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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
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The Committee on Community Affairs (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 37 - 191
and insert:
within a jurisdiction over a 10-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed or purchased in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in the study



548630

11 and any necessary interlocal agreement must comport with the
12 requirements of s. 163.3177(6) (h).

13 Section 2. Paragraph (h) of subsection (6) of section
14 163.3177, Florida Statutes, is amended to read:

15 163.3177 Required and optional elements of comprehensive
16 plan; studies and surveys.—

17 (6) In addition to the requirements of subsections (1)-(5),
18 the comprehensive plan shall include the following elements:

19 (h)1. An intergovernmental coordination element showing
20 relationships and stating principles and guidelines to be used
21 in coordinating the adopted comprehensive plan with the plans of
22 school boards, regional water supply authorities, and other
23 units of local government providing services but not having
24 regulatory authority over the use of land, with the
25 comprehensive plans of adjacent municipalities, the county,
26 adjacent counties, or the region, with the state comprehensive
27 plan and with the applicable regional water supply plan approved
28 pursuant to s. 373.709, as the case may require and as such
29 adopted plans or plans in preparation may exist. This element of
30 the local comprehensive plan must demonstrate consideration of
31 the particular effects of the local plan, when adopted, upon the
32 development of adjacent municipalities, the county, adjacent
33 counties, or the region, or upon the state comprehensive plan,
34 as the case may require.

35 a. The intergovernmental coordination element must provide
36 procedures for identifying and implementing joint planning
37 areas, especially for the purpose of annexation, municipal
38 incorporation, and joint infrastructure service areas.

39 b. The intergovernmental coordination element shall provide



548630

for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent



548630

municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities. Such coordination mechanisms must include plans to provide mitigation funding to address any extrajurisdictional impacts of development, consistent with the requirements of s. 163.3180(5)(j).

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

Section 3. Paragraph (j) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building



548630

98 permit to collect the fee, unless agreed to otherwise.

99 d. Provide a method for the proportionate distribution of
100 the revenue collected by the county or municipality to address
101 the transportation capacity impacts of a new development or
102 redevelopment, or provide a method of assigning responsibility
103 for the mitigation of the transportation capacity impacts
104 belonging to the county and the municipality.

105 e. Use a plan-based methodology in complying with the
106 requirements of s. 163.3177(6)(h).

107 3. By October 1, 2025, if an interlocal agreement is not
108 executed pursuant to this paragraph:

109 a. The fee charged to a new development or redevelopment
110 shall be based on the transportation capacity impacts
111 apportioned to the county and municipality as identified in the
112 developer's traffic impact study or the mobility plan adopted by
113 the county or municipality.

114 b. The developer shall receive a 10 percent reduction in
115 the total fee calculated pursuant to sub-subparagraph a.

116 c. The county or municipality issuing the building permit
117 must collect the fee charged pursuant to sub-subparagraphs a.
118 and b. and distribute the proceeds of such fee to the county and
119 municipality within 60 days after the developer's payment.

120 4. This paragraph does not apply to:

121 a. A county as defined in s. 125.011(1).

122 b. A county or municipality that has entered into, or
123 otherwise updated, an existing interlocal agreement, as of
124 October 1, 2024, to coordinate the mitigation of transportation
125 impacts. However, if such existing interlocal agreement is
126 terminated, the affected county and municipality that have



548630

entered into the agreement are ~~shall be~~ subject to the requirements of this paragraph. An interlocal agreement entered into before October 1, 2024, may not extend beyond October 1, 2031 unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement.

Section 4. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (6) and subsection (9) of that section are amended, to read:

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

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

(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government, school district, or special district and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

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

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:



548630

156 a. A demonstrated-need study using a plan-based methodology
157 which justifies ~~justifying~~ any increase in excess of those
158 authorized in paragraph (b), paragraph (c), paragraph (d), or
159 paragraph (e) has been completed within the 12 months before the
160 adoption of the impact fee increase and expressly demonstrates
161 the extraordinary circumstances necessitating the need to exceed
162 the phase-in limitations. The capacity standards used to support
163 the existence of such extraordinary circumstances must be
164 specified in the impact fee study adopted under paragraph
165 (4)(a). The demonstrated-need study must be accompanied by a
166 declaration stating how and the timeframe during which the
167 proposed impact fee increase will be used to construct or
168 purchase the improvements necessary to increase capacity. The
169 local government, school district, or special district must use
170 localized data reflecting differences in costs and modality of
171 projects between urban, emerging urban, and rural areas, as
172 applicable within the study area, to project the anticipated
173 growth or capacity impacts which underlie the extraordinary
174 circumstances necessitating the impact fee increase.

175 b. The local government jurisdiction has held at least two
176 publicly noticed workshops dedicated to the extraordinary
177 circumstances necessitating the need to exceed the phase-in
178 limitations set forth in paragraph (b), paragraph (c), paragraph
179 (d), or paragraph (e).

180 c. The impact fee increase ordinance is approved by a
181 unanimous vote of the governing body.

182 2. An impact fee increase approved under this paragraph
183 must be implemented in at least two but not more than four equal
184 annual increments beginning with the date on which the impact



548630

fee increase ordinance is adopted.

3. A local government, school district, or special district
may not:

a. Increase an impact fee rate beyond the phase-in
limitations under this paragraph if the local government, school
district, or special district has not increased the impact fee
within the past 5 years. Any year in which the local government,
school district, or special district is prohibited from
increasing an impact fee because the jurisdiction is in a
hurricane disaster area is not included in the 5-year period.

b. Use data that is older than 4 years to demonstrate
extraordinary circumstances.

c. Include in the impact fee increase any deduction
authorized by a previous or existing impact fee.

d. Increase an impact fee rate beyond the phase-in
limitations under this paragraph by more than 100 percent
divided equally over a 4-year period.

(9) In any action challenging an impact fee or the
government's failure to provide required dollar-for-dollar
credits for the payment of impact fees as provided in s.
163.3180(6)(h)2.b.:

(a) The government has the burden of proving by a
preponderance of the evidence that the imposition or amount of
the fee or credit meets the requirements of state legal
precedent and this section. The court may not use a deferential
standard for the benefit of the government. If the court
determines that the petitioner made an overpayment due to an
improperly assessed impact fee, the petitioner is entitled to a
refund in the amount of the overpayment with interest, with such



548630

interest amount determined by the court. The local government,
school district, or special district that assessed the impact
fee must issue the refund within 90 days after the judgment
becomes final.

(b) A prevailing petitioner who is a resident of or an
owner of a business located within the jurisdiction of the local
government, school district, or special district that imposed
the impact fee in violation of this section is entitled to
reasonable attorney fees and costs. Such petitioner is further
entitled to reasonable attorney fees and costs in any subsequent
action necessary to collect a refund ordered by the court for
any impact fee overpayment.

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

And the title is amended as follows:

Delete lines 4 - 22
and insert:

methodology"; amending s. 163.3177, F.S.; providing
requirements for coordination mechanisms that are
required for certain agreements required as part of
the intergovernmental coordination element of a
comprehensive plan; amending s. 163.3180, F.S.;
requiring that certain interlocal agreements use a
plan-based methodology for a certain purpose;
prohibiting certain interlocal agreements from
extending beyond a specified date; deleting an
exception to an applicability provision relating to
concurrency; amending s. 163.31801, F.S.; defining the
term "extraordinary circumstances"; requiring that a



548630

demonstrated-need study use a plan-based methodology for a certain purpose; requiring that certain capacity standards be specified in a certain impact fee study; requiring that a demonstrated-need study be accompanied by a certain declaration; requiring local governments, school districts, and special districts to use localized data for a certain purpose; prohibiting local governments, school districts, and special districts from using certain data for a specified purpose; prohibiting local governments, school districts, and special districts from including certain deductions in certain impact fee increases and from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing that a prevailing petitioner is entitled to an impact fee overpayment refund, with interest, under certain circumstances; requiring local governments, school districts, and special districts to issue such refunds within a specified timeframe; providing that certain prevailing petitioners are