

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

Committee/Subcommittee hearing bill: Intergovernmental Affairs Subcommittee

Representative Steele offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

**Section 1. Subsection (8) is added to section 125.022, Florida Statutes, to read:**

125.022 Development permits and orders.—

(8) A county may not as a condition of processing or issuing any development permit or development order require an applicant to install a work of art, pay a fee for a work of art, or reimburse the county for any costs that the county may incur related to a work of art. Any ordinance or regulation in conflict with this subsection is void and unenforceable.

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

20           163.3164 Community Planning Act; definitions.—As used in  
21 this act:

22           (39) "Plan-based methodology" means the use of the most  
23 recent and localized data to project growth within a  
24 jurisdiction over a 6-year period and the anticipated capacity  
25 impacts created by that projected growth, and the creation of a  
26 list of capital improvements or infrastructure as defined in s.  
27 163.31801(3) to be constructed in a defined time period to  
28 mitigate those impacts as part of a new or updated impact fee  
29 study.

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

35           163.31801 Impact fees; short title; intent; minimum  
36 requirements; audits; challenges.—

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

38           (a) "Extraordinary circumstances" means the measurable  
39 effects of development which will require mitigation by the  
40 affected local government and which exceed the total of the

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41 current adopted impact fee amount combined with any increase as  
42 provided in paragraphs (6) (c), (d), and (e) in less than 4  
43 years.

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

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

53 1. A demonstrated-need study using a plan-based  
54 methodology justifying any increase in excess of those  
55 authorized in paragraph (b), paragraph (c), paragraph (d), or  
56 paragraph (e) has been completed within the 12 months before the  
57 adoption of the impact fee increase and expressly demonstrates  
58 the extraordinary circumstances necessitating the need to exceed  
59 the phase-in limitations.

60 a. An increase in a nontransportation impact fee may not  
61 be adopted unless the extraordinary circumstances demonstrated  
62 in the demonstrated-need study include at least two of the  
63 following:

64 (I) The population of the local government's jurisdiction  
65 over the past 5 years exceeds, by at least 10 percent, the

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66 population estimates and projections used to justify the most  
67 recent impact fee increase.

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

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

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

77 b. An increase in a transportation impact fee may not be  
78 adopted unless the extraordinary circumstances demonstrated in  
79 the demonstrated-need study include at least three of the  
80 following:

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

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

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

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

94 c. An increase in an impact fee for an independent special  
95 district may not be adopted unless the extraordinary  
96 circumstances demonstrated in the demonstrated-need study  
97 include all of the following:

98 (I) The amount of growth experienced in the past 5 years  
99 and anticipated within the district requires a significant  
100 immediate infrastructure investment to serve such growth which  
101 will need to be financed by the special district with impact  
102 fees.

103 (II) The cost of infrastructure investment required to be  
104 financed by the district in the next 5 years is increasing the  
105 need for public facilities and has a direct impact on the fee  
106 amount needed to finance the additional infrastructure for the  
107 benefit of the growth.

108 (III) The existing level of service will be impacted  
109 without an increase in the impact fee rate.

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

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

117  
118 A local government may not increase an impact fee rate beyond  
119 the phase-in limitations under this paragraph if the local  
120 government has not increased the impact fee within the past 5  
121 years. Any year in which the local government is prohibited from  
122 increasing an impact fee because the jurisdiction is in a  
123 hurricane disaster area is not included in the 5-year period.

124 **Section 4. Subsection (8) is added to section 166.033,**  
125 **Florida Statutes, to read:**

126 166.033 Development permits and orders.—

127 (8) A municipality may not as a condition of processing or  
128 issuing any development permit or development order require an  
129 applicant to install a work of art, pay a fee for a work of art,  
130 or reimburse the municipality for any costs that the  
131 municipality may incur related to a work of art. Any ordinance  
132 or regulation in conflict with this subsection is void and  
133 unenforceable.

134 **Section 5. Paragraph (d) of subsection (2) of section**  
135 **212.055, Florida Statutes, is amended to read:**

136 212.055 Discretionary sales surtaxes; legislative intent;  
137 authorization and use of proceeds.—It is the legislative intent  
138 that any authorization for imposition of a discretionary sales  
139 surtax shall be published in the Florida Statutes as a

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140 subsection of this section, irrespective of the duration of the  
141 levy. Each enactment shall specify the types of counties  
142 authorized to levy; the rate or rates which may be imposed; the  
143 maximum length of time the surtax may be imposed, if any; the  
144 procedure which must be followed to secure voter approval, if  
145 required; the purpose for which the proceeds may be expended;  
146 and such other requirements as the Legislature may provide.  
147 Taxable transactions and administrative procedures shall be as  
148 provided in s. 212.054.

149 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

150 (d) The proceeds of the surtax authorized by this  
151 subsection and any accrued interest shall be expended by the  
152 school district, within the county and municipalities within the  
153 county, or, in the case of a negotiated joint county agreement,  
154 within another county, to finance, plan, and construct  
155 infrastructure; to acquire any interest in land for public  
156 recreation, conservation, or protection of natural resources or  
157 to prevent or satisfy private property rights claims resulting  
158 from limitations imposed by the designation of an area of  
159 critical state concern; to provide loans, grants, or rebates to  
160 residential or commercial property owners who make energy  
161 efficiency improvements to their residential or commercial  
162 property, if a local government ordinance authorizing such use  
163 is approved by referendum; or to finance the closure of county-  
164 owned or municipally owned solid waste landfills that have been

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165 closed or are required to be closed by order of the Department  
166 of Environmental Protection. Any use of the proceeds or interest  
167 for purposes of landfill closure before July 1, 1993, is  
168 ratified. The proceeds and any interest may not be used for the  
169 operational expenses of infrastructure, except that a county  
170 that has a population of fewer than 75,000 and that is required  
171 to close a landfill may use the proceeds or interest for long-  
172 term maintenance costs associated with landfill closure.  
173 Counties, as defined in s. 125.011, and charter counties may, in  
174 addition, use the proceeds or interest to retire or service  
175 indebtedness incurred for bonds issued before July 1, 1987, for  
176 infrastructure purposes, and for bonds subsequently issued to  
177 refund such bonds. Any use of the proceeds or interest for  
178 purposes of retiring or servicing indebtedness incurred for  
179 refunding bonds before July 1, 1999, is ratified.

180 1. For the purposes of this paragraph, the term  
181 "infrastructure" means:

182 a. Any fixed capital expenditure or fixed capital outlay  
183 associated with the construction, reconstruction, or improvement  
184 of public facilities that have a life expectancy of 5 or more  
185 years, any related land acquisition, land improvement, design,  
186 and engineering costs, and all other professional and related  
187 costs required to bring the public facilities into service. For  
188 purposes of this sub-subparagraph, the term "public facilities"  
189 means facilities as defined in s. 163.3164 ~~s. 163.3164(41)~~, s.

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190 163.3221(13), or s. 189.012(5), and includes facilities that are  
191 necessary to carry out governmental purposes, including, but not  
192 limited to, fire stations, general governmental office  
193 buildings, and animal shelters, regardless of whether the  
194 facilities are owned by the local taxing authority or another  
195 governmental entity.

196 b. A fire department vehicle, an emergency medical service  
197 vehicle, a sheriff's office vehicle, a police department  
198 vehicle, or any other vehicle, and the equipment necessary to  
199 outfit the vehicle for its official use or equipment that has a  
200 life expectancy of at least 5 years.

201 c. Any expenditure for the construction, lease, or  
202 maintenance of, or provision of utilities or security for,  
203 facilities, as defined in s. 29.008.

204 d. Any fixed capital expenditure or fixed capital outlay  
205 associated with the improvement of private facilities that have  
206 a life expectancy of 5 or more years and that the owner agrees  
207 to make available for use on a temporary basis as needed by a  
208 local government as a public emergency shelter or a staging area  
209 for emergency response equipment during an emergency officially  
210 declared by the state or by the local government under s.

211 252.38. Such improvements are limited to those necessary to  
212 comply with current standards for public emergency evacuation  
213 shelters. The owner must enter into a written contract with the  
214 local government providing the improvement funding to make the

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215 private facility available to the public for purposes of  
216 emergency shelter at no cost to the local government for a  
217 minimum of 10 years after completion of the improvement, with  
218 the provision that the obligation will transfer to any  
219 subsequent owner until the end of the minimum period.

220 e. Any land acquisition expenditure for a residential  
221 housing project in which at least 30 percent of the units are  
222 affordable to individuals or families whose total annual  
223 household income does not exceed 120 percent of the area median  
224 income adjusted for household size, if the land is owned by a  
225 local government or by a special district that enters into a  
226 written agreement with the local government to provide such  
227 housing. The local government or special district may enter into  
228 a ground lease with a public or private person or entity for  
229 nominal or other consideration for the construction of the  
230 residential housing project on land acquired pursuant to this  
231 sub-subparagraph.

232 f. Instructional technology used solely in a school  
233 district's classrooms. As used in this sub-subparagraph, the  
234 term "instructional technology" means an interactive device that  
235 assists a teacher in instructing a class or a group of students  
236 and includes the necessary hardware and software to operate the  
237 interactive device. The term also includes support systems in  
238 which an interactive device may mount and is not required to be  
239 affixed to the facilities.

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240           2. For the purposes of this paragraph, the term "energy  
241 efficiency improvement" means any energy conservation and  
242 efficiency improvement that reduces consumption through  
243 conservation or a more efficient use of electricity, natural  
244 gas, propane, or other forms of energy on the property,  
245 including, but not limited to, air sealing; installation of  
246 insulation; installation of energy-efficient heating, cooling,  
247 or ventilation systems; installation of solar panels; building  
248 modifications to increase the use of daylight or shade;  
249 replacement of windows; installation of energy controls or  
250 energy recovery systems; installation of electric vehicle  
251 charging equipment; installation of systems for natural gas fuel  
252 as defined in s. 206.9951; and installation of efficient  
253 lighting equipment.

254           3. Notwithstanding any other provision of this subsection,  
255 a local government infrastructure surtax imposed or extended  
256 after July 1, 1998, may allocate up to 15 percent of the surtax  
257 proceeds for deposit into a trust fund within the county's  
258 accounts created for the purpose of funding economic development  
259 projects having a general public purpose of improving local  
260 economies, including the funding of operational costs and  
261 incentives related to economic development. The ballot statement  
262 must indicate the intention to make an allocation under the  
263 authority of this subparagraph.

264           .6. This act shall take effect July 1, 2025.

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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 local government impact fees and  
development permits and orders; amending s. 125.022,  
F.S.; prohibiting a county from requiring an applicant  
to take certain actions as a condition of processing  
any development permit or development order; providing  
that any ordinance or regulation in conflict is void  
and unenforceable; 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. 166.033, F.S.; prohibiting  
a municipality from requiring an applicant to take  
certain actions as a condition of processing any  
development permit or development order; providing

COMMITTEE/SUBCOMMITTEE AMENDMENT

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290 | that any ordinance or regulation in conflict is void  
291 | and unenforceable; amending s. 212.055, F.S.;  
292 | conforming a cross-reference; providing an effective  
293 | date.

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