

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
 2 Representative Robinson, W. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsections (32) through (52) of section
 7 163.3164, Florida Statutes, are renumbered as subsections (34)
 8 through (54), respectively, and new subsections (32) and (33)
 9 are added to that section, to read:

10 163.3164 Community Planning Act; definitions.—As used in
 11 this act:

12 (32) "Mobility fee" means a local government fee schedule
 13 established by ordinance and based on the projects included in
 14 the local government's adopted mobility plan.

15 (33) "Mobility plan" means an integrated land use and
 16 alternative mobility transportation plan adopted into a local

Amendment No. 1

17 government comprehensive plan that promotes a compact, mixed-
18 use, and interconnected development served by a multimodal
19 transportation system in an area that is urban in character as
20 defined in s. 171.031.

21 Section 2. Paragraphs (h) and (i) of subsection (5) of
22 section 163.3180, Florida Statutes, are amended, and paragraph
23 (j) is added to that subsection, to read:

24 163.3180 Concurrency.—

25 (5)

26 (h)1. Local governments that continue to implement a
27 transportation concurrency system, whether in the form adopted
28 into the comprehensive plan before the effective date of the
29 Community Planning Act, chapter 2011-139, Laws of Florida, or as
30 subsequently modified, must:

31 a. Consult with the Department of Transportation when
32 proposed plan amendments affect facilities on the strategic
33 intermodal system.

34 b. Exempt public transit facilities from concurrency. For
35 the purposes of this sub-subparagraph, public transit facilities
36 include transit stations and terminals; transit station parking;
37 park-and-ride lots; intermodal public transit connection or
38 transfer facilities; fixed bus, guideway, and rail stations; and
39 airport passenger terminals and concourses, air cargo
40 facilities, and hangars for the assembly, manufacture,
41 maintenance, or storage of aircraft. As used in this sub-

Amendment No. 1

42 subparagraph, the terms "terminals" and "transit facilities" do
43 not include seaports or commercial or residential development
44 constructed in conjunction with a public transit facility.

45 c. Allow an applicant for a development-of-regional-impact
46 development order, development agreement, rezoning, or other
47 land use development permit to satisfy the transportation
48 concurrency requirements of the local comprehensive plan, the
49 local government's concurrency management system, and s. 380.06,
50 when applicable, if:

51 (I) The applicant in good faith offers to enter into a
52 binding agreement to pay for or construct its proportionate
53 share of required improvements in a manner consistent with this
54 subsection. The agreement must provide that after an applicant
55 makes its contribution or constructs its proportionate share
56 pursuant to this sub-sub-subparagraph, the project shall be
57 considered to have mitigated its transportation impacts and be
58 allowed to proceed.

59 (II) The proportionate-share contribution or construction
60 is sufficient to accomplish one or more mobility improvements
61 that will benefit a regionally significant transportation
62 facility. A local government may accept contributions from
63 multiple applicants for a planned improvement if it maintains
64 contributions in a separate account designated for that purpose.
65 A local government may not prevent a single applicant from
66 proceeding after the applicant has satisfied its proportionate-

Amendment No. 1

67 share contribution.

68 d. Provide the basis upon which the landowners will be
69 assessed a proportionate share of the cost addressing the
70 transportation impacts resulting from a proposed development.

71 2. An applicant shall not be held responsible for the
72 additional cost of reducing or eliminating deficiencies. When an
73 applicant contributes or constructs its proportionate share
74 pursuant to this paragraph, a local government may not require
75 payment or construction of transportation facilities whose costs
76 would be greater than a development's proportionate share of the
77 improvements necessary to mitigate the development's impacts.

78 a. The proportionate-share contribution shall be
79 calculated based upon the number of trips from the proposed
80 development expected to reach roadways during the peak hour from
81 the stage or phase being approved, divided by the change in the
82 peak hour maximum service volume of roadways resulting from
83 construction of an improvement necessary to maintain or achieve
84 the adopted level of service, multiplied by the construction
85 cost, at the time of development payment, of the improvement
86 necessary to maintain or achieve the adopted level of service.

87 b. In using the proportionate-share formula provided in
88 this subparagraph, the applicant, in its traffic analysis, shall
89 identify those roads or facilities that have a transportation
90 deficiency in accordance with the transportation deficiency as
91 defined in subparagraph 4. The proportionate-share formula

450401 - HB 235 Robinson A1.docx

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Amendment No. 1

92 provided in this subparagraph shall be applied only to those
93 facilities that are determined to be significantly impacted by
94 the project traffic under review. If any road is determined to
95 be transportation deficient without the project traffic under
96 review, the costs of correcting that deficiency shall be removed
97 from the project's proportionate-share calculation and the
98 necessary transportation improvements to correct that deficiency
99 shall be considered to be in place for purposes of the
100 proportionate-share calculation. The improvement necessary to
101 correct the transportation deficiency is the funding
102 responsibility of the entity that has maintenance responsibility
103 for the facility. The development's proportionate share shall be
104 calculated only for the needed transportation improvements that
105 are greater than the identified deficiency.

106 c. When the provisions of subparagraph 1. and this
107 subparagraph have been satisfied for a particular stage or phase
108 of development, all transportation impacts from that stage or
109 phase for which mitigation was required and provided shall be
110 deemed fully mitigated in any transportation analysis for a
111 subsequent stage or phase of development. Trips from a previous
112 stage or phase that did not result in impacts for which
113 mitigation was required or provided may be cumulatively analyzed
114 with trips from a subsequent stage or phase to determine whether
115 an impact requires mitigation for the subsequent stage or phase.

116 d. In projecting the number of trips to be generated by

Amendment No. 1

117 the development under review, any trips assigned to a toll-
118 financed facility shall be eliminated from the analysis.

119 e. The applicant shall receive a credit on a dollar-for-
120 dollar basis for impact fees, mobility fees, and other
121 transportation concurrency mitigation requirements paid or
122 payable in the future for the project. The credit shall be
123 reduced up to 20 percent by the percentage share that the
124 project's traffic represents of the added capacity of the
125 selected improvement, or by the amount specified by local
126 ordinance, whichever yields the greater credit.

127 3. This subsection does not require a local government to
128 approve a development that, for reasons other than
129 transportation impacts, is not qualified for approval pursuant
130 to the applicable local comprehensive plan and land development
131 regulations.

132 4. As used in this subsection, the term "transportation
133 deficiency" means a facility or facilities on which the adopted
134 level-of-service standard is exceeded by the existing,
135 committed, and vested trips, plus additional projected
136 background trips from any source other than the development
137 project under review, and trips that are forecast by established
138 traffic standards, including traffic modeling, consistent with
139 the University of Florida's Bureau of Economic and Business
140 Research medium population projections. Additional projected
141 background trips are to be coincident with the particular stage

Amendment No. 1

142 or phase of development under review.

143 (i) If a local government elects to repeal transportation
144 concurrency, the local government may ~~it is encouraged to~~ adopt
145 an alternative mobility planning and fee funding system ~~or an~~
146 alternative system that is not mobility plan and fee based. ~~The~~
147 local government ~~that uses one or more of the tools and~~
148 ~~techniques identified in paragraph (f).~~ Any alternative mobility
149 ~~funding system adopted~~ may not use an alternative system ~~be used~~
150 to deny, time, or phase an application for site plan approval,
151 plat approval, final subdivision approval, building permits, or
152 the functional equivalent of such approvals provided that the
153 developer agrees to pay for the development's identified
154 transportation impacts via the funding mechanism implemented by
155 the local government. The revenue from the funding mechanism
156 used in the alternative system must be used to implement the
157 needs of the local government's plan which serves as the basis
158 for the fee imposed. An alternative system ~~A mobility fee-based~~
159 ~~funding system~~ must comply with s. 163.31801 governing impact
160 fees. An alternative system may not impose ~~that is not mobility~~
161 ~~fee-based shall not be applied in a manner that imposes~~ upon new
162 development any responsibility for funding an existing
163 transportation deficiency as defined in paragraph (h).

164 (j) Only the local government issuing the building permit
165 may charge for transportation impacts within its jurisdiction.
166 Such local government must collect and account for any extra-

Amendment No. 1

167 jurisdictional impacts, pursuant to s. 163.3177(6)(h),
168 regardless of whether it implements a transportation concurrency
169 system or an alternative system. Another local government may
170 not charge new development or redevelopment for the same
171 transportation impacts.

172 Section 3. Paragraph (a) of subsection (4), paragraph (a)
173 of subsection (5), and subsection (7) of section 163.31801,
174 Florida Statutes, are amended to read:

175 163.31801 Impact fees; short title; intent; minimum
176 requirements; audits; challenges.—

177 (4) At a minimum, each local government that adopts and
178 collects an impact fee by ordinance and each special district
179 that adopts, collects, and administers an impact fee by
180 resolution must:

181 (a) Ensure that the calculation of the impact fee is based
182 on the most recent and localized data available within the
183 previous 12 months before adoption.

184 (5)(a) Notwithstanding any charter provision,
185 comprehensive plan policy, ordinance, development order,
186 development permit, or resolution, the local government or
187 special district that requires any improvement or contribution
188 must credit against the collection of the impact fee any
189 contribution, whether identified in a development order,
190 proportionate share agreement, or any other form of exaction,
191 related to public facilities or infrastructure, including

Amendment No. 1

192 monetary contributions, land dedication, site planning and
193 design, or construction. Any contribution must be applied on a
194 dollar-for-dollar basis at fair market value to reduce any
195 impact fee collected for the general category or class of public
196 facilities or infrastructure for which the contribution was
197 made.

198 (7) If an impact fee is increased, the holder of any impact
199 fee credits, whether such credits are granted under s. 163.3180,
200 s. 380.06, or otherwise, which were in existence before the
201 increase, is entitled to the full benefit of the intensity or
202 density prepaid by the credit balance as of the date it was
203 first established. If a local government adopts an alternative
204 funding system pursuant to s. 163.3180(5)(i), the holder of any
205 transportation or road impact fee credits granted under s.
206 163.3180, s. 380.06, or otherwise which were in existence before
207 the adoption of the alternative funding system is entitled to
208 the full benefit of the intensity and density prepaid by the
209 credit balance as of the date the alternative funding system was
210 first established.

211 Section 4. Paragraph (d) of subsection (2) of section
212 212.055, Florida Statutes, is amended to read:

213 212.055 Discretionary sales surtaxes; legislative intent;
214 authorization and use of proceeds.—It is the legislative intent
215 that any authorization for imposition of a discretionary sales
216 surtax shall be published in the Florida Statutes as a

Amendment No. 1

217 subsection of this section, irrespective of the duration of the
218 levy. Each enactment shall specify the types of counties
219 authorized to levy; the rate or rates which may be imposed; the
220 maximum length of time the surtax may be imposed, if any; the
221 procedure which must be followed to secure voter approval, if
222 required; the purpose for which the proceeds may be expended;
223 and such other requirements as the Legislature may provide.
224 Taxable transactions and administrative procedures shall be as
225 provided in s. 212.054.

226 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

227 (d) The proceeds of the surtax authorized by this
228 subsection and any accrued interest shall be expended by the
229 school district, within the county and municipalities within the
230 county, or, in the case of a negotiated joint county agreement,
231 within another county, to finance, plan, and construct
232 infrastructure; to acquire any interest in land for public
233 recreation, conservation, or protection of natural resources or
234 to prevent or satisfy private property rights claims resulting
235 from limitations imposed by the designation of an area of
236 critical state concern; to provide loans, grants, or rebates to
237 residential or commercial property owners who make energy
238 efficiency improvements to their residential or commercial
239 property, if a local government ordinance authorizing such use
240 is approved by referendum; or to finance the closure of county-
241 owned or municipally owned solid waste landfills that have been

450401 - HB 235 Robinson A1.docx

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Amendment No. 1

242 closed or are required to be closed by order of the Department
243 of Environmental Protection. Any use of the proceeds or interest
244 for purposes of landfill closure before July 1, 1993, is
245 ratified. The proceeds and any interest may not be used for the
246 operational expenses of infrastructure, except that a county
247 that has a population of fewer than 75,000 and that is required
248 to close a landfill may use the proceeds or interest for long-
249 term maintenance costs associated with landfill closure.
250 Counties, as defined in s. 125.011, and charter counties may, in
251 addition, use the proceeds or interest to retire or service
252 indebtedness incurred for bonds issued before July 1, 1987, for
253 infrastructure purposes, and for bonds subsequently issued to
254 refund such bonds. Any use of the proceeds or interest for
255 purposes of retiring or servicing indebtedness incurred for
256 refunding bonds before July 1, 1999, is ratified.

257 1. For the purposes of this paragraph, the term
258 "infrastructure" means:

259 a. Any fixed capital expenditure or fixed capital outlay
260 associated with the construction, reconstruction, or improvement
261 of public facilities that have a life expectancy of 5 or more
262 years, any related land acquisition, land improvement, design,
263 and engineering costs, and all other professional and related
264 costs required to bring the public facilities into service. For
265 purposes of this sub-subparagraph, the term "public facilities"
266 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,

Amendment No. 1

267 s. 163.3221(13), or s. 189.012(5), and includes facilities that
268 are necessary to carry out governmental purposes, including, but
269 not limited to, fire stations, general governmental office
270 buildings, and animal shelters, regardless of whether the
271 facilities are owned by the local taxing authority or another
272 governmental entity.

273 b. A fire department vehicle, an emergency medical service
274 vehicle, a sheriff's office vehicle, a police department
275 vehicle, or any other vehicle, and the equipment necessary to
276 outfit the vehicle for its official use or equipment that has a
277 life expectancy of at least 5 years.

278 c. Any expenditure for the construction, lease, or
279 maintenance of, or provision of utilities or security for,
280 facilities, as defined in s. 29.008.

281 d. Any fixed capital expenditure or fixed capital outlay
282 associated with the improvement of private facilities that have
283 a life expectancy of 5 or more years and that the owner agrees
284 to make available for use on a temporary basis as needed by a
285 local government as a public emergency shelter or a staging area
286 for emergency response equipment during an emergency officially
287 declared by the state or by the local government under s.
288 252.38. Such improvements are limited to those necessary to
289 comply with current standards for public emergency evacuation
290 shelters. The owner must enter into a written contract with the
291 local government providing the improvement funding to make the

Amendment No. 1

292 private facility available to the public for purposes of
293 emergency shelter at no cost to the local government for a
294 minimum of 10 years after completion of the improvement, with
295 the provision that the obligation will transfer to any
296 subsequent owner until the end of the minimum period.

297 e. Any land acquisition expenditure for a residential
298 housing project in which at least 30 percent of the units are
299 affordable to individuals or families whose total annual
300 household income does not exceed 120 percent of the area median
301 income adjusted for household size, if the land is owned by a
302 local government or by a special district that enters into a
303 written agreement with the local government to provide such
304 housing. The local government or special district may enter into
305 a ground lease with a public or private person or entity for
306 nominal or other consideration for the construction of the
307 residential housing project on land acquired pursuant to this
308 sub-subparagraph.

309 f. Instructional technology used solely in a school
310 district's classrooms. As used in this sub-subparagraph, the
311 term "instructional technology" means an interactive device that
312 assists a teacher in instructing a class or a group of students
313 and includes the necessary hardware and software to operate the
314 interactive device. The term also includes support systems in
315 which an interactive device may mount and is not required to be
316 affixed to the facilities.

Amendment No. 1

317 2. For the purposes of this paragraph, the term "energy
318 efficiency improvement" means any energy conservation and
319 efficiency improvement that reduces consumption through
320 conservation or a more efficient use of electricity, natural
321 gas, propane, or other forms of energy on the property,
322 including, but not limited to, air sealing; installation of
323 insulation; installation of energy-efficient heating, cooling,
324 or ventilation systems; installation of solar panels; building
325 modifications to increase the use of daylight or shade;
326 replacement of windows; installation of energy controls or
327 energy recovery systems; installation of electric vehicle
328 charging equipment; installation of systems for natural gas fuel
329 as defined in s. 206.9951; and installation of efficient
330 lighting equipment.

331 3. Notwithstanding any other provision of this subsection,
332 a local government infrastructure surtax imposed or extended
333 after July 1, 1998, may allocate up to 15 percent of the surtax
334 proceeds for deposit into a trust fund within the county's
335 accounts created for the purpose of funding economic development
336 projects having a general public purpose of improving local
337 economies, including the funding of operational costs and
338 incentives related to economic development. The ballot statement
339 must indicate the intention to make an allocation under the
340 authority of this subparagraph.

341 Section 5. This act shall take effect July 1, 2023.

Amendment No. 1

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

Remove everything before the enacting clause and insert:
An act relating to alternative mobility funding systems;
amending s. 163.3164, F.S.; providing definitions; amending s.
163.3180, F.S.; revising requirements related to agreements to
pay for or construct certain improvements; authorizing certain
local governments to adopt an alternative mobility planning and
fee system or an alternative system in certain circumstances;
providing requirements for the application of an adopted
alternative system; prohibiting an alternative system from
imposing responsibility for funding an existing transportation
deficiency upon new development; prohibiting local governments
not issuing a building permit from charging for transportation
impacts; requiring local government issuing building permit to
collect for extra-jurisdictional impact; prohibiting local
governments from assessing multiple charges for same
transportation impact; amending s. 163.31801, F.S.; revising
requirements for the calculation of impact fees by certain local
governments and special districts; requiring local governments
transitioning to alternative funding system to provide holders
of impact fee credits with full benefit of intensity and density
of prepaid credit balances; amending s. 212.055, F.S.;
conforming a cross-reference; providing an effective date.