

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to local government; amending s.
3 125.022, F.S.; prohibiting a county from requiring an
4 applicant to take certain actions as a condition of
5 processing a development permit or development order;
6 amending s. 163.31801, F.S.; defining the term
7 "extraordinary circumstances"; requiring that a
8 demonstrated-need study include certain information;
9 amending s. 166.033, F.S.; prohibiting a municipality
10 from requiring an applicant to take certain actions as
11 a condition of processing a development permit or
12 development order; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (8) is added to section 125.022,
17 Florida Statutes, to read:

18 125.022 Development permits and orders.—

19 (8) A county may not as a condition of processing or
20 issuing a development permit or development order require an
21 applicant to install a work of art, pay a fee for a work of art,
22 or reimburse the county for any costs that the county may incur
23 related to a work of art.

24 Section 2. Present paragraphs (a) and (b) of subsection (3)
25 of section 163.31801, Florida Statutes, are redesignated as
26 paragraphs (b) and (c), respectively, a new paragraph (a) is
27 added to that subsection, and paragraph (g) of subsection (6) of
28 that section is amended, to read:

29 163.31801 Impact fees; short title; intent; minimum

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30 requirements; audits; challenges.-

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

32 (a) "Extraordinary circumstances" means:

33 1. For a county, that the permanent population estimate
34 determined for the county by the University of Florida Bureau of
35 Economic and Business Research is at least 1.25 times the 5-year
36 high-series population projection for the county as published by
37 the University of Florida Bureau of Economic and Business
38 Research immediately before the year of the population estimate;
39 or

40 2. For a municipality, that the municipality is located
41 within a county with such a permanent population estimate and
42 the municipality demonstrates that it has maintained a
43 proportionate share of the county's population growth during the
44 preceding 5-year period.

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

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

54 1. A demonstrated-need study justifying any increase in
55 excess of those authorized in paragraph (b), paragraph (c),
56 paragraph (d), or paragraph (e) has been completed within the 12
57 months before the adoption of the impact fee increase and
58 expressly demonstrates the extraordinary circumstances

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59 necessitating the need to exceed the phase-in limitations. The
60 demonstrated-need study must identify the specific projects that
61 will benefit, and how such projects will benefit, from exceeding
62 the phase-in limitations.

63 2. The local government jurisdiction has held not less than
64 two publicly noticed workshops dedicated to the extraordinary
65 circumstances necessitating the need to exceed the phase-in
66 limitations set forth in paragraph (b), paragraph (c), paragraph
67 (d), or paragraph (e).

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

70 Section 3. Subsection (8) is added to section 166.033,
71 Florida Statutes, to read:

72 166.033 Development permits and orders.-

73 (8) A municipality may not as a condition of processing or
74 issuing a development permit or development order require an
75 applicant to install a work of art, pay a fee for a work of art,
76 or reimburse the municipality for any costs that the
77 municipality may incur related to a work of art.

78 Section 4. This act shall take effect July 1, 2025.