

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 97](#)

TITLE: Transportation Concurrency

SPONSOR(S): Grow

COMPANION BILL: [SB 324](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Housing, Agriculture & Tourism](#)



[Intergovernmental Affairs](#)



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill allows counties with a population of 200,000 or less that apply concurrency to transportation facilities to maintain current levels of service rather than meeting adopted levels of service.

Fiscal or Economic Impact:

The bill has an indeterminate fiscal and economic impact on local governments.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill amends [Florida's Community Planning Act](#). For [small counties](#)¹ that apply [transportation concurrency](#), the bill provides that the [capital improvements element](#) of their respective comprehensive plans may maintain current [levels of service](#). (Section [1](#).)

In effect, the bill allows a small county that has imposed transportation concurrency requirements to identify in its comprehensive plan only those facilities necessary to maintain **current** levels of service, rather than meeting levels of service adopted to accommodate new development.

The bill has an effective date of July 1, 2026. (Section [2](#).)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill has an indeterminate fiscal and economic impact on local governments.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Community Planning Act

Florida's Community Planning Act (CPA)² requires every local government³ to plan for future development and growth by adopting, implementing, and amending as necessary a comprehensive plan.⁴ All elements of a plan or

¹ For purposes of these provisions, "small county" means any county that has a population of 200,000 or less, as determined by the most recent official estimate. See [ss. 339.2818\(2\)](#) and [186.901, F.S.](#)

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DATE: 11/10/2025

plan amendment must be based on relevant, appropriate data⁵ and an analysis by the local government which may include surveys, studies, the respective community’s goals and visions, and other data available at the time of adopting the plan or amendment.⁶

Among other requirements, each comprehensive plan must include a transportation element that addresses mobility issues in relation to the size and character of the local government.⁷ The purpose of the transportation element is for the local government to plan a multimodal transportation system with an emphasis on public transportation systems, where feasible.⁸

The transportation element must:

- Provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan; and
- Be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, the Florida Transportation Plan, and the Department of Transportation adopted work program.⁹

Transportation Concurrency

Under Florida’s concurrency laws, certain public facilities and services must be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent by a local government.¹⁰ “At its core, concurrency is a state requirement that development is not to proceed unless infrastructure capacity and specific urban services are in place to service the new development.”¹¹ Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis;¹² however, any local government may extend the concurrency requirement to additional public facilities, such as transportation.¹³

If a local government chooses to apply concurrency to transportation facilities, the local government’s comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide the local government’s application of concurrency to the transportation facilities.¹⁴ A level of service is an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on the operational characteristics of the facility.¹⁵ The level is measured by the capacity per unit of demand for each public facility.

Further, the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard.¹⁶ A local government’s comprehensive plan that imposes transportation

² Ch. 163, Part II, F.S.
³ Local government means any county or municipality. [S. 163.3164\(29\), F.S.](#)
⁴ [Ss. 163.3167\(2\)](#) and [163.3177, F.S.](#)
⁵ To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue. [S. 163.3177\(1\)\(f\), F.S.](#)
⁶ [S. 163.3177\(1\)\(f\), F.S.](#)
⁷ [S. 163.3177\(6\)\(b\), F.S.](#)
⁸ *Id.*
⁹ *Id.*
¹⁰ [S. 163.3180\(2\), F.S.](#)
¹¹ Chapin, Timothy S., T. Gregory, & J. Brown, *Rethinking the Florida Transportation Concurrency Mandate* (Aug. 2007), <https://gradschool.fsu.edu/sites/g/files/imported/storage/original/application/d4bd2fba3ffe3f180a973d0d838aac7c.pdf> (last visited Nov. 6, 2025).
¹² [S. 163.3180\(1\), F.S.](#)
¹³ *Id.*
¹⁴ [S. 163.3180\(5\)\(a\), F.S.](#)
¹⁵ [S. 163.3164\(28\), F.S.](#)
¹⁶ [S. 163.3180\(5\)\(d\), F.S.](#)

concurrency must contain appropriate amendments to the [capital improvements element](#)¹⁷ of its comprehensive plan.¹⁸

Under current law, for a local government that imposes transportation concurrency, the capital improvements element of its comprehensive plan must identify facilities necessary to meet adopted levels of service during a 5-year period.¹⁹

Small Counties

Under Florida law, a “small county” is defined for the purposes of transportation finance and planning as any county that has a population of 200,000 or less.²⁰ Each year, the Office of Economic and Demographic Research (EDR) provides population estimates of local governments to the Executive Office of the Governor.²¹ Population is computed as the number of residents and EDR employs the same general guidelines used by the United States Bureau of the Census.²² In 2024, 38 out of Florida’s 67 counties were considered small counties.²³

RECENT LEGISLATION:

YEAR	BILL #	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/HB 203 - Revises facilities required to be identified in capital improvements element of comprehensive plan that imposes transportation concurrency for small counties.	Grow <i>Ingoglia</i>	Passed in the House. Died in Senate Rules.

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee			Curtin	Fletcher
Intergovernmental Affairs Subcommittee				
Commerce Committee				

¹⁷ “Capital improvement” means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of the Community Planning Act, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements are considered capital improvements. [S. 163.3164\(7\), F.S.](#)

¹⁸ [S. 163.3180\(5\)\(d\), F.S.](#)

¹⁹ *Id.*

²⁰ *See* [s. 339.2818\(2\), F.S.](#)

²¹ [S. 186.901\(1\), F.S.](#)

²² [S. 186.901\(2\)\(a\), F.S.](#)

²³ *See* Florida Office of Economic and Demographic Research, *Florida’s Resident Population*, The Florida Legislature Econographic News (2024 Vol. I), https://edr.state.fl.us/Content/population-demographics/reports/econographicnews_2024_Volume%201.pdf (last visited Nov. 6, 2025).