A bill to be entitled
An act relating to growth management; amending s. 163.3180, F.S.; prohibiting a local government from applying transportation or school concurrency or requiring proportionate-share contribution or construction for new development for a specified period; providing an exception; providing for an extension of the prohibition under certain conditions; providing for applicability; providing for future expiration; amending s. 163.31801, F.S.; prohibiting certain counties, municipalities, and special districts from imposing certain new or existing impact fees for a specified period; providing an exception; providing for an extension of the prohibition under certain conditions; providing for applicability; providing for future expiration; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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 or school concurrency within its jurisdiction and may not require a proportionate-share contribution or construction for new development before July 1, 2016, unless
authorized by the affirmative vote of two-thirds of the local government's governing authority.

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

(c) In order to maintain the exemption from transportation or school concurrency and proportionate-share contribution or construction pursuant to paragraph (a), a new development must receive a certificate of occupancy by July 1, 2017. If the certificate of occupancy is not received by July 1, 2017, the local government may apply transportation or school concurrency and require the appropriate proportionate-share contribution or construction for the development that would have been applied but for this subsection. The new development must consist of 10,000 square feet or less for anything classified as other than nonresidential; 50 dwelling units or less for anything classified as multifamily residential; or 30 dwelling units or less for anything classified as single-family residential. Any outstanding obligation related to the proportionate-share contribution or construction runs with the land and is enforceable against any person claiming a fee interest in the land subject to that obligation.

(d) This subsection does not apply if it requires any modification to a local government's financing that would invalidate existing contracts, including debt obligations or covenants and agreements relating to bonds validated or issued by the local government.
(e) Upon written notification to the local government, a developer may elect to have the local government apply transportation or school concurrency and proportionate-share contribution or construction to a development.

(f) This subsection expires July 1, 2017.

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

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

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

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

(c) In order to maintain the exemption from impact fees and fees associated with the mitigation of transportation impacts pursuant to paragraph (a), a new development must receive a certificate of occupancy by July 1, 2017. If the certificate of occupancy is not received by July 1, 2017, the
county, municipality, or special district may impose the
appropriate impact fees and fees associated with the mitigation
of transportation impacts on the development that would have
been applied but for this subsection. Any outstanding obligation
related to impact fees and fees associated with the mitigation
of transportation impacts on the development runs with the land
and is enforceable against any person claiming a fee interest in
the land subject to that obligation.

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

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

(f) This subsection expires July 1, 2017.

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