

Bill No. HB 7203, 2nd Eng.

Barcode 495354

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following **amendment to amendment**
(113368):

Senate Amendment (with directory amendment)

On page 11, between lines 2 and 3,

and insert:

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(e) Availability standard.--Consistent with the public

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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 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 shall be established in
17 the public school facilities element and the interlocal
18 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

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1 overall residential density. The district school board shall
 2 be a party to such an agreement. As a condition of its entry
 3 into such a development agreement, the local government may
 4 require the landowner to agree to continuing renewal of the
 5 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 and which satisfies the demands created by that development in
 20 accordance with a binding developer's agreement. Upon
 21 agreement that the school board will include the facility in
 22 its next regularly scheduled update of the work program, the
 23 developer may accelerate the provision of one of more schools
 24 that serve the development's capacity needs.

25 4. This paragraph does not limit the authority of a
 26 local government to deny a development permit or its
 27 functional equivalent pursuant to its home rule regulatory
 28 powers, except as provided in this part.

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

2 And the directory clause is amended as follows:

3 On page 6, line 16, delete that line

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5 and insert:

6 Section 3. Subsections (5) and (12), paragraph (e) of

7 subsection (13), and subsection (16) of section

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