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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2025	.	
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The Committee on Community Affairs (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 24 - 69

and insert:

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

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



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11           (39) "Plan-based methodology" means the use of the most  
12 recent and localized data to project growth within a  
13 jurisdiction over a 6-year period and the anticipated capacity  
14 impacts created by that projected growth, and the creation of a  
15 list of capital improvements or infrastructure as defined in s.  
16 163.31801(3) to be constructed in a defined time period to  
17 mitigate those impacts as part of a new or updated impact fee  
18 study.

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

24           163.31801 Impact fees; short title; intent; minimum  
25 requirements; audits; challenges.—

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

27           (a) "Extraordinary circumstances" means the measurable  
28 effects of development which will require mitigation by the  
29 affected local government and which exceed the total of the  
30 current adopted impact fee amount combined with any increase as  
31 provided in paragraphs (6) (c), (d), and (e) in less than 4  
32 years.

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

36           (g) A local government, school district, or special  
37 district may increase an impact fee rate beyond the phase-in  
38 limitations established under paragraph (b), paragraph (c),  
39 paragraph (d), or paragraph (e) by establishing the need for



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40 such increase in full compliance with the requirements of  
41 subsection (4), provided the following criteria are met:

42 1. A demonstrated-need study using plan-based methodology  
43 justifying any increase in excess of those authorized in  
44 paragraph (b), paragraph (c), paragraph (d), or paragraph (e)  
45 has been completed within the 12 months before the adoption of  
46 the impact fee increase and expressly demonstrates the  
47 extraordinary circumstances necessitating the need to exceed the  
48 phase-in limitations.

49 a. An increase in a nontransportation impact fee may not be  
50 adopted unless the extraordinary circumstances demonstrated in  
51 the demonstrated-need study include at least two of the  
52 following:

53 (I) The population of the local government's jurisdiction  
54 over the past 5 years exceeds, by at least 10 percent, the  
55 population estimates and projections used to justify the most  
56 recent impact fee increase.

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

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

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

66 b. An increase in a transportation impact fee may not be  
67 adopted unless the extraordinary circumstances demonstrated in  
68 the demonstrated-need study include at least three of the



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69 following:

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

71 (II) Cost growth over the past 5 years which exceeds, by an  
72 average of at least 10 percent, the Federal Highway  
73 Administration's National Highway Construction Cost index  
74 average used to justify the previous impact fee increase.

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

79 (IV) The per-lane mile cost estimates for construction for  
80 the past 5 years exceed, by at least 10 percent, the Department  
81 of Transportation average used to justify the most recent impact  
82 fee.

83 c. An increase in an impact fee for an independent special  
84 district may not be adopted unless the extraordinary  
85 circumstances demonstrated in the demonstrated-need study  
86 include all of the following:

87 (I) The amount of growth experienced in the past 5 years  
88 and anticipated within the district requires a significant  
89 immediate infrastructure investment to serve such growth which  
90 will need to be financed by the special district with impact  
91 fees.

92 (II) The cost of infrastructure investment required to be  
93 financed by the district in the next 5 years is increasing the  
94 need for public facilities and has a direct impact on the fee  
95 amount needed to finance the additional infrastructure for the  
96 benefit of the growth.

97 (III) The existing level of service will be impacted



98 without an increase in the impact fee rate.

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

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

106  
107 A local government may not increase an impact fee rate beyond  
108 the phase-in limitations under this paragraph if the local  
109 government has not increased the impact fee within the past 5  
110 years. Any year in which the local government is prohibited from  
111 increasing an impact fee because the jurisdiction is in a  
112 hurricane disaster area is not included in the 5-year period.

113         Section 4. Paragraph (d) of subsection (2) of section  
114 212.055, Florida Statutes, is amended to read:

115         212.055 Discretionary sales surtaxes; legislative intent;  
116 authorization and use of proceeds.—It is the legislative intent  
117 that any authorization for imposition of a discretionary sales  
118 surtax shall be published in the Florida Statutes as a  
119 subsection of this section, irrespective of the duration of the  
120 levy. Each enactment shall specify the types of counties  
121 authorized to levy; the rate or rates which may be imposed; the  
122 maximum length of time the surtax may be imposed, if any; the  
123 procedure which must be followed to secure voter approval, if  
124 required; the purpose for which the proceeds may be expended;  
125 and such other requirements as the Legislature may provide.  
126 Taxable transactions and administrative procedures shall be as



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127 provided in s. 212.054.

128 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

129 (d) The proceeds of the surtax authorized by this  
130 subsection and any accrued interest shall be expended by the  
131 school district, within the county and municipalities within the  
132 county, or, in the case of a negotiated joint county agreement,  
133 within another county, to finance, plan, and construct  
134 infrastructure; to acquire any interest in land for public  
135 recreation, conservation, or protection of natural resources or  
136 to prevent or satisfy private property rights claims resulting  
137 from limitations imposed by the designation of an area of  
138 critical state concern; to provide loans, grants, or rebates to  
139 residential or commercial property owners who make energy  
140 efficiency improvements to their residential or commercial  
141 property, if a local government ordinance authorizing such use  
142 is approved by referendum; or to finance the closure of county-  
143 owned or municipally owned solid waste landfills that have been  
144 closed or are required to be closed by order of the Department  
145 of Environmental Protection. Any use of the proceeds or interest  
146 for purposes of landfill closure before July 1, 1993, is  
147 ratified. The proceeds and any interest may not be used for the  
148 operational expenses of infrastructure, except that a county  
149 that has a population of fewer than 75,000 and that is required  
150 to close a landfill may use the proceeds or interest for long-  
151 term maintenance costs associated with landfill closure.  
152 Counties, as defined in s. 125.011, and charter counties may, in  
153 addition, use the proceeds or interest to retire or service  
154 indebtedness incurred for bonds issued before July 1, 1987, for  
155 infrastructure purposes, and for bonds subsequently issued to



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156 refund such bonds. Any use of the proceeds or interest for  
157 purposes of retiring or servicing indebtedness incurred for  
158 refunding bonds before July 1, 1999, is ratified.

159 1. For the purposes of this paragraph, the term  
160 "infrastructure" means:

161 a. Any fixed capital expenditure or fixed capital outlay  
162 associated with the construction, reconstruction, or improvement  
163 of public facilities that have a life expectancy of 5 or more  
164 years, any related land acquisition, land improvement, design,  
165 and engineering costs, and all other professional and related  
166 costs required to bring the public facilities into service. For  
167 purposes of this sub-subparagraph, the term "public facilities"  
168 means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s.  
169 163.3221(13), or s. 189.012(5), and includes facilities that are  
170 necessary to carry out governmental purposes, including, but not  
171 limited to, fire stations, general governmental office  
172 buildings, and animal shelters, regardless of whether the  
173 facilities are owned by the local taxing authority or another  
174 governmental entity.

175 b. A fire department vehicle, an emergency medical service  
176 vehicle, a sheriff's office vehicle, a police department  
177 vehicle, or any other vehicle, and the equipment necessary to  
178 outfit the vehicle for its official use or equipment that has a  
179 life expectancy of at least 5 years.

180 c. Any expenditure for the construction, lease, or  
181 maintenance of, or provision of utilities or security for,  
182 facilities, as defined in s. 29.008.

183 d. Any fixed capital expenditure or fixed capital outlay  
184 associated with the improvement of private facilities that have



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185 a life expectancy of 5 or more years and that the owner agrees  
186 to make available for use on a temporary basis as needed by a  
187 local government as a public emergency shelter or a staging area  
188 for emergency response equipment during an emergency officially  
189 declared by the state or by the local government under s.

190 252.38. Such improvements are limited to those necessary to  
191 comply with current standards for public emergency evacuation  
192 shelters. The owner must enter into a written contract with the  
193 local government providing the improvement funding to make the  
194 private facility available to the public for purposes of  
195 emergency shelter at no cost to the local government for a  
196 minimum of 10 years after completion of the improvement, with  
197 the provision that the obligation will transfer to any  
198 subsequent owner until the end of the minimum period.

199 e. Any land acquisition expenditure for a residential  
200 housing project in which at least 30 percent of the units are  
201 affordable to individuals or families whose total annual  
202 household income does not exceed 120 percent of the area median  
203 income adjusted for household size, if the land is owned by a  
204 local government or by a special district that enters into a  
205 written agreement with the local government to provide such  
206 housing. The local government or special district may enter into  
207 a ground lease with a public or private person or entity for  
208 nominal or other consideration for the construction of the  
209 residential housing project on land acquired pursuant to this  
210 sub-subparagraph.

211 f. Instructional technology used solely in a school  
212 district's classrooms. As used in this sub-subparagraph, the  
213 term "instructional technology" means an interactive device that





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214 assists a teacher in instructing a class or a group of students  
215 and includes the necessary hardware and software to operate the  
216 interactive device. The term also includes support systems in  
217 which an interactive device may mount and is not required to be  
218 affixed to the facilities.

219         2. For the purposes of this paragraph, the term "energy  
220 efficiency improvement" means any energy conservation and  
221 efficiency improvement that reduces consumption through  
222 conservation or a more efficient use of electricity, natural  
223 gas, propane, or other forms of energy on the property,  
224 including, but not limited to, air sealing; installation of  
225 insulation; installation of energy-efficient heating, cooling,  
226 or ventilation systems; installation of solar panels; building  
227 modifications to increase the use of daylight or shade;  
228 replacement of windows; installation of energy controls or  
229 energy recovery systems; installation of electric vehicle  
230 charging equipment; installation of systems for natural gas fuel  
231 as defined in s. 206.9951; and installation of efficient  
232 lighting equipment.

233         3. Notwithstanding any other provision of this subsection,  
234 a local government infrastructure surtax imposed or extended  
235 after July 1, 1998, may allocate up to 15 percent of the surtax  
236 proceeds for deposit into a trust fund within the county's  
237 accounts created for the purpose of funding economic development  
238 projects having a general public purpose of improving local  
239 economies, including the funding of operational costs and  
240 incentives related to economic development. The ballot statement  
241 must indicate the intention to make an allocation under the  
242 authority of this subparagraph.



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

And the title is amended as follows:

Delete lines 6 - 8

and insert:

amending s. 163.3164, F.S.; defining the term "plan-  
based methodology"; amending s. 163.31801, F.S.;  
defining the term "extraordinary circumstances";  
requiring the completion of a demonstrated-need study  
using plan-based methodology before the adoption of an  
impact fee increase which expressly demonstrates  
certain extraordinary circumstances; prohibiting  
increases in certain impact fees unless specified  
extraordinary circumstances are demonstrated;  
prohibiting a local government from increasing an  
impact fee rate under certain circumstances; amending  
s. 212.055, F.S.; conforming a cross-reference;