

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 569](#)

TITLE: Construction and Facilities

SPONSOR(S): Kendall

COMPANION BILL: [SB 1188](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Intergovernmental Affairs](#)

12 Y, 2 N, As CS



[Education Administration](#)

13 Y, 4 N



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill revises several provisions concerning the land use and construction requirements for charter schools, providing that charter schools are public facilities for the purposes of concurrency and prohibiting local governments from imposing additional building restrictions or requiring certain land use changes. The bill also allows a developer to receive a fee credit for education impact fees for making certain contributions subject to a contract with the school district or a charter school. The bill prohibits local governments from imposing or enforcing a vehicular stacking ordinance if the effect of the ordinance is to limit school enrollment.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

Charter Schools

The bill revises the application of [concurrency](#) requirements to the construction of public facilities by providing that a charter school is considered a public facility. (Section [1](#))

The bill prohibits local government from enforcing any local building requirements or site-development restrictions on charter schools that are more stringent than those found in the State Requirements for Education Facilities of the Florida Building Code. (Section [4](#))

The bill prohibits a local government from requiring a charter school to obtain a special exemption or conditional use approval to be an allowable use under the local government's [land development code](#). (Section [4](#))

Impact Fees

The bill provides a fee credit for education impact fees to a developer who enters into a contract with a school district or charter school to provide an improvement or contribution within a three-mile radius of the development. The developer's contribution may include monetary contributions, land dedications, site planning and design, or construction and must be credited dollar-for-dollar at fair market value. The bill requires the local government or special district charging and collecting the education impact fee to approve the credit. (Section [2](#))

Vehicular Stacking

The bill prohibits counties and municipalities from imposing or enforcing a vehicular stacking ordinance or regulation at any public or private school during adopted school hours, including student pick-up and drop-off times, if the effect of the ordinance or regulation would limit enrollment. (Section [3](#))

Effective Date

STORAGE NAME: h0569b.EAS

DATE: 3/28/2025

The effective date of the bill is July 1, 2025. (Section [5](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Charter Schools](#)

All charter schools in Florida are tuition-free public schools within the state’s public education system.¹ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”² Charter schools operate under a performance contract with a sponsor.³ This performance contract is known as a “charter.”⁴

Charter school facilities, except for conversion charter schools,⁵ are not required to comply the State Requirements for Educational Facilities of the Florida Building Code (SREF).⁶ Instead, charter schools are subject to the general provisions of the Florida Building Code, including any amendments adopted by local governments.⁷ Local governments are prohibited, however, from adopting or imposing any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are more stringent than the SREF if those matters are addressed therein.⁸ Local governments are required to treat charter schools equitably in requirements imposed upon traditional public schools, including any requirements entered into via interlocal agreement.

Charter schools may not be subject to any land use regulation requiring a comprehensive plan amendment, development order, or development permit that would not be required for a public school in the same location.⁹ A variety of facilities may provide space within their facilities to charter schools.¹⁰ Charter schools may be housed in certain types of facilities under the existing zoning and land use designations for those facilities without the need to obtain a special exception, rezoning, or a land use change.¹¹

Comprehensive Planning

The Community Planning Act (Act), codified in Part II of Ch. 163, F.S., promotes the establishment and implementation of comprehensive planning programs to guide and manage a local government’s development.¹² Through the comprehensive planning process, the Legislature intended that local governments:

- Preserve, promote, protect, and improve public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare;
- Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and
- Conserve, develop, utilize, and protect natural resources within their jurisdictions.¹³

To that end, the Act requires each local government to adopt and maintain a comprehensive plan that must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.¹⁴ Specifically, the comprehensive plan must:

¹ S. [1002.33\(1\), F.S.](#)

² S. [1002.33\(2\)\(a\)1., F.S.](#)

³ S. [1002.33\(1\), \(7\), and \(9\)\(a\), F.S.](#)

⁴ S. [1002.33\(7\) and \(9\)\(c\), F.S.](#)

⁵ Conversion charter schools are charter schools formed by a process that converts an existing traditional public school. [S. 1002.33\(3\)\(b\), F.S.](#)

⁶ S. [1002.33\(18\)\(a\), F.S.](#)

⁷ See [s. 553.73, F.S.](#)

⁸ S. [1002.33\(18\)\(a\), F.S.](#)

⁹ *Id.*

¹⁰ S. [1002.33\(18\)\(c\), F.S.](#) Those facilities include any library, community service, museum, performing arts, theater, cinema, or church facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under [s. 402.305, F.S.](#)

¹¹ S. [1002.33\(18\)\(c\), F.S.](#)

¹² S. [163.3161\(2\), F.S.](#)

¹³ S. [163.3161\(4\), F.S.](#)

¹⁴ S. [163.3177\(1\) and \(2\), F.S.](#)

- Identify programs and activities for ensuring the comprehensive plan’s implementation;
- Establish meaningful and predictable standards for land use and development and meaningful guidelines for the adoption of detailed land development regulations;¹⁵ and
- Consist of elements set out in statute that must be based upon relevant and appropriate data and an analysis by the local government that may involve surveys, studies, community goals and vision, and other data available at the plan’s adoption or amendment.¹⁶

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, that are consistent with and implement their adopted comprehensive plan.¹⁷ Local governments are encouraged to use innovative land development regulations such as the transfer of development rights, incentive and inclusionary zoning, planned unit development, impact fees, and performance zoning.¹⁸ All land development regulations adopted by a local government are compiled into a single land development code for the jurisdiction.

All local government land development regulations must be consistent with the local comprehensive plan.¹⁹ Additionally, all public and private development must be consistent with the local comprehensive plan.²⁰

Vehicular Stacking

Each local government is required to ensure safe and convenient onsite traffic flow and necessary vehicle parking as part of their land development regulations.²¹ One common type of regulation is adoption of rules concerning vehicular stacking.²² These ordinances require drive-through facilities to provide specified lanes for drive-through use and bypass lanes to allow other vehicles to enter or exit the facility without the need to turn around. The ordinances also establish a minimum length for drive-through lanes.²³ In some jurisdictions, daycare centers and schools are considered drive-through facilities subject to these requirements, with the minimum length established as a ratio of feet per student enrolled.²⁴

Concurrency

In the context of comprehensive planning, “concurrency” refers to the concept of providing additional public facilities necessary to achieve and maintain standards of service in the community in a timely manner in response to increased demand caused by development.²⁵ All local government comprehensive plans must provide for concurrency in providing public facilities and services for sanitary sewer, solid waste, drainage, and potable water, but local governments may extend concurrency requirements to other public facilities such as transportation and schools.²⁶ When concurrency is applied to other public facilities and services, the local comprehensive plan must provide sufficient principles, standards, and adopted levels of service to guide its implementation.²⁷ Concurrency requirements apply to state facilities and other public facilities to the same extent as all other facilities and development.²⁸

¹⁵ “Land development regulations” are ordinances enacted to regulate any land development aspect, including zoning, rezoning, subdivision, building construction, and sign regulation. Within one year after submitting a new or revised comprehensive plan, a local government must adopt or amend and enforce land development regulations that are consistent with the plan. S. [163.3164\(26\), F.S.](#)

¹⁶ A comprehensive plan may also consist of optional elements. S. [163.3177\(1\), F.S.](#)

¹⁷ S. [163.3202, F.S.](#)

¹⁸ S. [163.3202\(3\), F.S.](#)

¹⁹ S. [163.3194\(1\)\(b\), F.S.](#)

²⁰ See ss. [163.3161\(6\)](#) and [163.3194\(1\)\(a\), F.S.](#)

²¹ S. [163.3202\(2\)\(h\), F.S.](#)

²² See e.g. City of Dania Beach, Code of Ordinances, s. [265-30](#), City of Dunedin, Land Development Code, S. [105-24.6](#), City of Pinellas Park, Land Development Code, S. [18-1532.7](#).

²³ See e.g. City of Dunedin, Land Development Code, S. [105-24.6](#).

²⁴ City of Dunedin, Land Development Code, S. [105-24.6](#).

²⁵ See s. [163.3180\(5\)\(d\), F.S.](#) See also David M. Layman, *Concurrency and Moratoria*, 71 Fla. B.J. 49 (January 1997).

²⁶ S. [163.3180\(1\), \(5\), and \(6\), F.S.](#)

²⁷ S. [163.3180\(1\)\(a\), F.S.](#)

²⁸ S. [163.3180\(4\), F.S.](#)

Impact Fees

One method of funding local government concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure²⁹ needed to expand local services to meet the demands of population growth caused by new development.³⁰ Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated based on a study using the most recent and localized data available within four years of the update.
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.
- Charges imposed for the collection of impact fees must be limited to the actual administrative costs.
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.³¹

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.³² In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.³³ A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.³⁴ Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.³⁵

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.³⁶ Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same

²⁹ “Infrastructure” means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S.

[163.31801\(3\), F.S.](#)

³⁰ S. [163.31801\(2\), F.S.](#) Water and sewer connection fees are not impact fees. S. [163.31801\(12\), F.S.](#)

³¹ S. [163.31801\(4\), F.S.](#)

³² See s. [163.31801\(2\), F.S.](#)

³³ S. [553.79, F.S.](#)

³⁴ S. [163.3164\(16\), F.S.](#)

³⁵ S. [163.31801\(11\), F.S.](#)

³⁶ S. [163.31801\(5\), F.S.](#)

impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.³⁷

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	12 Y, 2 N, As CS	3/12/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Provides that a charter school is a public facility for the purposes of concurrency. Removes a provision that prohibits local governments from adopt, impose, or enforce any local building requirements that are addressed by and are more stringent than the Florida Fire Prevention Code. 			
Education Administration Subcommittee State Affairs Committee	13 Y, 4 N	3/27/2025	Sleap	Wolff

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

³⁷ S. [163.31801\(10\), F.S.](#) In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. [163.31801\(9\), F.S.](#)