

1                   A bill to be entitled  
2           An act relating to construction and facilities;  
3           amending s. 163.3180, F.S.; providing that a charter  
4           school is public facility for the purpose of  
5           concurrency; amending s. 163.31801, F.S.; authorizing  
6           developers to provide specified improvements and  
7           contributions to public schools under certain  
8           circumstances; requiring developers to receive credits  
9           for impact fees from such improvements and  
10          contributions; providing requirements for the location  
11          of such schools; requiring such credits to be approved  
12          by local governments and special districts; creating  
13          s. 316.18941, F.S.; prohibiting local governing  
14          authorities from imposing or enforcing certain  
15          vehicular stacking ordinances or regulations against  
16          specified schools during certain hours; amending s.  
17          1002.33, F.S.; revising building requirements for  
18          charter schools; prohibiting local governing  
19          authorities from requiring a charter school to obtain  
20          certain exemptions or approvals under the land  
21          development code for specified purposes relating to  
22          allowable uses; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
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26           **Section 1. Subsection (4) of section 163.3180, Florida**  
 27 **Statutes, is amended to read:**

28           163.3180 Concurrency.—

29           (4) The concurrency requirement as implemented in local  
 30 comprehensive plans applies to state and other public facilities  
 31 and development to the same extent that it applies to all other  
 32 facilities and development, as provided by law. For purposes of  
 33 this subsection, a charter school is considered a public  
 34 facility.

35           **Section 2. Subsection (5) of section 163.31801, Florida**  
 36 **Statutes, is amended to read:**

37           163.31801 Impact fees; short title; intent; minimum  
 38 requirements; audits; challenges.—

39           (5) (a) Notwithstanding any charter provision,  
 40 comprehensive plan policy, ordinance, development order,  
 41 development permit, or resolution, the local government or  
 42 special district that requires any improvement or contribution  
 43 must credit against the collection of the impact fee any  
 44 contribution, whether identified in a development order,  
 45 proportionate share agreement, or any form of exaction related  
 46 to public facilities or infrastructure, including monetary  
 47 contributions, land dedication, site planning and design, or  
 48 construction. Any contribution must be applied on a dollar-for-  
 49 dollar basis at fair market value to reduce any impact fee  
 50 collected for the general category or class of public facilities

51 or infrastructure for which the contribution was made.

52 (b) Notwithstanding any other provision of law to the  
53 contrary, if a local government or special district charges and  
54 collects an education impact fee, a developer may contract with  
55 a school district or charter school to provide an improvement or  
56 contribution, including monetary contributions, land  
57 dedications, site planning and design, or construction, and  
58 shall be credited against the collection of the education impact  
59 fee on a dollar-for-dollar basis at fair market value. The  
60 public school that benefits from the improvement or contribution  
61 must be within a 3-mile radius of the development. Such credits  
62 shall be approved by the local government or special district.

63 (c) ~~(b)~~ If a local government or special district does not  
64 charge and collect an impact fee for the general category or  
65 class of public facilities or infrastructure contributed, a  
66 credit may not be applied under paragraph (a).

67 **Section 3. Section 316.18941, Florida Statutes, is created**  
68 **to read:**

69 316.18941 Vehicular stacking during school hours.—  
70 Notwithstanding any other provision of law to the contrary,  
71 local authorities may not impose or enforce any vehicular  
72 stacking ordinance or regulation against any public school or  
73 private school during adopted school hours, including during  
74 student drop-off and pick-up hours, if such ordinance or  
75 regulation would limit enrollment.

**Section 4. Paragraphs (a) and (c) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:**

1002.33 Charter schools.—

(18) FACILITIES.—

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

101 Code. A local governing authority must treat charter schools  
102 equitably in comparison to similar requirements, restrictions,  
103 and site planning processes imposed upon public schools that are  
104 not charter schools, including such provisions that are  
105 established by interlocal agreement. An interlocal agreement  
106 entered into by a school district for the development of only  
107 its own schools, including provisions relating to the extension  
108 of infrastructure, may be used by charter schools. A charter  
109 school may not be subject to any land use regulation requiring a  
110 change to a local government comprehensive plan or requiring a  
111 development order or development permit, as those terms are  
112 defined in s. 163.3164, that would not be required for a public  
113 school in the same location. The agency having jurisdiction for  
114 inspection of a facility and issuance of a certificate of  
115 occupancy or use shall be the local municipality or, if in an  
116 unincorporated area, the county governing authority. If an  
117 official or employee of the local governing authority refuses to  
118 comply with this paragraph, the aggrieved school or entity has  
119 an immediate right to bring an action in circuit court to  
120 enforce its rights by injunction. An aggrieved party that  
121 receives injunctive relief may be awarded attorney fees and  
122 court costs.

123 (c) Any facility, or portion thereof, used to house a  
124 charter school whose charter has been approved by the sponsor  
125 and the governing board, pursuant to subsection (7), is exempt

126 | from ad valorem taxes pursuant to s. 196.1983. Notwithstanding  
127 | any other law, local ordinance, or regulation to the contrary, a  
128 | local governing authority may not require a charter school to  
129 | obtain a special exemption or conditional use approval in order  
130 | for the charter school to be an allowable use under the local  
131 | governing authority's land development code. Any library,  
132 | community service, museum, performing arts, theater, cinema, or  
133 | church facility; any facility or land owned by a Florida College  
134 | System institution or university; any similar public  
135 | institutional facilities; and any facility recently used to  
136 | house a school or child care facility licensed under s. 402.305  
137 | may provide space to charter schools within their facilities  
138 | under their preexisting zoning and land use designations without  
139 | obtaining a special exception, rezoning, or a land use change.

140 |       **Section 5.** This act shall take effect July 1, 2025.