

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
6 or issuing a development permit or development order;
7 providing that any ordinance or regulation in conflict
8 is void and unenforceable; amending s. 163.3164, F.S.;
9 defining the term "plan-based methodology"; amending
10 s. 163.31801, F.S.; defining the term "extraordinary
11 circumstances"; requiring the completion of a
12 demonstrated-need study using a plan-based methodology
13 before the adoption of an impact fee increase which
14 expressly demonstrates certain extraordinary
15 circumstances; prohibiting increases in certain impact
16 fees unless specified extraordinary circumstances are
17 demonstrated; prohibiting a local government from
18 increasing an impact fee rate under certain
19 circumstances; amending s. 166.033, F.S.; prohibiting
20 a municipality from requiring an applicant to take
21 certain actions as a condition of processing or
22 issuing a development permit or development order;
23 providing that any ordinance or regulation in conflict
24 is void and unenforceable; amending s. 212.055, F.S.;
25 conforming a cross-reference; providing an effective

26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 **Section 1. Subsection (8) is added to section 125.022,**
31 **Florida Statutes, to read:**

32 125.022 Development permits and orders.—

33 (8) A county may not as a condition of processing or
34 issuing any development permit or development order require an
35 applicant to install a work of art, pay a fee for a work of art,
36 or reimburse the county for any costs that the county may incur
37 related to a work of art. Any ordinance or regulation in
38 conflict with this subsection is void and unenforceable.

39 **Section 2. Subsections (39) through (54) of section**
40 **163.3164, Florida Statutes, are renumbered as subsections (40)**
41 **through (55), respectively, and a new subsection (39) is added**
42 **to that section to read:**

43 163.3164 Community Planning Act; definitions.—As used in
44 this act:

45 (39) "Plan-based methodology" means the use of the most
46 recent and localized data to project growth within a
47 jurisdiction over a 6-year period and the anticipated capacity
48 impacts created by that projected growth, and the creation of a
49 list of capital improvements or infrastructure as defined in s.
50 163.31801(3) to be constructed in a defined time period to

51 mitigate those impacts as part of a new or updated impact fee
52 study.

53 **Section 3. Paragraphs (a) and (b) of subsection (3) of**
54 **section 163.31801, Florida Statutes, are redesignated as**
55 **paragraphs (b) and (c), respectively, a new paragraph (a) is**
56 **added to that subsection, and paragraph (g) of subsection (6) of**
57 **that section is amended, to read:**

58 163.31801 Impact fees; short title; intent; minimum
59 requirements; audits; challenges.—

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

61 (a) "Extraordinary circumstances" means the measurable
62 effects of development which will require mitigation by the
63 affected local government and which exceed the total of the
64 current adopted impact fee amount combined with any increase as
65 provided in paragraphs (6) (c), (d), and (e) in less than 4
66 years.

67 (6) A local government, school district, or special
68 district may increase an impact fee only as provided in this
69 subsection.

70 (g) A local government, school district, or special
71 district may increase an impact fee rate beyond the phase-in
72 limitations established under paragraph (b), paragraph (c),
73 paragraph (d), or paragraph (e) by establishing the need for
74 such increase in full compliance with the requirements of
75 subsection (4), provided the following criteria are met:

76 1. A demonstrated-need study using a plan-based
77 methodology justifying any increase in excess of those
78 authorized in paragraph (b), paragraph (c), paragraph (d), or
79 paragraph (e) has been completed within the 12 months before the
80 adoption of the impact fee increase and expressly demonstrates
81 the extraordinary circumstances necessitating the need to exceed
82 the phase-in limitations.

83 a. An increase in a nontransportation impact fee may not
84 be adopted unless the extraordinary circumstances demonstrated
85 in the demonstrated-need study include at least two of the
86 following:

87 (I) The population of the local government jurisdiction
88 over the past 5 years exceeds, by at least 10 percent, the
89 population estimates and projections used to justify the most
90 recent impact fee increase.

91 (II) The average number of building permits issued by the
92 local government over the past 5 years exceeds, by at least 10
93 percent, the building permit estimates and projections used to
94 justify the most recent impact fee increase.

95 (III) The employment base within the local jurisdiction
96 over the past 5 years exceeds the employment estimates and
97 projections used to justify the most recent impact fee.

98 (IV) The existing level of service grade will be lowered
99 without an increase in the impact fee rate.

100 b. An increase in a transportation impact fee may not be

101 adopted unless the extraordinary circumstances demonstrated in
102 the demonstrated-need study include at least three of the
103 following:

104 (I) Any condition provided in sub-subparagraph a.

105 (II) Cost growth over the past 5 years which exceeds, by
106 an average of at least 10 percent, the Federal Highway
107 Administration's National Highway Construction Cost Index
108 average used to justify the previous impact fee increase.

109 (III) The vehicle miles traveled in the past 5 years
110 exceed, by at least 10 percent, the Department of
111 Transportation's vehicle miles traveled index average used to
112 justify the most recent impact fee.

113 (IV) The per-lane mile cost estimates for construction for
114 the past 5 years exceed, by at least 10 percent, the Department
115 of Transportation's average used to justify the most recent
116 impact fee.

117 c. An increase in an impact fee for an independent special
118 district may not be adopted unless the extraordinary
119 circumstances demonstrated in the demonstrated-need study
120 include all of the following:

121 (I) The amount of growth experienced in the past 5 years
122 and anticipated within the district requires a significant
123 immediate infrastructure investment to serve such growth which
124 will need to be financed by the special district with impact
125 fees.

126 (II) The cost of infrastructure investment required to be
127 financed by the district in the next 5 years is increasing the
128 need for public facilities and has a direct impact on the fee
129 amount needed to finance the additional infrastructure for the
130 benefit of the growth.

131 (III) The existing level of service will be impacted
132 without an increase in the impact fee rate.

133 2. The local government jurisdiction has held not fewer
134 ~~less~~ than two publicly noticed workshops dedicated to the
135 extraordinary circumstances necessitating the need to exceed the
136 phase-in limitations set forth in paragraph (b), paragraph (c),
137 paragraph (d), or paragraph (e).

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

140
141 A local government may not increase an impact fee rate beyond
142 the phase-in limitations under this paragraph if the local
143 government has not increased the impact fee within the past 5
144 years. Any year in which the local government is prohibited from
145 increasing an impact fee because the jurisdiction is in a
146 hurricane disaster area is not included in the 5-year period.

147 **Section 4. Subsection (8) is added to section 166.033,**
148 **Florida Statutes, to read:**

149 166.033 Development permits and orders.—

150 (8) A municipality may not as a condition of processing or

151 issuing any development permit or development order require an
152 applicant to install a work of art, pay a fee for a work of art,
153 or reimburse the municipality for any costs that the
154 municipality may incur related to a work of art. Any ordinance
155 or regulation in conflict with this subsection is void and
156 unenforceable.

157 **Section 5. Paragraph (d) of subsection (2) of section**
158 **212.055, Florida Statutes, is amended to read:**

159 212.055 Discretionary sales surtaxes; legislative intent;
160 authorization and use of proceeds.—It is the legislative intent
161 that any authorization for imposition of a discretionary sales
162 surtax shall be published in the Florida Statutes as a
163 subsection of this section, irrespective of the duration of the
164 levy. Each enactment shall specify the types of counties
165 authorized to levy; the rate or rates which may be imposed; the
166 maximum length of time the surtax may be imposed, if any; the
167 procedure which must be followed to secure voter approval, if
168 required; the purpose for which the proceeds may be expended;
169 and such other requirements as the Legislature may provide.
170 Taxable transactions and administrative procedures shall be as
171 provided in s. 212.054.

172 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

173 (d) The proceeds of the surtax authorized by this
174 subsection and any accrued interest shall be expended by the
175 school district, within the county and municipalities within the

176 county, or, in the case of a negotiated joint county agreement,
177 within another county, to finance, plan, and construct
178 infrastructure; to acquire any interest in land for public
179 recreation, conservation, or protection of natural resources or
180 to prevent or satisfy private property rights claims resulting
181 from limitations imposed by the designation of an area of
182 critical state concern; to provide loans, grants, or rebates to
183 residential or commercial property owners who make energy
184 efficiency improvements to their residential or commercial
185 property, if a local government ordinance authorizing such use
186 is approved by referendum; or to finance the closure of county-
187 owned or municipally owned solid waste landfills that have been
188 closed or are required to be closed by order of the Department
189 of Environmental Protection. Any use of the proceeds or interest
190 for purposes of landfill closure before July 1, 1993, is
191 ratified. The proceeds and any interest may not be used for the
192 operational expenses of infrastructure, except that a county
193 that has a population of fewer than 75,000 and that is required
194 to close a landfill may use the proceeds or interest for long-
195 term maintenance costs associated with landfill closure.
196 Counties, as defined in s. 125.011, and charter counties may, in
197 addition, use the proceeds or interest to retire or service
198 indebtedness incurred for bonds issued before July 1, 1987, for
199 infrastructure purposes, and for bonds subsequently issued to
200 refund such bonds. Any use of the proceeds or interest for

201 purposes of retiring or servicing indebtedness incurred for
202 refunding bonds before July 1, 1999, is ratified.

203 1. For the purposes of this paragraph, the term
204 "infrastructure" means:

205 a. Any fixed capital expenditure or fixed capital outlay
206 associated with the construction, reconstruction, or improvement
207 of public facilities that have a life expectancy of 5 or more
208 years, any related land acquisition, land improvement, design,
209 and engineering costs, and all other professional and related
210 costs required to bring the public facilities into service. For
211 purposes of this sub-subparagraph, the term "public facilities"
212 means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s.
213 163.3221(13), or s. 189.012(5), and includes facilities that are
214 necessary to carry out governmental purposes, including, but not
215 limited to, fire stations, general governmental office
216 buildings, and animal shelters, regardless of whether the
217 facilities are owned by the local taxing authority or another
218 governmental entity.

219 b. A fire department vehicle, an emergency medical service
220 vehicle, a sheriff's office vehicle, a police department
221 vehicle, or any other vehicle, and the equipment necessary to
222 outfit the vehicle for its official use or equipment that has a
223 life expectancy of at least 5 years.

224 c. Any expenditure for the construction, lease, or
225 maintenance of, or provision of utilities or security for,

226 facilities, as defined in s. 29.008.

227 d. Any fixed capital expenditure or fixed capital outlay
228 associated with the improvement of private facilities that have
229 a life expectancy of 5 or more years and that the owner agrees
230 to make available for use on a temporary basis as needed by a
231 local government as a public emergency shelter or a staging area
232 for emergency response equipment during an emergency officially
233 declared by the state or by the local government under s.
234 252.38. Such improvements are limited to those necessary to
235 comply with current standards for public emergency evacuation
236 shelters. The owner must enter into a written contract with the
237 local government providing the improvement funding to make the
238 private facility available to the public for purposes of
239 emergency shelter at no cost to the local government for a
240 minimum of 10 years after completion of the improvement, with
241 the provision that the obligation will transfer to any
242 subsequent owner until the end of the minimum period.

243 e. Any land acquisition expenditure for a residential
244 housing project in which at least 30 percent of the units are
245 affordable to individuals or families whose total annual
246 household income does not exceed 120 percent of the area median
247 income adjusted for household size, if the land is owned by a
248 local government or by a special district that enters into a
249 written agreement with the local government to provide such
250 housing. The local government or special district may enter into

251 a ground lease with a public or private person or entity for
252 nominal or other consideration for the construction of the
253 residential housing project on land acquired pursuant to this
254 sub-subparagraph.

255 f. Instructional technology used solely in a school
256 district's classrooms. As used in this sub-subparagraph, the
257 term "instructional technology" means an interactive device that
258 assists a teacher in instructing a class or a group of students
259 and includes the necessary hardware and software to operate the
260 interactive device. The term also includes support systems in
261 which an interactive device may mount and is not required to be
262 affixed to the facilities.

263 2. For the purposes of this paragraph, the term "energy
264 efficiency improvement" means any energy conservation and
265 efficiency improvement that reduces consumption through
266 conservation or a more efficient use of electricity, natural
267 gas, propane, or other forms of energy on the property,
268 including, but not limited to, air sealing; installation of
269 insulation; installation of energy-efficient heating, cooling,
270 or ventilation systems; installation of solar panels; building
271 modifications to increase the use of daylight or shade;
272 replacement of windows; installation of energy controls or
273 energy recovery systems; installation of electric vehicle
274 charging equipment; installation of systems for natural gas fuel
275 as defined in s. 206.9951; and installation of efficient

276 | lighting equipment.

277 | 3. Notwithstanding any other provision of this subsection,
278 | a local government infrastructure surtax imposed or extended
279 | after July 1, 1998, may allocate up to 15 percent of the surtax
280 | proceeds for deposit into a trust fund within the county's
281 | accounts created for the purpose of funding economic development
282 | projects having a general public purpose of improving local
283 | economies, including the funding of operational costs and
284 | incentives related to economic development. The ballot statement
285 | must indicate the intention to make an allocation under the
286 | authority of this subparagraph.

287 | **Section 6.** This act shall take effect July 1, 2025.