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1 welfare, a local government may not deny an application for
2 site plan, final subdivision approval, or the functional
3 equivalent for a development or phase of a development
4 authorizing residential development for failure to achieve and
5 maintain the level-of-service standard for public school
6 capacity in a local school concurrency management system where
7 adequate school facilities will be in place or under actual
8 construction within 3 years after the issuance of final
9 subdivision or site plan approval, or the functional
10 equivalent. School concurrency is ~~shall be~~ satisfied if the
11 developer executes a legally binding commitment to provide
12 mitigation proportionate to the demand for public school
13 facilities to be created by actual development of the
14 property, including, but not limited to, the options described
15 in subparagraph 1. Options for proportionate-share mitigation
16 of impacts on public school facilities must ~~shall~~ be
17 established in the public school facilities element and the
18 interlocal agreement pursuant to s. 163.31777.

19 1. Appropriate mitigation options include the
20 contribution of land; the construction, expansion, or payment
21 for land acquisition or construction of a public school
22 facility; or the creation of mitigation banking based on the
23 construction of a public school facility in exchange for the
24 right to sell capacity credits. Such options must include
25 execution by the applicant and the local government of a
26 ~~binding~~ development agreement that constitutes a legally
27 binding commitment to pay proportionate-share mitigation for
28 the additional residential units approved by the local
29 government in a development order and actually developed on
30 the property, taking into account residential density allowed
31 on the property prior to the plan amendment that increased the

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1 overall residential density. The district school board must
 2 ~~shall~~ be a party to such an agreement. As a condition of its
 3 entry into such a development agreement, the local government
 4 may require the landowner to agree to continuing renewal of
 5 the agreement upon its expiration.

6 2. If the education facilities plan and the public
 7 educational facilities element authorize a contribution of
 8 land; the construction, expansion, or payment for land
 9 acquisition; or the construction or expansion of a public
 10 school facility, or a portion thereof, as proportionate-share
 11 mitigation, the local government shall credit such a
 12 contribution, construction, expansion, or payment toward any
 13 other impact fee or exaction imposed by local ordinance for
 14 the same need, on a dollar-for-dollar basis at fair market
 15 value.

16 3. Any proportionate-share mitigation must be directed
 17 by the school board toward a school capacity improvement
 18 identified in a financially feasible 5-year district work plan
 19 that ~~and which~~ satisfies the demands created by the ~~that~~
 20 development in accordance with a binding developer's
 21 agreement.

22 4. If a development is precluded from commencing
 23 because there is inadequate classroom capacity to mitigate the
 24 impacts of the development, the development may nevertheless
 25 commence if there are accelerated facilities in an approved
 26 capital improvement element scheduled for construction in year
 27 four or later of such plan which, when built, will mitigate
 28 the proposed development, or if such accelerated facilities
 29 will be in the next annual update of the capital facilities
 30 element, the developer enters into a binding, financially
 31 guaranteed agreement with the school district to construct an

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1 accelerated facility within the first 3 years of an approved
 2 capital improvement plan, and the cost of the school facility
 3 is equal to or greater than the development's proportionate
 4 share. When the completed school facility is conveyed to the
 5 school district, the developer shall receive impact fee
 6 credits usable within the zone where the facility is
 7 constructed or any attendance zone contiguous with or adjacent
 8 to the zone where the facility is constructed.

9 ~~5.4.~~ This paragraph does not limit the authority of a
 10 local government to deny a development permit or its
 11 functional equivalent pursuant to its home rule regulatory
 12 powers, except as provided in this part.

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15 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

16 And the directory clause is amended as follows:

17 On page 6, line 16, delete that line

18

19 and insert:

20 Section 3. Subsections (5) and (12), paragraph (e) of
 21 subsection (13), and subsection (16) of section

22
23

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

25 And the title is amended as follows:

26 On page 16, line 17, after the semicolon,

27

28 insert:

29 revising the availability standard for
 30 achieving school concurrency; authorizing a
 31 development to proceed under certain

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circumstances;