

By Senator McClain

9-01175-25

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1 A bill to be entitled
2 An act relating to local governing authorities;
3 amending s. 163.3180, F.S.; providing that certain
4 construction projects are exempt from concurrency;
5 authorizing a local government to grant a construction
6 project at a charter school an exemption from
7 concurrency; amending s. 163.31801, F.S.; providing a
8 method for a developer to provide a certain
9 contribution in lieu of paying an education impact
10 fee; providing requirements for the contribution;
11 amending s. 316.008, F.S.; prohibiting local governing
12 authorities from imposing or enforcing certain
13 vehicular stacking ordinances against a public school
14 or private school during certain hours; amending s.
15 1002.33, F.S.; restricting building requirements that
16 may be imposed by a local governing authority against
17 a startup charter school; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (c) is added to subsection (1) of
22 section 163.3180, Florida Statutes, to read:

23 163.3180 Concurrency.—

24 (1) Sanitary sewer, solid waste, drainage, and potable
25 water are the only public facilities and services subject to the
26 concurrency requirement on a statewide basis. Additional public
27 facilities and services may not be made subject to concurrency
28 on a statewide basis without approval by the Legislature;
29 however, any local government may extend the concurrency

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30 requirement so that it applies to additional public facilities
31 within its jurisdiction.

32 (c) Construction projects of public facilities, as defined
33 in s. 163.3164, which are necessary to ensure the protection of
34 the health, safety, and general welfare must be exempt from
35 concurrency. Construction projects on public school grounds are
36 included for the purposes of this paragraph, as public schools
37 provide a public good. A local government may grant a
38 construction project at a charter school an exemption from
39 concurrency.

40 Section 2. Paragraph (c) is added to subsection (5) of
41 section 163.31801, Florida Statutes, to read:

42 163.31801 Impact fees; short title; intent; minimum
43 requirements; audits; challenges.-

44 (5)

45 (c) If a local government or special district charges and
46 collects an education impact fee, a developer may contract with
47 a school district or charter school to provide an improvement or
48 a contribution, such as a monetary contribution, land
49 dedication, site and planning design, or construction, which
50 must be credited against the collection of the education impact
51 fee at fair market value. The public school benefitting from the
52 improvement or contribution must be within a 3-mile radius of
53 the development. Credits must be approved by the local
54 government or special district.

55 Section 3. Paragraph (d) is added to subsection (9) of
56 section 316.008, Florida Statutes, to read:

57 316.008 Powers of local authorities.-

58 (9)

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59 (d) Local governing authorities may not impose or enforce
60 any vehicular stacking ordinance or regulation against any
61 public school or private school during adopted school hours,
62 including during student drop-off and pick-up hours, in a manner
63 that would limit enrollment.

64 Section 4. Paragraph (a) of subsection (18) of section
65 1002.33, Florida Statutes, is amended to read:

66 1002.33 Charter schools.—

67 (18) FACILITIES.—

68 (a) A startup charter school shall utilize facilities which
69 comply with the Florida Building Code pursuant to chapter 553
70 except for the State Requirements for Educational Facilities.
71 Conversion charter schools shall utilize facilities that comply
72 with the State Requirements for Educational Facilities provided
73 that the school district and the charter school have entered
74 into a mutual management plan for the reasonable maintenance of
75 such facilities. The mutual management plan shall contain a
76 provision by which the district school board agrees to maintain
77 charter school facilities in the same manner as its other public
78 schools within the district. Charter schools, with the exception
79 of conversion charter schools, are not required to comply, but
80 may choose to comply, with the State Requirements for
81 Educational Facilities of the Florida Building Code adopted
82 pursuant to s. 1013.37. The local governing authority may ~~shall~~
83 not adopt, or impose, or enforce any local building requirements
84 or site-development restrictions that impact, ~~such as~~ parking
85 and site-size criteria, student enrollment and capacity, and
86 occupant load and, that are addressed by and more stringent than
87 those found in the State Requirements for Educational Facilities

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88 of the Florida Building Code and the Florida Fire Prevention
89 Code. A local governing authority may not require a proposed
90 charter school to obtain special exception or conditional use
91 approval in order to be an allowable use under the local
92 governing authority's land development code. A local governing
93 authority must treat charter schools equitably in comparison to
94 similar requirements, restrictions, and site planning processes
95 imposed upon public schools that are not charter schools,
96 including such provisions that are established by interlocal
97 agreement. An interlocal agreement entered into by a school
98 district for the development of only its own schools, including
99 provisions relating to the extension of infrastructure, may be
100 used by charter schools. A charter school may not be subject to
101 any land use regulation requiring a change to a local government
102 comprehensive plan or requiring a development order or
103 development permit, as those terms are defined in s. 163.3164,
104 that would not be required for a public school in the same
105 location. The agency having jurisdiction for inspection of a
106 facility and issuance of a certificate of occupancy or use shall
107 be the local municipality or, if in an unincorporated area, the
108 county governing authority. If an official or employee of the
109 local governing authority refuses to comply with this paragraph,
110 the aggrieved school or entity has an immediate right to bring
111 an action in circuit court to enforce its rights by injunction.
112 An aggrieved party that receives injunctive relief may be
113 awarded attorney fees and court costs.

114 Section 5. This act shall take effect July 1, 2025.