

26 alternative transportation systems to provide holders
 27 of impact fee credits with full benefit of intensity
 28 and density of prepaid credit balances as of a
 29 specified date in certain circumstances; amending s.
 30 212.055, F.S.; conforming a cross-reference; providing
 31 an effective date.

32

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

34

35 Section 1. Subsections (32) through (52) of section
 36 163.3164, Florida Statutes, are renumbered as subsections (34)
 37 through (54), respectively, and new subsections (32) and (33)
 38 are added to that section, to read:

39 163.3164 Community Planning Act; definitions.—As used in
 40 this act:

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

44 (33) "Mobility plan" means an alternative transportation
 45 system mobility study developed by using a plan-based
 46 methodology and adopted into a local government comprehensive
 47 plan that promotes a compact, mixed use, and interconnected
 48 development served by a multimodal transportation system in an
 49 area that is urban in character, or designated to be urban in
 50 character, as defined in s. 171.031.

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

54 163.3180 Concurrency.—

55 (5)

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

61 a. Consult with the Department of Transportation when
62 proposed plan amendments affect facilities on the strategic
63 intermodal system.

64 b. Exempt public transit facilities from concurrency. For
65 the purposes of this sub-subparagraph, public transit facilities
66 include transit stations and terminals; transit station parking;
67 park-and-ride lots; intermodal public transit connection or
68 transfer facilities; fixed bus, guideway, and rail stations; and
69 airport passenger terminals and concourses, air cargo
70 facilities, and hangars for the assembly, manufacture,
71 maintenance, or storage of aircraft. As used in this sub-
72 subparagraph, the terms "terminals" and "transit facilities" do
73 not include seaports or commercial or residential development
74 constructed in conjunction with a public transit facility.

75 c. Allow an applicant for a development-of-regional-impact

76 development order, development agreement, rezoning, or other
 77 land use development permit to satisfy the transportation
 78 concurrency requirements of the local comprehensive plan, the
 79 local government's concurrency management system, and s. 380.06,
 80 when applicable, if:

81 (I) The applicant in good faith offers to enter into a
 82 binding agreement to pay for or construct its proportionate
 83 share of required improvements in a manner consistent with this
 84 subsection. The agreement must provide that after an applicant
 85 makes its contribution or constructs its proportionate share
 86 pursuant to this sub-sub-subparagraph, the project shall be
 87 considered to have mitigated its transportation impacts and be
 88 allowed to proceed if the applicant has satisfied all other
 89 local government development requirements for the project.

90 (II) The proportionate-share contribution or construction
 91 is sufficient to accomplish one or more mobility improvements
 92 that will benefit a regionally significant transportation
 93 facility. A local government may accept contributions from
 94 multiple applicants for a planned improvement if it maintains
 95 contributions in a separate account designated for that purpose.
 96 A local government may not prevent a single applicant from
 97 proceeding after the applicant has satisfied its proportionate-
 98 share requirement if the applicant has satisfied all other local
 99 government development requirements for the project.

100 d. Provide the basis upon which the landowners will be

101 assessed a proportionate share of the cost addressing the
102 transportation impacts resulting from a proposed development.

103 2. An applicant shall not be held responsible for the
104 additional cost of reducing or eliminating deficiencies. When an
105 applicant contributes or constructs its proportionate share
106 pursuant to this paragraph, a local government may not require
107 payment or construction of transportation facilities whose costs
108 would be greater than a development's proportionate share of the
109 improvements necessary to mitigate the development's impacts.

110 a. The proportionate-share contribution shall be
111 calculated based upon the number of trips from the proposed
112 development expected to reach roadways during the peak hour from
113 the stage or phase being approved, divided by the change in the
114 peak hour maximum service volume of roadways resulting from
115 construction of an improvement necessary to maintain or achieve
116 the adopted level of service, multiplied by the construction
117 cost, at the time of development payment, of the improvement
118 necessary to maintain or achieve the adopted level of service.

119 b. In using the proportionate-share formula provided in
120 this subparagraph, the applicant, in its traffic analysis, shall
121 identify those roads or facilities that have a transportation
122 deficiency in accordance with the transportation deficiency as
123 defined in subparagraph 4. The proportionate-share formula
124 provided in this subparagraph shall be applied only to those
125 facilities that are determined to be significantly impacted by

126 the project traffic under review. If any road is determined to
127 be transportation deficient without the project traffic under
128 review, the costs of correcting that deficiency shall be removed
129 from the project's proportionate-share calculation and the
130 necessary transportation improvements to correct that deficiency
131 shall be considered to be in place for purposes of the
132 proportionate-share calculation. The improvement necessary to
133 correct the transportation deficiency is the funding
134 responsibility of the entity that has maintenance responsibility
135 for the facility. The development's proportionate share shall be
136 calculated only for the needed transportation improvements that
137 are greater than the identified deficiency.

138 c. When the provisions of subparagraph 1. and this
139 subparagraph have been satisfied for a particular stage or phase
140 of development, all transportation impacts from that stage or
141 phase for which mitigation was required and provided shall be
142 deemed fully mitigated in any transportation analysis for a
143 subsequent stage or phase of development. Trips from a previous
144 stage or phase that did not result in impacts for which
145 mitigation was required or provided may be cumulatively analyzed
146 with trips from a subsequent stage or phase to determine whether
147 an impact requires mitigation for the subsequent stage or phase.

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

151 e. The applicant shall receive a credit on a dollar-for-
152 dollar basis for impact fees, mobility fees, and other
153 transportation concurrency mitigation requirements paid or
154 payable in the future for the project. The credit shall be
155 reduced up to 20 percent by the percentage share that the
156 project's traffic represents of the added capacity of the
157 selected improvement, or by the amount specified by local
158 ordinance, whichever yields the greater credit.

159 3. This subsection does not require a local government to
160 approve a development that, for reasons other than
161 transportation impacts, is not qualified for approval pursuant
162 to the applicable local comprehensive plan and land development
163 regulations.

164 4. As used in this subsection, the term "transportation
165 deficiency" means a facility or facilities on which the adopted
166 level-of-service standard is exceeded by the existing,
167 committed, and vested trips, plus additional projected
168 background trips from any source other than the development
169 project under review, and trips that are forecast by established
170 traffic standards, including traffic modeling, consistent with
171 the University of Florida's Bureau of Economic and Business
172 Research medium population projections. Additional projected
173 background trips are to be coincident with the particular stage
174 or phase of development under review.

175 (i) If a local government elects to repeal transportation

176 concurrency, the local government may ~~it is encouraged to~~ adopt
177 an alternative transportation system that is mobility-plan and
178 fee-based or an alternative transportation system that is not
179 mobility-plan and fee-based. The local government ~~mobility~~
180 ~~funding system that uses one or more of the tools and techniques~~
181 ~~identified in paragraph (f)~~. Any alternative ~~mobility funding~~
182 ~~system adopted~~ may not use an alternative transportation system
183 ~~be used~~ to deny, time, or phase an application for site plan
184 approval, plat approval, final subdivision approval, building
185 permits, or the functional equivalent of such approvals provided
186 that the developer agrees to pay for the development's
187 identified transportation impacts via the funding mechanism
188 implemented by the local government. The revenue from the
189 funding mechanism used in the alternative transportation system
190 must be used to implement the needs of the local government's
191 plan which serves as the basis for the fee imposed. An
192 alternative transportation ~~A mobility fee-based funding~~ system
193 must comply with s. 163.31801 governing impact fees. An
194 alternative transportation system may not impose ~~that is not~~
195 ~~mobility fee-based shall not be applied in a manner that imposes~~
196 upon new development any responsibility for funding an existing
197 transportation deficiency as defined in paragraph (h).

198 (j)1. If a county and municipality charge the developer of
199 a new development or redevelopment a fee for transportation
200 capacity impacts, the county and municipality must create and

201 execute an interlocal agreement to coordinate the mitigation of
202 their respective transportation capacity impacts.

203 2. The interlocal agreement must, at a minimum:

204 a. Ensure that any new development or redevelopment is not
205 charged twice for the same transportation capacity impacts.

206 b. Establish a plan-based methodology for determining the
207 legally permissible fee to be charged to a new development or
208 redevelopment.

209 c. Require the county or municipality issuing the building
210 permit to collect the fee, unless agreed to otherwise.

211 d. Provide a method for the proportionate distribution of
212 the revenue collected by the county or municipality to address
213 the transportation capacity impacts of a new development or
214 redevelopment, or provide a method of assigning responsibility
215 for the mitigation of the transportation capacity impacts
216 belonging to the county and the municipality.

217 3. By October 1, 2025, if an interlocal agreement is not
218 executed pursuant to this paragraph:

219 a. The fee charged to a new development or redevelopment
220 shall be based on the transportation capacity impacts
221 apportioned to the county and municipality as identified in the
222 developer's traffic impact study or the mobility plan adopted by
223 the county or municipality.

224 b. The developer shall receive a 10 percent reduction in
225 the total fee calculated pursuant to sub-subparagraph a.

226 c. The county or municipality issuing the building permit
 227 must collect the fee charged pursuant to sub-subparagraphs a.
 228 and b. and distribute the proceeds of such fee to the county and
 229 municipality within 60 days after the developer's payment.

230 4. This paragraph does not apply to:

231 a. A county as defined in s. 125.011(1).

232 b. A county or municipality that has entered into, or
 233 otherwise updated, an existing interlocal agreement, as of
 234 October 1, 2024, to coordinate the mitigation of transportation
 235 impacts. However, if such existing interlocal agreement is
 236 terminated, the affected county and municipality that have
 237 entered into the agreement shall be subject to the requirements
 238 of this paragraph unless the county and municipality mutually
 239 agree to extend the existing interlocal agreement before the
 240 expiration of the agreement.

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

244 163.31801 Impact fees; short title; intent; minimum
 245 requirements; audits; challenges.—

246 (4) At a minimum, each local government that adopts and
 247 collects an impact fee by ordinance and each special district
 248 that adopts, collects, and administers an impact fee by
 249 resolution must:

250 (a) Ensure that the calculation of the impact fee is based

251 on a study using the most recent and localized data available
252 within 4 years of the current impact fee update. The new study
253 must be adopted by the local government within 12 months of the
254 initiation of the new impact fee study if the local government
255 increases the impact fee.

256 (5) (a) Notwithstanding any charter provision,
257 comprehensive plan policy, ordinance, development order,
258 development permit, or resolution, the local government or
259 special district that requires any improvement or contribution
260 must credit against the collection of the impact fee any
261 contribution, whether identified in a development order,
262 proportionate share agreement, or any other form of exaction,
263 related to public facilities or infrastructure, including
264 monetary contributions, land dedication, site planning and
265 design, or construction. Any contribution must be applied on a
266 dollar-for-dollar basis at fair market value to reduce any
267 impact fee collected for the general category or class of public
268 facilities or infrastructure for which the contribution was
269 made.

270 (7) If an impact fee is increased, the holder of any
271 impact fee credits, whether such credits are granted under s.
272 163.3180, s. 380.06, or otherwise, which were in existence
273 before the increase, is entitled to the full benefit of the
274 intensity or density prepaid by the credit balance as of the
275 date it was first established. If a local government adopts an

276 alternative transportation system pursuant to s. 163.3180(5)(i),
 277 the holder of any transportation or road impact fee credits
 278 granted under s. 163.3180 or s. 380.06 or otherwise that were in
 279 existence before the adoption of the alternative transportation
 280 system is entitled to the full benefit of the intensity and
 281 density prepaid by the credit balance as of the date the
 282 alternative transportation system was first established.

283 Section 4. Paragraph (d) of subsection (2) of section
 284 212.055, Florida Statutes, is amended to read:

285 212.055 Discretionary sales surtaxes; legislative intent;
 286 authorization and use of proceeds.—It is the legislative intent
 287 that any authorization for imposition of a discretionary sales
 288 surtax shall be published in the Florida Statutes as a
 289 subsection of this section, irrespective of the duration of the
 290 levy. Each enactment shall specify the types of counties
 291 authorized to levy; the rate or rates which may be imposed; the
 292 maximum length of time the surtax may be imposed, if any; the
 293 procedure which must be followed to secure voter approval, if
 294 required; the purpose for which the proceeds may be expended;
 295 and such other requirements as the Legislature may provide.
 296 Taxable transactions and administrative procedures shall be as
 297 provided in s. 212.054.

298 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

299 (d) The proceeds of the surtax authorized by this
 300 subsection and any accrued interest shall be expended by the

301 school district, within the county and municipalities within the
302 county, or, in the case of a negotiated joint county agreement,
303 within another county, to finance, plan, and construct
304 infrastructure; to acquire any interest in land for public
305 recreation, conservation, or protection of natural resources or
306 to prevent or satisfy private property rights claims resulting
307 from limitations imposed by the designation of an area of
308 critical state concern; to provide loans, grants, or rebates to
309 residential or commercial property owners who make energy
310 efficiency improvements to their residential or commercial
311 property, if a local government ordinance authorizing such use
312 is approved by referendum; or to finance the closure of county-
313 owned or municipally owned solid waste landfills that have been
314 closed or are required to be closed by order of the Department
315 of Environmental Protection. Any use of the proceeds or interest
316 for purposes of landfill closure before July 1, 1993, is
317 ratified. The proceeds and any interest may not be used for the
318 operational expenses of infrastructure, except that a county
319 that has a population of fewer than 75,000 and that is required
320 to close a landfill may use the proceeds or interest for long-
321 term maintenance costs associated with landfill closure.
322 Counties, as defined in s. 125.011, and charter counties may, in
323 addition, use the proceeds or interest to retire or service
324 indebtedness incurred for bonds issued before July 1, 1987, for
325 infrastructure purposes, and for bonds subsequently issued to

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

329 1. For the purposes of this paragraph, the term
 330 "infrastructure" means:

331 a. Any fixed capital expenditure or fixed capital outlay
 332 associated with the construction, reconstruction, or improvement
 333 of public facilities that have a life expectancy of 5 or more
 334 years, any related land acquisition, land improvement, design,
 335 and engineering costs, and all other professional and related
 336 costs required to bring the public facilities into service. For
 337 purposes of this sub-subparagraph, the term "public facilities"
 338 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,
 339 s. 163.3221(13), or s. 189.012(5), and includes facilities that
 340 are necessary to carry out governmental purposes, including, but
 341 not limited to, fire stations, general governmental office
 342 buildings, and animal shelters, regardless of whether the
 343 facilities are owned by the local taxing authority or another
 344 governmental entity.

345 b. A fire department vehicle, an emergency medical service
 346 vehicle, a sheriff's office vehicle, a police department
 347 vehicle, or any other vehicle, and the equipment necessary to
 348 outfit the vehicle for its official use or equipment that has a
 349 life expectancy of at least 5 years.

350 c. Any expenditure for the construction, lease, or

351 maintenance of, or provision of utilities or security for,
352 facilities, as defined in s. 29.008.

353 d. Any fixed capital expenditure or fixed capital outlay
354 associated with the improvement of private facilities that have
355 a life expectancy of 5 or more years and that the owner agrees
356 to make available for use on a temporary basis as needed by a
357 local government as a public emergency shelter or a staging area
358 for emergency response equipment during an emergency officially
359 declared by the state or by the local government under s.
360 252.38. Such improvements are limited to those necessary to
361 comply with current standards for public emergency evacuation
362 shelters. The owner must enter into a written contract with the
363 local government providing the improvement funding to make the
364 private facility available to the public for purposes of
365 emergency shelter at no cost to the local government for a
366 minimum of 10 years after completion of the improvement, with
367 the provision that the obligation will transfer to any
368 subsequent owner until the end of the minimum period.

369 e. Any land acquisition expenditure for a residential
370 housing project in which at least 30 percent of the units are
371 affordable to individuals or families whose total annual
372 household income does not exceed 120 percent of the area median
373 income adjusted for household size, if the land is owned by a
374 local government or by a special district that enters into a
375 written agreement with the local government to provide such

376 housing. The local government or special district may enter into
377 a ground lease with a public or private person or entity for
378 nominal or other consideration for the construction of the
379 residential housing project on land acquired pursuant to this
380 sub-subparagraph.

381 f. Instructional technology used solely in a school
382 district's classrooms. As used in this sub-subparagraph, the
383 term "instructional technology" means an interactive device that
384 assists a teacher in instructing a class or a group of students
385 and includes the necessary hardware and software to operate the
386 interactive device. The term also includes support systems in
387 which an interactive device may mount and is not required to be
388 affixed to the facilities.

389 2. For the purposes of this paragraph, the term "energy
390 efficiency improvement" means any energy conservation and
391 efficiency improvement that reduces consumption through
392 conservation or a more efficient use of electricity, natural
393 gas, propane, or other forms of energy on the property,
394 including, but not limited to, air sealing; installation of
395 insulation; installation of energy-efficient heating, cooling,
396 or ventilation systems; installation of solar panels; building
397 modifications to increase the use of daylight or shade;
398 replacement of windows; installation of energy controls or
399 energy recovery systems; installation of electric vehicle
400 charging equipment; installation of systems for natural gas fuel

401 as defined in s. 206.9951; and installation of efficient
402 lighting equipment.

403 3. Notwithstanding any other provision of this subsection,
404 a local government infrastructure surtax imposed or extended
405 after July 1, 1998, may allocate up to 15 percent of the surtax
406 proceeds for deposit into a trust fund within the county's
407 accounts created for the purpose of funding economic development
408 projects having a general public purpose of improving local
409 economies, including the funding of operational costs and
410 incentives related to economic development. The ballot statement
411 must indicate the intention to make an allocation under the
412 authority of this subparagraph.

413 Section 5. This act shall take effect October 1, 2024.