

1                   A bill to be entitled  
2           An act relating to alternative mobility funding  
3           systems; amending s. 163.3164, F.S.; providing  
4           definitions; amending s. 163.3180, F.S.; revising  
5           requirements related to agreements to pay for or  
6           construct certain improvements; authorizing certain  
7           local governments to adopt an alternative mobility  
8           planning and fee system or an alternative system in  
9           certain circumstances; providing requirements for the  
10          application of an adopted alternative system;  
11          prohibiting an alternative system from imposing  
12          responsibility for funding an existing transportation  
13          deficiency upon new development; amending s.  
14          163.31801, F.S.; revising requirements for the  
15          calculation of impact fees by certain local  
16          governments and special districts; revising  
17          requirements for local governments, school districts,  
18          and special districts to impose impact fees in certain  
19          instances; creating s. 163.31803, F.S.; providing  
20          requirements for mobility fee-based funding systems;  
21          prohibiting certain transportation impact fees and  
22          fees that are not mobility-based fees; prohibiting  
23          mobility fees, fee updates, or fee increases from  
24          relying solely on motor vehicle capacity; requiring  
25          certain mobility fees to be updated within a specified

26 | timeframe; specifying parameters that must or may be  
27 | included in a mobility fee; specifying criteria to be  
28 | used by a local government in adopting a mobility plan  
29 | and mobility fee for transportation mitigation  
30 | improvements; requiring mobility fees to be expended  
31 | or committed within a specified time period; providing  
32 | criteria for use by local governments issuing building  
33 | permits related to mobility fees; encouraging local  
34 | governments to coordinate certain activities included  
35 | in mobility plans with other affected local  
36 | governments for certain purposes; specifying that  
37 | local governments have the burden of proving that the  
38 | imposition or amount of a fee or exaction meets  
39 | certain criteria; prohibiting the courts from using a  
40 | deferential standard for a specified purpose;  
41 | providing for mobility fee credits in any mode that  
42 | creates equivalent capacity which is designated in a  
43 | local government capital improvements list; providing  
44 | that the holder of transportation or road impact fee  
45 | credits is granted specified benefits; providing for  
46 | full mitigation of a development's transportation  
47 | impacts in certain instances; amending s. 212.055,  
48 | F.S.; conforming a cross-reference; providing an  
49 | effective date.

50

51 Be It Enacted by the Legislature of the State of Florida:

52

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

57 163.3164 Community Planning Act; definitions.—As used in  
58 this act:

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

62 (33) "Mobility plan" means an integrated land use and  
63 alternative mobility transportation plan adopted into a local  
64 government comprehensive plan that promotes a compact, mixed-  
65 use, and interconnected development served by a multimodal  
66 transportation system in an area that is urban in character as  
67 defined in s. 171.031.

68 Section 2. Paragraphs (h) and (i) of subsection (5) of  
69 section 163.3180, Florida Statutes, are amended to read:

70 163.3180 Concurrency.—

71 (5)

72 (h)1. Local governments that continue to implement a  
73 transportation concurrency system, whether in the form adopted  
74 into the comprehensive plan before the effective date of the  
75 Community Planning Act, chapter 2011-139, Laws of Florida, or as

76 | subsequently modified, must:

77 |       a. Consult with the Department of Transportation when  
78 | proposed plan amendments affect facilities on the strategic  
79 | intermodal system.

80 |       b. Exempt public transit facilities from concurrency. For  
81 | the purposes of this sub-subparagraph, public transit facilities  
82 | include transit stations and terminals; transit station parking;  
83 | park-and-ride lots; intermodal public transit connection or  
84 | transfer facilities; fixed bus, guideway, and rail stations; and  
85 | airport passenger terminals and concourses, air cargo  
86 | facilities, and hangars for the assembly, manufacture,  
87 | maintenance, or storage of aircraft. As used in this sub-  
88 | subparagraph, the terms "terminals" and "transit facilities" do  
89 | not include seaports or commercial or residential development  
90 | constructed in conjunction with a public transit facility.

91 |       c. Allow an applicant for a development-of-regional-impact  
92 | development order, development agreement, rezoning, or other  
93 | land use development permit to satisfy the transportation  
94 | concurrency requirements of the local comprehensive plan, the  
95 | local government's concurrency management system, and s. 380.06,  
96 | when applicable, if:

97 |       (I) The applicant in good faith offers to enter into a  
98 | binding agreement to pay for or construct its proportionate  
99 | share of required improvements in a manner consistent with this  
100 | subsection. The agreement must provide that after an applicant

101 makes its contribution or constructs its proportionate share  
102 pursuant to this sub-sub-subparagraph, the project shall be  
103 considered to have mitigated its transportation impacts and be  
104 allowed to proceed.

105 (II) The proportionate-share contribution or construction  
106 is sufficient to accomplish one or more mobility improvements  
107 that will benefit a regionally significant transportation  
108 facility. A local government may accept contributions from  
109 multiple applicants for a planned improvement if it maintains  
110 contributions in a separate account designated for that purpose.  
111 A local government may not prevent a single applicant from  
112 proceeding after the applicant has satisfied its proportionate-  
113 share contribution.

114 d. Provide the basis upon which the landowners will be  
115 assessed a proportionate share of the cost addressing the  
116 transportation impacts resulting from a proposed development.

117 2. An applicant shall not be held responsible for the  
118 additional cost of reducing or eliminating deficiencies. When an  
119 applicant contributes or constructs its proportionate share  
120 pursuant to this paragraph, a local government may not require  
121 payment or construction of transportation facilities whose costs  
122 would be greater than a development's proportionate share of the  
123 improvements necessary to mitigate the development's impacts.

124 a. The proportionate-share contribution shall be  
125 calculated based upon the number of trips from the proposed

126 development expected to reach roadways during the peak hour from  
127 the stage or phase being approved, divided by the change in the  
128 peak hour maximum service volume of roadways resulting from  
129 construction of an improvement necessary to maintain or achieve  
130 the adopted level of service, multiplied by the construction  
131 cost, at the time of development payment, of the improvement  
132 necessary to maintain or achieve the adopted level of service.

133       b. In using the proportionate-share formula provided in  
134 this subparagraph, the applicant, in its traffic analysis, shall  
135 identify those roads or facilities that have a transportation  
136 deficiency in accordance with the transportation deficiency as  
137 defined in subparagraph 4. The proportionate-share formula  
138 provided in this subparagraph shall be applied only to those  
139 facilities that are determined to be significantly impacted by  
140 the project traffic under review. If any road is determined to  
141 be transportation deficient without the project traffic under  
142 review, the costs of correcting that deficiency shall be removed  
143 from the project's proportionate-share calculation and the  
144 necessary transportation improvements to correct that deficiency  
145 shall be considered to be in place for purposes of the  
146 proportionate-share calculation. The improvement necessary to  
147 correct the transportation deficiency is the funding  
148 responsibility of the entity that has maintenance responsibility  
149 for the facility. The development's proportionate share shall be  
150 calculated only for the needed transportation improvements that

151 are greater than the identified deficiency.

152 c. When the provisions of subparagraph 1. and this  
153 subparagraph have been satisfied for a particular stage or phase  
154 of development, all transportation impacts from that stage or  
155 phase for which mitigation was required and provided shall be  
156 deemed fully mitigated in any transportation analysis for a  
157 subsequent stage or phase of development. Trips from a previous  
158 stage or phase that did not result in impacts for which  
159 mitigation was required or provided may be cumulatively analyzed  
160 with trips from a subsequent stage or phase to determine whether  
161 an impact requires mitigation for the subsequent stage or phase.

162 d. In projecting the number of trips to be generated by  
163 the development under review, any trips assigned to a toll-  
164 financed facility shall be eliminated from the analysis.

165 e. The applicant shall receive a credit on a dollar-for-  
166 dollar basis for impact fees, mobility fees, and other  
167 transportation concurrency mitigation requirements paid or  
168 payable in the future for the project. The credit shall be  
169 reduced up to 20 percent by the percentage share that the  
170 project's traffic represents of the added capacity of the  
171 selected improvement, or by the amount specified by local  
172 ordinance, whichever yields the greater credit.

173 3. This subsection does not require a local government to  
174 approve a development that, for reasons other than  
175 transportation impacts, is not qualified for approval pursuant

176 to the applicable local comprehensive plan and land development  
177 regulations.

178 4. As used in this subsection, the term "transportation  
179 deficiency" means a facility or facilities on which the adopted  
180 level-of-service standard is exceeded by the existing,  
181 committed, and vested trips, plus additional projected  
182 background trips from any source other than the development  
183 project under review, and trips that are forecast by established  
184 traffic standards, including traffic modeling, consistent with  
185 the University of Florida's Bureau of Economic and Business  
186 Research medium population projections. Additional projected  
187 background trips are to be coincident with the particular stage  
188 or phase of development under review.

189 (i) If a local government elects to repeal transportation  
190 concurrency, the local government may ~~it is encouraged to~~ adopt  
191 an alternative mobility planning and fee ~~funding~~ system, as  
192 provided in s. 163.31803, or an alternative system that is not  
193 mobility plan and fee based. The local government ~~that uses one~~  
194 ~~or more of the tools and techniques identified in paragraph (f).~~  
195 ~~Any alternative mobility funding system adopted~~ may not use the  
196 alternative system ~~be used~~ to deny, time, or phase an  
197 application for site plan approval, plat approval, final  
198 subdivision approval, building permits, or the functional  
199 equivalent of such approvals provided that the developer agrees  
200 to pay for the development's identified transportation impacts



201 via the funding mechanism implemented by the local government.  
 202 The revenue from the funding mechanism used in the alternative  
 203 system must be used to implement the needs of the local  
 204 government's plan which serves as the basis for the fee imposed.  
 205 The alternative system ~~A mobility fee-based funding system~~ must  
 206 comply with s. 163.31801 governing impact fees. An alternative  
 207 system may not impose ~~that is not mobility fee-based shall not~~  
 208 ~~be applied in a manner that imposes~~ upon new development any  
 209 responsibility for funding an existing transportation deficiency  
 210 as defined in paragraph (h).

211 Section 3. Paragraph (h) of subsection (6) of section  
 212 163.31801, Florida Statutes, is redesignated as paragraph (g),  
 213 and paragraph (a) of subsection (4), paragraph (a) of subsection  
 214 (5), and paragraph (g) of subsection (6) of that section are  
 215 amended, to read:

216 163.31801 Impact fees; short title; intent; minimum  
 217 requirements; audits; challenges.—

218 (4) At a minimum, each local government that adopts and  
 219 collects an impact fee by ordinance and each special district  
 220 that adopts, collects, and administers an impact fee by  
 221 resolution must:

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

225 (5) (a) Notwithstanding any charter provision,

226 comprehensive plan policy, ordinance, development order,  
 227 development permit, or resolution, the local government or  
 228 special district that requires any improvement or contribution  
 229 must credit against the collection of the impact fee any  
 230 contribution, whether identified in a development order,  
 231 proportionate share agreement, or any ~~other~~ form of exaction,  
 232 related to public facilities or infrastructure, including  
 233 monetary contributions, land dedication, site planning and  
 234 design, or construction. Any contribution must be applied on a  
 235 dollar-for-dollar basis at fair market value to reduce any  
 236 impact fee collected for the general category or class of public  
 237 facilities or infrastructure for which the contribution was  
 238 made.

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

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

249 1. For the purposes of this paragraph, "extraordinary  
 250 impacts" means effects of development that will require

251 mitigation by the affected local government, school district, or  
252 special district that will exceed the total of the current  
253 impact fee amount, together with an increase as provided in  
254 paragraphs (c), (d), and (e) in less than 4 years.

255 ~~2.1.~~ A demonstrated-need study justifying any increase in  
256 excess of those authorized in paragraph (b), paragraph (c),  
257 paragraph (d), or paragraph (e) has been completed within the 12  
258 months before the adoption of the impact fee increase and  
259 expressly demonstrates the extraordinary impacts ~~circumstances~~  
260 necessitating the need to exceed the phase-in limitations. The  
261 demonstrated-need study must show projected growth within the  
262 jurisdiction in population and in demand for the specific  
263 services funded by the impact fee will exceed the projected  
264 rates of growth for the state in population and in demand for  
265 those specific services.

266 ~~3.2.~~ The local government jurisdiction has held not less  
267 than two publicly noticed workshops and two properly noticed  
268 public meetings dedicated solely to the extraordinary impacts  
269 ~~circumstances~~ necessitating the need to exceed the phase-in  
270 limitations set forth in paragraph (b), paragraph (c), paragraph  
271 (d), or paragraph (e).

272 ~~4.3.~~ The impact fee increase ordinance is approved by at  
273 least a two-thirds vote of the governing body.

274 5. In any administrative or judicial proceeding  
275 challenging an impact fee increase adopted under this paragraph,

276 the local government, school district, or special district has  
277 the burden of proving all elements relied upon in the  
278 demonstrated-need study by clear and convincing evidence.

279 Section 4. Section 163.31803, Florida Statutes, is created  
280 to read:

281 163.31803 Mobility plans.-

282 (1) This section establishes the method for the adoption  
283 and implementation of a mobility plan as an alternative to  
284 transportation concurrency under s. 163.3180(5).

285 (2) A mobility fee-based funding system must comply with  
286 this section and s. 163.31801 governing impact fees.

287 (3) A mobility plan:

288 (a) May include existing and emerging transportation  
289 technologies that reduce dependence on motor vehicle travel  
290 capacity.

291 (b) May not be based solely on adding motor vehicle  
292 capacity.

293 (c) Must reflect modes of travel and emerging  
294 transportation technologies reducing reliance on motor vehicle  
295 capacity established in the local government's comprehensive  
296 plan.

297 (d) Must identify multimodal projects consisting of  
298 improvements, services, and programs which increase capacity  
299 needed to meet future travel demands.

300 (4) A transportation impact fee or fee that is not a

301 mobility-based fee may not be imposed within the area designated  
 302 for the imposition of a mobility fee by a local government  
 303 mobility plan.

304 (5) A mobility fee, fee update, or fee increase must be  
 305 based on the mobility plan, may not rely solely on motor vehicle  
 306 capacity, and must be used exclusively to implement the mobility  
 307 plan.

308 (6) A mobility fee must be updated at least once within 5  
 309 years after the date the fee is adopted or after it is updated.  
 310 A mobility fee that is not updated as provided in this  
 311 subsection is void. A local government considering a mobility  
 312 fee update may not consider annual inflation adjustments or any  
 313 phased-in fees to meet the requirements of this subsection.

314 (7) A local government adopting a mobility plan and  
 315 mobility fee system for transportation mitigation must comply  
 316 with all of the following:

317 (a) Beginning September 1, 2023, a new mobility fee, fee  
 318 update, or fee increase must be based on an adopted mobility  
 319 plan.

320 (b) In addition to meeting the requirements of s.  
 321 163.31801, mobility fees must be calculated using all of the  
 322 following criteria:

323 1. Projected increases in population, employment, and  
 324 motor vehicle travel demand and per person travel demand.

325 2. Areawide road levels of service or quality of service

326 standards and multimodal quality of service standards for modes  
327 of travel included in the mobility plan.

328 3. Multimodal projects identified in the mobility plan  
329 which are attributable to, and meet the travel demands of, new  
330 development and redevelopment and which include capacities based  
331 on service standards and projected costs.

332 4. An evaluation of current and future travel conditions  
333 to ensure that new development and redevelopment are not charged  
334 for backlog and associated capacity deficiencies.

335 5. An evaluation of the projected increases in per person  
336 travel demand and system capacity to calculate the fair share of  
337 multimodal capacity and the costs of multimodal projects which  
338 are assignable and attributable to new development and  
339 redevelopment.

340 6. Per person travel demand corresponding to the  
341 transportation impact assigned to uses included in the mobility  
342 fee schedule based on trip generation, new trips, per person  
343 travel demand, per person trip lengths, excluded travel on  
344 limited access facilities, and adjustments for origin and  
345 destination of travel.

346 7. The mobility fee may not be based on recurring  
347 transportation costs.

348 8. The mobility fee must fully mitigate the subject  
349 development or redevelopment's full transportation impacts.

350 (c) Per person travel demand data must be localized,

351 reflecting differences in the need for multimodal projects and  
352 travel within urban areas based on reduced trip lengths and the  
353 availability of existing transportation infrastructure.

354 (d) A local government may recognize reductions in per  
355 person travel demand for affordable housing and economic  
356 development projects.

357 (e) Any calculation of per person travel demand must  
358 ensure that new development and redevelopment are not assessed  
359 twice for the same transportation impact.

360 (8) A mobility fee that is collected for a specific  
361 transportation mitigation improvement must be expended or  
362 committed for an identified project within 6 years after the  
363 date of collection or must be returned to the applicant who paid  
364 the fee. For purposes of this subsection, an expenditure is  
365 deemed committed if the preliminary design, right-of-way, or  
366 detailed design for the project is completed and construction  
367 will commence within 2 years.

368 (9) A local government issuing a building permit for  
369 development within its jurisdiction shall develop a mobility fee  
370 based on the adopted mobility plan to ensure that the  
371 transportation impacts of the new development or redevelopment  
372 project are fully mitigated. Another local government may not  
373 charge new development or redevelopment for the same travel  
374 demand, capacity, and improvements assessed by the governmental  
375 entity that issued the building permit.

376 (10) Local governments are encouraged to coordinate with  
377 other affected local governments to identify multimodal  
378 projects, capacity improvements, full costs, and timing of  
379 improvements in mobility plans to address intrajurisdictional  
380 and extrajurisdictional impacts. The coordination is encouraged  
381 to identify measurable factors addressing all of the following:

382 (a) The share of per person travel demand which each local  
383 government should assess.

384 (b) The proportion of costs of multimodal projects to be  
385 included in the mobility fee calculations.

386 (c) Which entity will construct the multimodal projects.

387 (d) If necessary, whether the projected future ownership  
388 of the multimodal project and underlying facility should be  
389 transferred from the affected local government to the local  
390 government adopting the mobility fee.

391 Any mobility fee, impact fee, or other transportation mitigation  
392 exaction other than the one assessed by the local government  
393 issuing the building permits must include the same benefit  
394 reductions in per person travel demand for affordable housing,  
395 economic development, urban areas, and mixed-use development.

396 (11) A local government adopting a mobility fee system and  
397 a local government assessing a transportation exaction for  
398 intrajurisdictional and extrajurisdictional impacts has the  
399 burden of proving by a preponderance of the evidence that the  
400 imposition or amount of the fee or exaction meets the



401 requirements of this section. A court may not use a deferential  
 402 standard for the benefit of the local government.

403 (12) Mobility fee credits must comply with s. 163.31801 in  
 404 any mode that creates equivalent capacity which is designated in  
 405 a local government capital improvements list.

406 (13) The holder of any transportation or road impact fee  
 407 credits granted under s. 163.3180, s. 380.06, or other  
 408 provision, which were in existence before the adoption of the  
 409 mobility fee-based funding system, is entitled to the full  
 410 benefit of the intensity and density prepaid by the credit  
 411 balance as of the date it was first established.

412 (14) Payment by a development of the authorizing local  
 413 government's adopted mobility fee is deemed to fully mitigate  
 414 the development's full transportation impacts.

415 Section 5. Paragraph (d) of subsection (2) of section  
 416 212.055, Florida Statutes, is amended to read:

417 212.055 Discretionary sales surtaxes; legislative intent;  
 418 authorization and use of proceeds.—It is the legislative intent  
 419 that any authorization for imposition of a discretionary sales  
 420 surtax shall be published in the Florida Statutes as a  
 421 subsection of this section, irrespective of the duration of the  
 422 levy. Each enactment shall specify the types of counties  
 423 authorized to levy; the rate or rates which may be imposed; the  
 424 maximum length of time the surtax may be imposed, if any; the  
 425 procedure which must be followed to secure voter approval, if

426 required; the purpose for which the proceeds may be expended;  
 427 and such other requirements as the Legislature may provide.  
 428 Taxable transactions and administrative procedures shall be as  
 429 provided in s. 212.054.

430 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

431 (d) The proceeds of the surtax authorized by this  
 432 subsection and any accrued interest shall be expended by the  
 433 school district, within the county and municipalities within the  
 434 county, or, in the case of a negotiated joint county agreement,  
 435 within another county, to finance, plan, and construct  
 436 infrastructure; to acquire any interest in land for public  
 437 recreation, conservation, or protection of natural resources or  
 438 to prevent or satisfy private property rights claims resulting  
 439 from limitations imposed by the designation of an area of  
 440 critical state concern; to provide loans, grants, or rebates to  
 441 residential or commercial property owners who make energy  
 442 efficiency improvements to their residential or commercial  
 443 property, if a local government ordinance authorizing such use  
 444 is approved by referendum; or to finance the closure of county-  
 445 owned or municipally owned solid waste landfills that have been  
 446 closed or are required to be closed by order of the Department  
 447 of Environmental Protection. Any use of the proceeds or interest  
 448 for purposes of landfill closure before July 1, 1993, is  
 449 ratified. The proceeds and any interest may not be used for the  
 450 operational expenses of infrastructure, except that a county

451 that has a population of fewer than 75,000 and that is required  
 452 to close a landfill may use the proceeds or interest for long-  
 453 term maintenance costs associated with landfill closure.

454 Counties, as defined in s. 125.011, and charter counties may, in  
 455 addition, use the proceeds or interest to retire or service  
 456 indebtedness incurred for bonds issued before July 1, 1987, for  
 457 infrastructure purposes, and for bonds subsequently issued to  
 458 refund such bonds. Any use of the proceeds or interest for  
 459 purposes of retiring or servicing indebtedness incurred for  
 460 refunding bonds before July 1, 1999, is ratified.

461 1. For the purposes of this paragraph, the term  
 462 "infrastructure" means:

463 a. Any fixed capital expenditure or fixed capital outlay  
 464 associated with the construction, reconstruction, or improvement  
 465 of public facilities that have a life expectancy of 5 or more  
 466 years, any related land acquisition, land improvement, design,  
 467 and engineering costs, and all other professional and related  
 468 costs required to bring the public facilities into service. For  
 469 purposes of this sub-subparagraph, the term "public facilities"  
 470 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,  
 471 s. 163.3221(13), or s. 189.012(5), and includes facilities that  
 472 are necessary to carry out governmental purposes, including, but  
 473 not limited to, fire stations, general governmental office  
 474 buildings, and animal shelters, regardless of whether the  
 475 facilities are owned by the local taxing authority or another

476 governmental entity.

477       b. A fire department vehicle, an emergency medical service  
 478 vehicle, a sheriff's office vehicle, a police department  
 479 vehicle, or any other vehicle, and the equipment necessary to  
 480 outfit the vehicle for its official use or equipment that has a  
 481 life expectancy of at least 5 years.

482       c. Any expenditure for the construction, lease, or  
 483 maintenance of, or provision of utilities or security for,  
 484 facilities, as defined in s. 29.008.

485       d. Any fixed capital expenditure or fixed capital outlay  
 486 associated with the improvement of private facilities that have  
 487 a life expectancy of 5 or more years and that the owner agrees  
 488 to make available for use on a temporary basis as needed by a  
 489 local government as a public emergency shelter or a staging area  
 490 for emergency response equipment during an emergency officially  
 491 declared by the state or by the local government under s.  
 492 252.38. Such improvements are limited to those necessary to  
 493 comply with current standards for public emergency evacuation  
 494 shelters. The owner must enter into a written contract with the  
 495 local government providing the improvement funding to make the  
 496 private facility available to the public for purposes of  
 497 emergency shelter at no cost to the local government for a  
 498 minimum of 10 years after completion of the improvement, with  
 499 the provision that the obligation will transfer to any  
 500 subsequent owner until the end of the minimum period.

501 e. Any land acquisition expenditure for a residential  
502 housing project in which at least 30 percent of the units are  
503 affordable to individuals or families whose total annual  
504 household income does not exceed 120 percent of the area median  
505 income adjusted for household size, if the land is owned by a  
506 local government or by a special district that enters into a  
507 written agreement with the local government to provide such  
508 housing. The local government or special district may enter into  
509 a ground lease with a public or private person or entity for  
510 nominal or other consideration for the construction of the  
511 residential housing project on land acquired pursuant to this  
512 sub-subparagraph.

513 f. Instructional technology used solely in a school  
514 district's classrooms. As used in this sub-subparagraph, the  
515 term "instructional technology" means an interactive device that  
516 assists a teacher in instructing a class or a group of students  
517 and includes the necessary hardware and software to operate the  
518 interactive device. The term also includes support systems in  
519 which an interactive device may mount and is not required to be  
520 affixed to the facilities.

521 2. For the purposes of this paragraph, the term "energy  
522 efficiency improvement" means any energy conservation and  
523 efficiency improvement that reduces consumption through  
524 conservation or a more efficient use of electricity, natural  
525 gas, propane, or other forms of energy on the property,

526 including, but not limited to, air sealing; installation of  
527 insulation; installation of energy-efficient heating, cooling,  
528 or ventilation systems; installation of solar panels; building  
529 modifications to increase the use of daylight or shade;  
530 replacement of windows; installation of energy controls or  
531 energy recovery systems; installation of electric vehicle  
532 charging equipment; installation of systems for natural gas fuel  
533 as defined in s. 206.9951; and installation of efficient  
534 lighting equipment.

535         3. Notwithstanding any other provision of this subsection,  
536 a local government infrastructure surtax imposed or extended  
537 after July 1, 1998, may allocate up to 15 percent of the surtax  
538 proceeds for deposit into a trust fund within the county's  
539 accounts created for the purpose of funding economic development  
540 projects having a general public purpose of improving local  
541 economies, including the funding of operational costs and  
542 incentives related to economic development. The ballot statement  
543 must indicate the intention to make an allocation under the  
544 authority of this subparagraph.

545         Section 6. This act shall take effect July 1, 2023.