



LEGISLATIVE ACTION

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 37 - 191

4 and insert:

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



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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



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40 for a dispute resolution process, as established pursuant to s.
41 186.509, for bringing intergovernmental disputes to closure in a
42 timely manner.

43 c. The intergovernmental coordination element shall provide
44 for interlocal agreements as established pursuant to s.
45 333.03(1)(b).

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

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

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



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

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

82 Section 3. Paragraph (j) of subsection (5) of section
83 163.3180, Florida Statutes, is amended to read:

84 163.3180 Concurrency.—

85 (5)

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

91 2. The interlocal agreement must, at a minimum:

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

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

97 c. Require the county or municipality issuing the building



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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



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127 entered into the agreement are shall be subject to the
128 requirements of this paragraph. An interlocal agreement entered
129 into before October 1, 2024, may not extend beyond October 1,
130 2031 unless the county and municipality mutually agree to extend
131 the existing interlocal agreement before the expiration of the
132 agreement.

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

138 163.31801 Impact fees; short title; intent; minimum
139 requirements; audits; challenges.—

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

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

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

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



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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



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185 fee increase ordinance is adopted.

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

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

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

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

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

202 (9) In any action challenging an impact fee or the
203 government's failure to provide required dollar-for-dollar
204 credits for the payment of impact fees as provided in s.
205 163.3180(6)(h)2.b.:^r

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



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

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

226

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

228 And the title is amended as follows:

229 Delete lines 4 - 22

230 and insert:

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



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243 demonstrated-need study use a plan-based methodology
244 for a certain purpose; requiring that certain capacity
245 standards be specified in a certain impact fee study;
246 requiring that a demonstrated-need study be
247 accompanied by a certain declaration; requiring local
248 governments, school districts, and special districts
249 to use localized data for a certain purpose;
250 prohibiting local governments, school districts, and
251 special districts from using certain data for a
252 specified purpose; prohibiting local governments,
253 school districts, and special districts from including
254 certain deductions in certain impact fee increases and
255 from increasing impact fee rates beyond certain phase-
256 in limitations by more than a specified percentage
257 within a certain timeframe; providing that a
258 prevailing petitioner is entitled to an impact fee
259 overpayment refund, with interest, under certain
260 circumstances; requiring local governments, school
261 districts, and special districts to issue such refunds
262 within a specified timeframe; providing that certain
263 prevailing petitioners are
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