

1 A bill to be entitled
2 An act relating to local government impact fees and
3 development permits and orders; amending s. 125.022,
4 F.S.; prohibiting a county from requiring an applicant
5 to take certain actions as a condition of processing a
6 development permit or development order; amending s.
7 163.31801, F.S.; defining the term "extraordinary
8 circumstances"; requiring that a demonstrated-need
9 study include certain information; amending s.
10 166.033, F.S.; prohibiting a municipality from
11 requiring an applicant to take certain actions as a
12 condition of processing a development permit or
13 development order; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 **Section 1. Subsection (8) is added to section 125.022,**
18 **Florida Statutes, to read:**

19 125.022 Development permits and orders.—

20 (8) A county may not as a condition of processing or
21 issuing a development permit or development order require an
22 applicant to install a work of art, pay a fee for a work of art,
23 or reimburse the county for any costs that the county may incur
24 related to a work of art.

25 **Section 2. Present paragraphs (a) and (b) of subsection**

26 (3) of section 163.31801, Florida Statutes, are redesignated as
27 paragraphs (b) and (c), respectively, a new paragraph (a) is
28 added to that subsection, and paragraph (g) of subsection (6) of
29 that section is amended, to read:

30 163.31801 Impact fees; short title; intent; minimum
31 requirements; audits; challenges.—

32 (3) For purposes of this section, the term:

33 (a) "Extraordinary circumstances" means:

34 1. For a county, that the permanent population estimate
35 determined for the county by the University of Florida Bureau of
36 Economic and Business Research is at least 1.25 times the 5-year
37 high-series population projection for the county as published by
38 the University of Florida Bureau of Economic and Business
39 Research immediately before the year of the population estimate;
40 or

41 2. For a municipality, that the municipality is located
42 within a county with such a permanent population estimate and
43 the municipality demonstrates that it has maintained a
44 proportionate share of the county's population growth during the
45 preceding 5-year period.

46 (6) A local government, school district, or special
47 district may increase an impact fee only as provided in this
48 subsection.

49 (g) A local government, school district, or special
50 district may increase an impact fee rate beyond the phase-in

51 limitations established under paragraph (b), paragraph (c),
52 paragraph (d), or paragraph (e) by establishing the need for
53 such increase in full compliance with the requirements of
54 subsection (4), provided the following criteria are met:

55 1. A demonstrated-need study justifying any increase in
56 excess of those authorized in paragraph (b), paragraph (c),
57 paragraph (d), or paragraph (e) has been completed within the 12
58 months before the adoption of the impact fee increase and
59 expressly demonstrates the extraordinary circumstances
60 necessitating the need to exceed the phase-in limitations. The
61 demonstrated-need study must identify the specific projects that
62 will benefit, and how such projects will benefit, from exceeding
63 the phase-in limitations.

64 2. The local government jurisdiction has held not less
65 than two publicly noticed workshops dedicated to the
66 extraordinary circumstances necessitating the need to exceed the
67 phase-in limitations set forth in paragraph (b), paragraph (c),
68 paragraph (d), or paragraph (e).

69 3. The impact fee increase ordinance is approved by at
70 least a two-thirds vote of the governing body.

71 **Section 3. Subsection (8) is added to section 166.033,**
72 **Florida Statutes, to read:**

73 166.033 Development permits and orders.—

74 (8) A municipality may not as a condition of processing or
75 issuing a development permit or development order require an

76 | applicant to install a work of art, pay a fee for a work of art,
77 | or reimburse the municipality for any costs that the
78 | municipality may incur related to a work of art.

79 | **Section 4.** This act shall take effect July 1, 2025.