts from imposing certain new or existing impact
13 fees for a specified period; providing an exception;
14 providing for an extension of the prohibition under
15 certain conditions; providing application; providing
16 for 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 law, ordinance, or resolution to
24 the contrary, a local government may not apply transportation or
25 school concurrency within its jurisdiction and may not require a
26 proportionate-share contribution or construction for new
27 development until July 1, 2015, unless authorized by the
28 affirmative vote of two-thirds 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, 2012.

33 (c) In order to maintain the exemption from transportation
34 or school concurrency and proportionate-share contribution or
35 construction pursuant to paragraph (a), a new development must
36 receive a certificate of occupancy by July 1, 2016. If the
37 certificate of occupancy is not received by July 1, 2016, the
38 local government may apply transportation or school concurrency
39 and require the appropriate proportionate-share contribution or
40 construction for the development that would have been applied
41 but for this subsection. Any outstanding obligation related to
42 the proportionate-share contribution or construction runs with
43 the land and is enforceable against any person claiming a fee
44 interest in the land subject to that obligation.

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

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

54 (f) This subsection expires July 1, 2016.

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

57 163.31801 Impact fees; short title; intent; definitions;
58 ordinances levying impact fees.—

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59 (6) (a) Notwithstanding any law, ordinance, or resolution to
60 the contrary, a county, municipality, or special district may
61 not impose any new or existing impact fee or any new or existing
62 fee associated with the mitigation of transportation impacts on
63 new development until July 1, 2015, unless authorized by the
64 affirmative vote of two-thirds of the governing authority of the
65 county, municipality, or special district. Any governing
66 authority of a local government imposing an impact fee in
67 existence on July 1, 2011, must reauthorize the imposition of
68 the fee pursuant to this paragraph.

69 (b) Paragraph (a) does not apply to any impact fee or fee
70 associated with the mitigation of transportation impacts
71 previously enacted by law, ordinance, or resolution assessed on
72 existing development before July 1, 2012.

73 (c) In order to maintain the exemption from impact fees and
74 fees associated with the mitigation of transportation impacts
75 pursuant to paragraph (a), a new development must receive a
76 certificate of occupancy by July 1, 2016. If the certificate of
77 occupancy is not received by July 1, 2016, the county,
78 municipality, or special district may impose the appropriate
79 impact fees and fees associated with the mitigation of
80 transportation impacts on the development that would have been
81 applied but for this subsection. Any outstanding obligation
82 related to impact fees and fees associated with the mitigation
83 of transportation impacts on the development runs with the land
84 and is enforceable against any person claiming a fee interest in
85 the land subject to that obligation.

86 (d) This subsection does not apply if it requires any
87 modification to the financing of a county, municipality, or

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88 special district that would invalidate existing contracts,
89 including debt obligations or covenants and agreements relating
90 to bonds validated or issued by the county, municipality, or
91 special district.

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

96 (f) This subsection expires July 1, 2016.

97 Section 3. This act shall take effect July 1, 2012.