

**THE OVERSIGHT COMMITTEE FOR  
THE IMPLEMENTATION OF THE THIRD AMENDED AND RESTATED INTERLOCAL  
AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA**

**Agenda  
Oversight Committee Public Meeting  
June 19, 2019  
12:00 p.m.**

**Kathleen C. Wright Administration Center, School Board Meeting Room**

1. Call to Order
2. Roll Call
3. \*Approval of Minutes – April 17, 2019 Meeting (**Back-Up Item**)
4. Additions to the June 19, 2019 Meeting Agenda
5. \*Approval of the Final Agenda for the June 19, 2019 Meeting
6. \*Excused Absences for the June 19, 2019 Meeting

**7. PUBLIC INPUT**

**8. SUBCOMMITTEE REPORTS**

None

**9. OLD BUSINESS**

- 9.1 Legislative Update (**Back-Up Item**)
- 9.2 \*Recommendation on Percentage Increase of the Student Generation Rate/School Impact Fee Study Update (**Back-Up Item**)
- 9.3 \*Forward Student Generation Rate/School Impact Fee Study Update to the School Board and the Broward County Commission for Formal Action (**Back-Up Item**)
- 9.4 \*Subsequent Iterations (3 Year vs. 5 Year) of the Student Generation Rate/School Impact Fee Study Update

**10. NEW BUSINESS**

**11. INFORMATIONAL ITEMS**

- 11.1 Next Scheduled Meeting – July 10, 2019
- 11.2 October 9, 2019 Scheduled Meeting

**12. \*ADJOURN**

**\* Denotes Items Requiring Oversight Committee Formal Action**

## **April 17, 2019 Oversight Committee Meeting Draft Minutes**

**THE OVERSIGHT COMMITTEE FOR  
THE IMPLEMENTATION OF THE THIRD AMENDED AND RESTATED INTERLOCAL  
AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA**

**Draft Minutes  
Oversight Committee Public Meeting  
April 17, 2019  
12:00 p.m.**

**Kathleen C. Wright Administration Center, School Board Meeting Room**

**1. Call to Order**

Chair Stermer called the April 17, 2019 Oversight Committee meeting to order at 12:14 p.m.

**2. Roll Call**

Linda Houchins called the roll, and the following Committee Members were in attendance:

- Alhadeff, Lori
- Eisinger, Debby
- Good, Patricia
- Hunschofsky, Christine
- Klopp, Keven
- Rogers, Roy
- Stermer, Daniel J.
- Tingom, Peter
- Wexler, Lois

**3. Approval of Minutes - January 9, 2019 Meeting**

Committee Member Eisinger made a motion to approve the minutes from the January 9, 2019 Oversight Committee meeting. Committee Member Rogers seconded the motion, and the minutes were approved unanimously.

**4. Additions to the April 17, 2019 Meeting Agenda**

There were no additions to the April 17, 2019 meeting agenda.

**5. Approval of the Final Agenda for the April 17, 2019 Meeting**

Committee Member Tingom made a motion to approve the final agenda for the April 17, 2019 meeting. Committee Member Hunschofsky seconded the motion, and the motion passed unanimously.

**6. Excused Absences for April 17, 2019 Meeting**

Chair Stermer stated that he received excused absence requests for the April 17, 2019 meeting from Committee Members Curtin, Fisher, Resnick and Rick Levinson. Committee Member Tingom made a motion to accept the excused absence requests. Committee Member Hunschofsky seconded the

motion, and the motion passed unanimously. There were brief discussions regarding member absences, and Chair Stermer said that Ms. Brown, Ms. Houchins and himself would review the matrix of members attendance and as necessary send out reminders of the need for all members to attend the meetings.

## **7. PUBLIC INPUT**

There was no public input regarding any issues not listed on the April 17, 2019 Oversight Committee agenda.

## **8. SUBCOMMITTEE REPORTS**

None

## **9. OLD BUSINESS**

### **9.1 Approval and Issuance of the 2018 Annual Status Report on Implementation of the Second and Third Amended and Restated Interlocal Agreement for Public School Facility Planning**

Ms. Leslie Brown, Chief Portfolio Services Officer, advised that the 2018 Annual Status Report on Implementation of the Second and Third Amended and Restated Interlocal Agreement for Public School Facility Planning (2018 Report) was provided in the back-up materials. She asked for any comments regarding the 2018 Report. Chair Stermer stated that the Draft 2018 Report was provided at the January 9, 2019 Oversight Committee meeting. Committee Member Klopp asked for a brief summary of the two (2) findings that were not in compliance. Lisa Wight, Planner, Facility Planning and Real Estate Department, said that Items 8.2 and 8.7 of the 2018 Report both dealt with updates to comprehensive plans and land development regulations (LDR). She said that since adoption of the TRILA, the municipalities need time to update their comprehensive plans and LDRs to be in compliance with the TRILA.

Committee Member Klopp said the City of West Park had not attended any Staff Working Group (SWG) meetings in 2018, and he would reach out to the City and encourage them to attend the meetings. Chair Stermer advised that letters were transmitted last year to certain municipalities that were not attending the SWG meetings to encourage them to attend. Committee Member Klopp made a motion to approve the 2018 Report. Committee Member Tingom seconded the motion, and the motion passed unanimously.

### **9.2 Student Generation Rate and School Impact Fee Study Update**

Ms. Brown gave background information as to where the School District is regarding the Student Generation Rate and School Impact Fee (SGR/SIF) Study Update. She stated that in May 2018, the School Board had requested a six-month hold on the recommendations, and thereafter, staff brought the SGR/SIF Study Update back to the Oversight Committee in January 2019. Ms. Brown said that at that meeting, the Committee asked staff to orient the new Committee Members on the process and learning curve of the SGR/SIF Study Update. She said staff conducted the orientation, and that the new members appreciated the orientation.

Ms. Brown said School District staff had attended many meetings over the past eighteen (18) months to answer questions from Broward County staff and the community regarding the

SGR/SIF Study Update. She said that Broward County questioned the methodology on the housing units sample size, which the consultants addressed by using a hybrid model that recognized the most recent data and connected that data to the data from the past seven (7) years. Ms. Brown said that Broward County also asked staff to look at issues regarding affordable housing. She said staff had convened several meetings with a group of affordable housing advocates and worked on a modified process for the school impact fee waiver applications. Ms. Brown said staff modified the processing timeline, increased the per project cap from \$25,000 to \$50,000, and included school impact fee waivers for low income housing units in addition to the very low-income housing units. She stated that staff took the modifications to the School Board and the School Board approved the modifications. She said School Board Growth Management Policy 1161 was also approved by the School Board.

Ms. Brown said the SGR/SIF Study Update had significant fee increases in certain unit types, and staff met with the District's Chief Financial Officer and the consultant and determined that those significant fee increases could be capped at 75%, which would mean all fee increases would be no more than 75%. Ms. Brown gave an example using the garden apartment unit category and said that the consultant advised that capping the fee increases at 75% was legally defensible. She advised that any changes resulting from the calculation must be de minimus; which means that any change made to the rates should have an impact in lost impact fee revenue of no greater than 5%. Committee Member Rogers said staff provided a great data set and thanked staff. Ms. Brown said the District was unable to move forward with the request to phase the school impact fees. She stated that the School District had honored every request made to move the SGR/SIF Study Update forward to the County, except for the phase in request. Ms. Brown stated School District staff's recommendation was to move the SGR/SIF Study Update to the School Board and have them make the decision in moving it forward to the County. She said the County is the final decision maker. Brief discussions followed regarding the condominium, mid-rise and high-rise categories, students being generated from those categories, and the possibility of adding rental apartments as a unit type in the next Study. Ms. Brown advised that the definition of a mid-rise unit is four (4) to eight (8) stories and a high-rise is defined as nine (9) or more stories.

Ms. Wight said that Evy Kalus, the Ex-Officio on the Oversight Committee, could not attend today's meeting, but Ms. Kalus wanted to convey that at their last meeting, the SWG did not express an opinion regarding school impact fees, but as planners, they had concerns about not adopting the new student generation rates portion of the SGR/SIF Study Update. She said that the SWG felt that for planning purposes, it was important to capture as accurately as possible what the student impact will be, and they asked that the Committee consider having the County adopt the new student generation rates. Ms. Brown talked about the importance of the SGR/SIF Study Update, not only for the School District but for the entire County.

Chair Stermer reiterated that the SWG planners believe that a student generation rate needs to be adopted, but they took no position regarding the school impact fee issue. He asked School District Cadre Attorney, Alan Gabriel, if the Committee could recommend one thing regarding the student generation rates and something different or say nothing regarding school impact fees? Mr. Gabriel said it was the Committee's choice what they wanted to recommend. Committee Member Good said it was her opinion that a recommendation should be made, but ultimately it was up to the County Commission. She said the Committee needed to make a recommendation that they were comfortable with, and it was her hope that they could provide guidance to the School Board. Committee Member Wexler said she did not agree with addressing the student generation rates portion of the SGR/SIF Study Update and not

addressing the school impact fees portion. She said that the County had issues with the methodology of the SGR/SIF Study Update, but she believed that everything had been addressed and asked if the County was satisfied that the methodology was not flawed. Ms. Brown stated that questions on the methodology were 100% addressed, and the only outstanding issue was the request of phasing in the fees. Deputy County Attorney Maite Azcoitia concurred. Committee Member Wexler said the County could reject the SGR/SIF Study Update, however; they must have a reason to do so. She said they could add into the SGR/SIF Study Update a phasing in of the fees which had been done on the previous SGR/SIF Study. Committee Member Wexler said that 2020 is around the corner when another SGR/SIF Study would be due. Committee Member Good asked if the recommendation could include the fact that if the SGR/SIF Study Update moved forward and goes before the County Commission, could the 2020 review be eliminated. Ms. Brown said that had been discussed with the Committee. At this point, Chair Stermer asked for Mr. Jernigan's input.

Skeet Jernigan, President of the Community and Economic Development Council, said The School Board of Broward County, Florida is not in a legal position to raise impact fees or to continue to collect impact fees. He talked about the Auditor General's Report that questioned the use of school impact fees by the School Board to pay debt service and the Superintendent's response to the Auditor General's Report. Mr. Jernigan said that since school year 2010, and to date, the School District has misappropriated \$78,000,000 and used those funds to pay debt service. Chair Stermer asked that Mr. Jernigan submit anything further that he would like for the record.

Committee Member Wexler stated for the record that Attorney Robert Gang, Greenberg Traurig, P.A., was also the counsel for some of the other counties in Florida. She said he was respected throughout the State of Florida. Committee Member Wexler said that she did not believe that how the money is spent by the School District has anything to do with the decision that the Oversight Committee would make about school impact fees or student generation rates. She said that the generating of the money and the spending of the money are two (2) different issues. Committee Member Good concurred. Committee Member Klopp agreed and clarified that the Oversight Committee is not an advisory board to the School Board, but more of a clearing house for local governments in the County. Brief discussions followed regarding rental apartments, condominiums, and forms of housing ownership for consideration in the next SGR/SIF Study.

Committee Member Tingom said he was in favor of moving forward with the SGR/SIF Study Update. Committee Member Rogers said he also wanted to move forward with the SGR/SIF Study Update but said that school capacity needed to be addressed. He said the School District is continuing to pay down debt with school impact fees while capacity is decreasing and asked to be shown the legal nexus. Committee Member Good said the ability for any school district to collect impact fees and be expected to create an immediate improvement to address issues of capacity is not logical and said that buying a home and mortgaging it out for several years is the same logic used to pay debt service. Committee Member Good said the School District creates opportunities for schools which cost millions of dollars and have allowed for increased capacity within a variety of areas throughout the County. She said that the School District is divided into various benefit districts. Committee Member Good said there is a need to address the issue of impact fees and their collection, and said she believes the logic is sound and that a recommendation needed to be made.

Ms. Brown talked about the tentative Auditor General's Report and said the Auditor General is collecting information from the School District which supports the rational nexus in the use of

the collection of school impact fees. She said the School District will continue to work with the Auditor General's Office. Ms. Brown said the impact fees are available every year and should be used to pay for the growth necessitated school facilities that were needed to serve students that are currently and continuing to be needed to serve students in areas from which the impact fees were derived. Ms. Brown said the School District can prove that every penny went back to the County designed impact fee areas. She stated that Broward County is divided into four (4) areas because that is how the money gets sent back into those communities, and the impact fees have separate trust accounts for each of the four (4) impact fee areas. Ms. Brown said that is how the fees are applied to the debt that is created by those actual schools that have been built using long term funds. She stated that the availability of the seats that were paid by prior impact fees, takes thirty (30) years to pay off so that concurrency is satisfied within the School District. Ms. Brown said the SGR/SIF Study Update included the most recent residential information from the local areas which is what is required by State Law. She said the SGR/SIF Study is done to make sure the School District is not charging more than is legally authorized. Ms. Brown said the impact of the fees is directly accountable to the classrooms the School District must provide before the students show up. She said that all impact fees are done by incurring debt for future growth, whether it be sewer lines, roads, parks, infrastructures, etc. Ms. Brown said there has been a total misrepresentation of how the School District is using impact fees when it comes to the replacement of relocatables. She stated for the record, that bond money is being used for the replacement of relocatables and not school impact fee money. Ms. Brown said that the School District is using the bond dollars appropriately as well as the school impact fees. She said the School District will continue to monitor new developments and also monitor the legislative process.

Chair Stermer asked how many vacant seats currently exists in the School District. Ms. Brown said approximately 20,000 empty seats exist in District schools and approximately 22,000 empty seats in Charter Schools. There were brief discussions regarding the use of impact fee money for transportation costs, and Ms. Brown stated that impact fee money is not used to pay for transportation costs. Omar Shim, Director, Capital budget stated that the use of school impact fees is used only on capacity additions.

Committee Member Wexler said she was struggling with economic challenged housing in Broward County. She said that if a significant increase in school impact fees passes, the developers will pass those increases on to the families buying or renting the homes. Committee Member Wexler thanked staff for putting a cap on some of the outrageous increases, but said she still felt some of the rates were too high, and she is concerned about the economic negativity and torn about how to move the SGR/SIF Study Update forward. Committee Member Eisinger said that school impact fees are very important, and the School District needs to be able to provide quality public education for every child in Broward County. Committee Member Good suggested that the Committee have a special meeting as soon as possible when more members could attend. She said that she was amenable at looking at a different cap rate and asked staff to calculate a different cap rate for the Committee's consideration.

Chair Stermer said he did not think any member had an argument with the student generation rate issue, and said he was not opposed to staff doing additional work and calling a special meeting in order to get something accomplished. Committee Member Rogers said Ms. Brown had a good response to his comments and said that the SGR/SIF Study Update did deserve a further look. Committee Member Good made a motion to continue discussions on the matter and to schedule a special meeting before the July 2019 meeting but no later than the end of May 2019, to bring the SGR/SIF Study Update back to the entirety of the Committee. Committee

Member Rogers seconded the motion. Ms. Brown said that staff had looked at capping the impact fees at 49% and said she could provide copies for anyone who would like to see those figures. She also said that once things are separated, it is hard to put them back together, and stated that a significant amount of time had been spent by the Oversight Committee working on the SGR/SIF Study Update, significant revenue had been spent by the School District, and she felt that separating the SGR/SIF Study Update would create two different worlds, while they really are connected. Chair Stermer said he was not a proponent of looking at new numbers for the sake of moving the SGR/SIF Study Update forward. He said that the School Board needed to be recognized and commended for what had been done regarding the affordable housing policy and the expansion taking place across the community. At this point, a vote was taken on the motion, and the motion passed with three (3) no votes from Committee Members Eisinger, Klopp and Tingom.

Chair Stermer said he would work with Ms. Houchins on the availability of the School Board Meeting Room for a future meeting in May 2019.

## **10. NEW BUSINESS**

### **10.1 Legislative Update**

There was no discussion on Item 10.1.

## **11. INFORMATIONAL ITEMS**

**11.1 February 13, 2019 Workshop Presentation to New Oversight Committee Members Draft Minutes**

**11.2 March 7, 2019 Staff Working Group Draft (Not Approved) Minutes**

**11.3 Next Scheduled Meeting - July 10, 2019**

## **11. ADJOURN**

Chair Stermer adjourned the meeting at 1:45 p.m.

Respectfully submitted by:

---

Christine Hunschofsky, Secretary

---

Date



## **Legislative Update**

REVISED 2019 Florida Legislative Session- Growth Management Bills  
Facility Planning And Real Estate Department Bill Monitoring

Bill Number	Related Bill(s)	Key Issues	Potential Impact to the Broward County Public Schools (BCPS) Department/District	Status of Bill	Date Bill would become effective	Comments
SB 144	HB 207	Revises the minimum requirements for the adoption of impact fees by specified local governments.	No additional impact	<p>1/10/2019 Senate • Referred to Community Affairs; Finance and Tax; Appropriations</p> <p>2/28/2019 Senate • On Committee agenda Community Affairs</p> <p>3/5/2019 Senate • Introduced • Favorable by Community Affairs; YEAS 5 NAYS 0</p> <p>3/6/2019 Senate • Finance and Tax</p> <p>3/15/2019 Senate • Finance and Tax</p> <p>3/20/2019 Senate • Favorable by Finance and Tax; YEAS 8 NAYS 0</p> <p>3/25/2019 Senate • On Committee agenda- Appropriations</p> <p>3/27/2019 Senate • Favorable by- Appropriations; YEAS 19 NAYS 0</p> <p>3/28/2019 Senate • Placed on Calendar, on 2nd reading</p> <p>4/1/2019 Senate • Placed on Special Order Calendar, 04/03/19</p> <p>4/3/2019 Senate • Read 2nd time</p> <ul style="list-style-type: none"> <li>• Placed on 3rd reading</li> </ul> <p>4/4/2019 Senate • Read 3rd time</p> <ul style="list-style-type: none"> <li>• Substituted CS/HB 207</li> <li>• Laid on Table, refer to CS/HB 207</li> </ul>	7/1/2019	Companion Bill HB 207 ultimately adopted in lieu of SB 144. HB 7103 also passed which incorporates much of the same language regarding impact fees.
HB 7103	HB 207 SB 350	Requiring a county to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; requiring the holder of certain impact fee credits to be entitled to certain benefits if a local government increases its impact fee rates.	<p>Impact to District's Impact fee program will be based on feedback received on the bill from legal counsel.</p> <p>Impact from new affordable housing impact fee waiver mandates are negligible, currently BCPS has a school impact fee waiver program, which annually allocates \$375,000 towards school impact fee waivers for affordable housing.</p>	<p>5/3/2019 House • Amendment(s) failed (396347)</p> <ul style="list-style-type: none"> <li>• Concurred in 1 amendment(s) (444806)</li> <li>• CS passed as amended; YEAS 66 NAYS 42</li> <li>• Ordered engrossed, then enrolled</li> </ul>	Upon becoming law	Language on impact fees mirrors that in HB 207. Also removes the requirement for impact fee waivers to be offset by other set aside revenues, which has been reported as a hindrance to School Districts in offering school impact fee waivers for affordable housing. Finally, the new mandate addressing proportionate share mitigation is not in conflict with BCPS's current protocols.

ENROLLED

CS/HB 207

2019 Legislature

1  
 2 An act relating to impact fees; amending s. 163.31801,  
 3 F.S.; revising the minimum requirements for the  
 4 adoption of impact fees by specified local  
 5 governments; exempting water and sewer connection fees  
 6 from the Florida Impact Fee Act; providing an  
 7 effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Section 163.31801, Florida Statutes, is amended  
 12 to read:

13 163.31801 Impact fees; short title; intent; minimum  
 14 requirements; audits; challenges ~~definitions; ordinances levying~~  
 15 ~~impact fees.~~-

16 (1) This section may be cited as the "Florida Impact Fee  
 17 Act."

18 (2) The Legislature finds that impact fees are an  
 19 important source of revenue for a local government to use in  
 20 funding the infrastructure necessitated by new growth. The  
 21 Legislature further finds that impact fees are an outgrowth of  
 22 the home rule power of a local government to provide certain  
 23 services within its jurisdiction. Due to the growth of impact  
 24 fee collections and local governments' reliance on impact fees,  
 25 it is the intent of the Legislature to ensure that, when a

ENROLLED

CS/HB 207

2019 Legislature

26 | county or municipality adopts an impact fee by ordinance or a  
 27 | special district adopts an impact fee by resolution, the  
 28 | governing authority complies with this section.

29 |       (3) At a minimum, an impact fee adopted by ordinance of a  
 30 | county or municipality or by resolution of a special district  
 31 | must satisfy all of the following conditions,~~at minimum:~~

32 |       (a) The local government must calculate ~~Require that the~~  
 33 | ~~calculation of~~ the impact fee ~~be~~ based on the most recent and  
 34 | localized data.

35 |       (b) The local government must provide for accounting and  
 36 | reporting of impact fee collections and expenditures. If a local  
 37 | governmental entity imposes an impact fee to address its  
 38 | infrastructure needs, the entity must ~~shall~~ account for the  
 39 | revenues and expenditures of such impact fee in a separate  
 40 | accounting fund.

41 |       (c) The local government must limit administrative charges  
 42 | for the collection of impact fees to actual costs.

43 |       (d) The local government must provide ~~Require that~~ notice  
 44 | ~~be provided~~ no less than 90 days before the effective date of an  
 45 | ordinance or resolution imposing a new or increased impact fee.  
 46 | A county or municipality is not required to wait 90 days to  
 47 | decrease, suspend, or eliminate an impact fee.

48 |       (e) The local government may not require payment of the  
 49 | impact fee before the date of issuance of the building permit  
 50 | for the property that is subject to the fee.

ENROLLED

CS/HB 207

2019 Legislature

51        (f) The impact fee must be reasonably connected to, or  
 52 have a rational nexus with, the need for additional capital  
 53 facilities and the increased impact generated by the new  
 54 residential or commercial construction.

55        (g) The impact fee must be reasonably connected to, or  
 56 have a rational nexus with, the expenditures of the revenues  
 57 generated and the benefits accruing to the new residential or  
 58 commercial construction.

59        (h) The local government must specifically earmark  
 60 revenues generated by the impact fee to acquire, construct, or  
 61 improve capital facilities to benefit new users.

62        (i) The local government may not use revenues generated by  
 63 the impact fee to pay existing debt or for previously approved  
 64 projects unless the expenditure is reasonably connected to, or  
 65 has a rational nexus with, the increased impact generated by the  
 66 new residential or commercial construction.

67        (4) Audits of financial statements of local governmental  
 68 entities and district school boards which are performed by a  
 69 certified public accountant pursuant to s. 218.39 and submitted  
 70 to the Auditor General must include an affidavit signed by the  
 71 chief financial officer of the local governmental entity or  
 72 district school board stating that the local governmental entity  
 73 or district school board has complied with this section.

74        (5) In any action challenging an impact fee, the  
 75 government has the burden of proving by a preponderance of the

ENROLLED

CS/HB 207

2019 Legislature

76 | evidence that the imposition or amount of the fee meets the  
77 | requirements of state legal precedent or this section. The court  
78 | may not use a deferential standard.

79 | (6) This section does not apply to water and sewer  
80 | connection fees.

81 | Section 2. This act shall take effect July 1, 2019.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1  
2 An act relating to community development and housing;  
3 amending s. 125.01055, F.S.; authorizing an  
4 inclusionary housing ordinance to require a developer  
5 to provide a specified number or percentage of  
6 affordable housing units to be included in a  
7 development or allow a developer to contribute to a  
8 housing fund or other alternatives; requiring a county  
9 to provide certain incentives to fully offset all  
10 costs to the developer of its affordable housing  
11 contribution; providing applicability; amending s.  
12 125.022, F.S.; requiring that a county review the  
13 application for completeness and issue a certain  
14 letter within a specified period after receiving an  
15 application for approval of a development permit or  
16 development order; providing procedures for addressing  
17 deficiencies in, and for approving or denying, the  
18 application; providing applicability of certain  
19 timeframes; conforming provisions to changes made by  
20 the act; defining the term "development order";  
21 amending s. 163.3167, F.S.; providing requirements for  
22 a comprehensive plan adopted after a specified date  
23 and all land development regulations adopted to  
24 implement the comprehensive plan; amending s.  
25 163.3180, F.S.; revising compliance requirements for a

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

26 mobility fee-based funding system; requiring a local  
27 government to credit certain contributions,  
28 constructions, expansions, or payments toward any  
29 other impact fee or exaction imposed by local  
30 ordinance for public educational facilities; providing  
31 requirements for the basis of the credit; amending s.  
32 163.31801, F.S.; adding minimum conditions that  
33 certain impact fees must satisfy; requiring a local  
34 government to credit against the collection of an  
35 impact fee any contribution related to public  
36 education facilities, subject to certain requirements;  
37 requiring the holder of certain impact fee credits to  
38 be entitled to a certain benefit if a local government  
39 increases its impact fee rates; providing  
40 applicability; providing that the government, in  
41 certain actions, has the burden of proving by a  
42 preponderance of the evidence that the imposition or  
43 amount of certain required dollar-for-dollar credits  
44 for the payment of impact fees meets certain  
45 requirements; prohibiting the court from using a  
46 deferential standard for the benefit of the  
47 government; authorizing a county, municipality, or  
48 special district to provide an exception or waiver for  
49 an impact fee for the development or construction of  
50 housing that is affordable; providing that if a



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

51 county, municipality, or special district provides  
52 such exception or waiver, it is not required to use  
53 any revenues to offset the impact; providing  
54 applicability; amending s. 163.3202, F.S.; requiring  
55 local land development regulations to incorporate  
56 certain preexisting development orders; amending s.  
57 163.3215, F.S.; providing that either party is  
58 entitled to a certain summary procedure in certain  
59 proceedings; requiring the court to advance such cause  
60 on the calendar, subject to certain requirements;  
61 providing that the prevailing party in a certain  
62 challenge to a development order is entitled to  
63 certain attorney fees and costs; amending s. 166.033,  
64 F.S.; requiring that a municipality review the  
65 application for completeness and issue a certain  
66 letter within a specified period after receiving an  
67 application for approval of a development permit or  
68 development order; providing procedures for addressing  
69 deficiencies in, and for approving or denying, the  
70 application; providing applicability of certain  
71 timeframes; conforming provisions to changes made by  
72 the act; defining the term "development order";  
73 amending s. 166.04151, F.S.; authorizing an  
74 inclusionary housing ordinance to require a developer  
75 to provide a specified number or percentage of

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

76 | affordable housing units to be included in a  
77 | development or allow a developer to contribute to a  
78 | housing fund or other alternatives; requiring a  
79 | municipality to provide certain incentives to fully  
80 | offset all costs to the developer of its affordable  
81 | housing contribution; providing applicability;  
82 | amending s. 420.502, F.S.; revising legislative  
83 | findings for a certain state housing finance strategy;  
84 | amending s. 420.503, F.S.; conforming cross-  
85 | references; defining the term "essential services  
86 | personnel"; amending s. 420.5095, F.S.; deleting the  
87 | definition of the term "essential services personnel";  
88 | amending s. 252.363, F.S.; providing that the  
89 | declaration of a state of emergency issued by the  
90 | Governor for a natural emergency tolls the period  
91 | remaining to exercise the rights under a permit or  
92 | other authorization for the duration of the emergency  
93 | declaration; amending s. 553.791, F.S.; providing and  
94 | revising definitions; revising legislative intent;  
95 | prohibiting a local jurisdiction from charging fees  
96 | for building inspections if the fee owner or  
97 | contractor hires a private provider; authorizing the  
98 | local jurisdiction to charge a reasonable  
99 | administrative fee; revising the timeframe within  
100 | which an owner or contractor must notify the building

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

101 official that he or she is using a certain private  
 102 provider; revising the type of affidavit form to be  
 103 used by certain private providers under certain  
 104 circumstances; revising the timeframe within which a  
 105 building official must approve or deny a permit  
 106 application; specifying the timeframe within which the  
 107 local building official must issue a certain permit or  
 108 notice of noncompliance if the permit applicant  
 109 submits revisions; limiting a building official's  
 110 review of a resubmitted permit application to  
 111 previously identified deficiencies; limiting the  
 112 number of times a building official may audit a  
 113 private provider, with exceptions; amending s.  
 114 718.112, F.S.; requiring condominium associations to  
 115 ensure compliance with the Florida Fire Prevention  
 116 Code; requiring associations to retrofit certain high-  
 117 rise buildings with either a fire sprinkler system or  
 118 an engineered life safety system as specified in the  
 119 code; deleting a requirement for association bylaws to  
 120 include a provision relating to certain certificates  
 121 of compliance; extending and specifying the date  
 122 before which local authorities having jurisdiction may  
 123 not require completion of retrofitting a fire  
 124 sprinkler system or a engineered life safety system,  
 125 respectively; deleting an obsolete provision;

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

126 providing applicability; amending s. 718.1085, F.S.;

127 revising the definition of the term "common areas" to

128 exclude individual balconies; extending the year

129 before which the local authority having jurisdiction

130 may not require retrofitting of common areas with

131 handrails and guardrails; requiring the State Fire

132 Marshal, by a certain date, to issue a data call to

133 all local fire officials to collect data on certain

134 high-rise condominiums; specifying data that local

135 fire officials must submit; requiring that all data be

136 received and compiled into a certain report by a

137 certain date; requiring that the report be sent to the

138 Governor and the Legislature by a certain date;

139 providing an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142

143 Section 1. Section 125.01055, Florida Statutes, is amended

144 to read:

145 125.01055 Affordable housing.—

146 (1) Notwithstanding any other provision of law, a county

147 may adopt and maintain in effect any law, ordinance, rule, or

148 other measure that is adopted for the purpose of increasing the

149 supply of affordable housing using land use mechanisms such as

150 inclusionary housing ordinances.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

151       (2) An inclusionary housing ordinance may require a  
 152 developer to provide a specified number or percentage of  
 153 affordable housing units to be included in a development or  
 154 allow a developer to contribute to a housing fund or other  
 155 alternatives in lieu of building the affordable housing units.  
 156 However, in exchange, a county must provide incentives to fully  
 157 offset all costs to the developer of its affordable housing  
 158 contribution. Such incentives may include, but are not limited  
 159 to:

160       (a) Allowing the developer density or intensity bonus  
 161 incentives or more floor space than allowed under the current or  
 162 proposed future land use designation or zoning;

163       (b) Reducing or waiving fees, such as impact fees or water  
 164 and sewer charges; or

165       (c) Granting other incentives.

166       (3) Subsection (2) does not apply in an area of critical  
 167 state concern, as designated in s. 380.0552.

168       Section 2. Section 125.022, Florida Statutes, is amended  
 169 to read:

170       125.022 Development permits and orders.—

171       (1) Within 30 days after receiving an application for  
 172 approval of a development permit or development order, a county  
 173 must review the application for completeness and issue a letter  
 174 indicating that all required information is submitted or  
 175 specifying with particularity any areas that are deficient. If

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

176 | the application is deficient, the applicant has 30 days to  
177 | address the deficiencies by submitting the required additional  
178 | information. Within 120 days after the county has deemed the  
179 | application complete, or 180 days for applications that require  
180 | final action through a quasi-judicial hearing or a public  
181 | hearing, the county must approve, approve with conditions, or  
182 | deny the application for a development permit or development  
183 | order. Both parties may agree to a reasonable request for an  
184 | extension of time, particularly in the event of a force majeure  
185 | or other extraordinary circumstance. An approval, approval with  
186 | conditions, or denial of the application for a development  
187 | permit or development order must include written findings  
188 | supporting the county's decision. The timeframes contained in  
189 | this subsection do not apply in an area of critical state  
190 | concern, as designated in s. 380.0552.

191 | (2)~~(1)~~ When reviewing an application for a development  
192 | permit or development order that is certified by a professional  
193 | listed in s. 403.0877, a county may not request additional  
194 | information from the applicant more than three times, unless the  
195 | applicant waives the limitation in writing. Before a third  
196 | request for additional information, the applicant must be  
197 | offered a meeting to attempt to resolve outstanding issues.  
198 | Except as provided in subsection (5) ~~(4)~~, if the applicant  
199 | believes the request for additional information is not  
200 | authorized by ordinance, rule, statute, or other legal

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

201 authority, the county, at the applicant's request, shall proceed  
202 to process the application for approval or denial.

203 (3)~~(2)~~ When a county denies an application for a  
204 development permit or development order, the county shall give  
205 written notice to the applicant. The notice must include a  
206 citation to the applicable portions of an ordinance, rule,  
207 statute, or other legal authority for the denial of the permit  
208 or order.

209 (4)~~(3)~~ As used in this section, the terms ~~term~~  
210 "development permit" and "development order" have ~~has~~ the same  
211 meaning as in s. 163.3164, but do ~~does~~ not include building  
212 permits.

213 (5)~~(4)~~ For any development permit application filed with  
214 the county after July 1, 2012, a county may not require as a  
215 condition of processing or issuing a development permit or  
216 development order that an applicant obtain a permit or approval  
217 from any state or federal agency unless the agency has issued a  
218 final agency action that denies the federal or state permit  
219 before the county action on the local development permit.

220 (6)~~(5)~~ Issuance of a development permit or development  
221 order by a county does not in any way create any rights on the  
222 part of the applicant to obtain a permit from a state or federal  
223 agency and does not create any liability on the part of the  
224 county for issuance of the permit if the applicant fails to  
225 obtain requisite approvals or fulfill the obligations imposed by

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

226 | a state or federal agency or undertakes actions that result in a  
 227 | violation of state or federal law. A county shall attach such a  
 228 | disclaimer to the issuance of a development permit and shall  
 229 | include a permit condition that all other applicable state or  
 230 | federal permits be obtained before commencement of the  
 231 | development.

232 | (7)~~(6)~~ This section does not prohibit a county from  
 233 | providing information to an applicant regarding what other state  
 234 | or federal permits may apply.

235 | Section 3. Subsection (3) of section 163.3167, Florida  
 236 | Statutes, is amended to read:

237 | 163.3167 Scope of act.—

238 | (3) A municipality established after the effective date of  
 239 | this act shall, within 1 year after incorporation, establish a  
 240 | local planning agency, pursuant to s. 163.3174, and prepare and  
 241 | adopt a comprehensive plan of the type and in the manner set out  
 242 | in this act within 3 years after the date of such incorporation.  
 243 | A county comprehensive plan is ~~shall be deemed~~ controlling until  
 244 | the municipality adopts a comprehensive plan in accordance  
 245 | ~~accord~~ with this act. A comprehensive plan adopted after January  
 246 | 1, 2019, and all land development regulations adopted to  
 247 | implement the comprehensive plan must incorporate each  
 248 | development order existing before the comprehensive plan's  
 249 | effective date, may not impair the completion of a development  
 250 | in accordance with such existing development order, and must



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

251 vest the density and intensity approved by such development  
252 order existing on the effective date of the comprehensive plan  
253 without limitation or modification.

254 Section 4. Paragraph (i) of subsection (5) and paragraph  
255 (h) of subsection (6) of section 163.3180, Florida Statutes, are  
256 amended to read:

257 163.3180 Concurrency.—

258 (5)

259 (i) If a local government elects to repeal transportation  
260 concurrency, it is encouraged to adopt an alternative mobility  
261 funding system that uses one or more of the tools and techniques  
262 identified in paragraph (f). Any alternative mobility funding  
263 system adopted may not be used to deny, time, or phase an  
264 application for site plan approval, plat approval, final  
265 subdivision approval, building permits, or the functional  
266 equivalent of such approvals provided that the developer agrees  
267 to pay for the development's identified transportation impacts  
268 via the funding mechanism implemented by the local government.  
269 The revenue from the funding mechanism used in the alternative  
270 system must be used to implement the needs of the local  
271 government's plan which serves as the basis for the fee imposed.  
272 A mobility fee-based funding system must comply with s.  
273 163.31801 governing the dual-rational nexus test applicable to  
274 impact fees. An alternative system that is not mobility fee-  
275 based shall not be applied in a manner that imposes upon new

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

276 development any responsibility for funding an existing  
 277 transportation deficiency as defined in paragraph (h).

278 (6)

279 (h)1. In order to limit the liability of local  
 280 governments, a local government may allow a landowner to proceed  
 281 with development of a specific parcel of land notwithstanding a  
 282 failure of the development to satisfy school concurrency, if all  
 283 the following factors are shown to exist:

284 a. The proposed development would be consistent with the  
 285 future land use designation for the specific property and with  
 286 pertinent portions of the adopted local plan, as determined by  
 287 the local government.

288 b. The local government's capital improvements element and  
 289 the school board's educational facilities plan provide for  
 290 school facilities adequate to serve the proposed development,  
 291 and the local government or school board has not implemented  
 292 that element or the project includes a plan that demonstrates  
 293 that the capital facilities needed as a result of the project  
 294 can be reasonably provided.

295 c. The local government and school board have provided a  
 296 means by which the landowner will be assessed a proportionate  
 297 share of the cost of providing the school facilities necessary  
 298 to serve the proposed development.

299 2. If a local government applies school concurrency, it  
 300 may not deny an application for site plan, final subdivision

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

301 approval, or the functional equivalent for a development or  
302 phase of a development authorizing residential development for  
303 failure to achieve and maintain the level-of-service standard  
304 for public school capacity in a local school concurrency  
305 management system where adequate school facilities will be in  
306 place or under actual construction within 3 years after the  
307 issuance of final subdivision or site plan approval, or the  
308 functional equivalent. School concurrency is satisfied if the  
309 developer executes a legally binding commitment to provide  
310 mitigation proportionate to the demand for public school  
311 facilities to be created by actual development of the property,  
312 including, but not limited to, the options described in sub-  
313 subparagraph a. Options for proportionate-share mitigation of  
314 impacts on public school facilities must be established in the  
315 comprehensive plan and the interlocal agreement pursuant to s.  
316 163.31777.

317 a. Appropriate mitigation options include the contribution  
318 of land; the construction, expansion, or payment for land  
319 acquisition or construction of a public school facility; the  
320 construction of a charter school that complies with the  
321 requirements of s. 1002.33(18); or the creation of mitigation  
322 banking based on the construction of a public school facility in  
323 exchange for the right to sell capacity credits. Such options  
324 must include execution by the applicant and the local government  
325 of a development agreement that constitutes a legally binding

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

326 | commitment to pay proportionate-share mitigation for the  
327 | additional residential units approved by the local government in  
328 | a development order and actually developed on the property,  
329 | taking into account residential density allowed on the property  
330 | prior to the plan amendment that increased the overall  
331 | residential density. The district school board must be a party  
332 | to such an agreement. As a condition of its entry into such a  
333 | development agreement, the local government may require the  
334 | landowner to agree to continuing renewal of the agreement upon  
335 | its expiration.

336 |         b. If the interlocal agreement and the local government  
337 | comprehensive plan authorize a contribution of land; the  
338 | construction, expansion, or payment for land acquisition; the  
339 | construction or expansion of a public school facility, or a  
340 | portion thereof; or the construction of a charter school that  
341 | complies with the requirements of s. 1002.33(18), as  
342 | proportionate-share mitigation, the local government shall  
343 | credit such a contribution, construction, expansion, or payment  
344 | toward any other impact fee or exaction imposed by local  
345 | ordinance for public educational facilities ~~the same need~~, on a  
346 | dollar-for-dollar basis at fair market value. The credit must be  
347 | based on the total impact fee assessed and not on the impact fee  
348 | for any particular type of school.

349 |         c. Any proportionate-share mitigation must be directed by  
350 | the school board toward a school capacity improvement identified

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

351 in the 5-year school board educational facilities plan that  
 352 satisfies the demands created by the development in accordance  
 353 with a binding developer's agreement.

354 3. This paragraph does not limit the authority of a local  
 355 government to deny a development permit or its functional  
 356 equivalent pursuant to its home rule regulatory powers, except  
 357 as provided in this part.

358 Section 5. Section 163.31801, Florida Statutes, is amended  
 359 to read:

360 163.31801 Impact fees; short title; intent; minimum  
 361 requirements; audits; challenges ~~definitions; ordinances levying~~  
 362 ~~impact fees.~~-

363 (1) This section may be cited as the "Florida Impact Fee  
 364 Act."

365 (2) The Legislature finds that impact fees are an  
 366 important source of revenue for a local government to use in  
 367 funding the infrastructure necessitated by new growth. The  
 368 Legislature further finds that impact fees are an outgrowth of  
 369 the home rule power of a local government to provide certain  
 370 services within its jurisdiction. Due to the growth of impact  
 371 fee collections and local governments' reliance on impact fees,  
 372 it is the intent of the Legislature to ensure that, when a  
 373 county or municipality adopts an impact fee by ordinance or a  
 374 special district adopts an impact fee by resolution, the  
 375 governing authority complies with this section.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

376 (3) At a minimum, an impact fee adopted by ordinance of a  
 377 county or municipality or by resolution of a special district  
 378 must satisfy all of the following conditions,~~at minimum:~~

379 (a) ~~Require that~~ The calculation of the impact fee must be  
 380 based on the most recent and localized data.

381 (b) The local government must provide for accounting and  
 382 reporting of impact fee collections and expenditures. If a local  
 383 governmental entity imposes an impact fee to address its  
 384 infrastructure needs, the entity must ~~shall~~ account for the  
 385 revenues and expenditures of such impact fee in a separate  
 386 accounting fund.

387 (c) ~~Limit~~ Administrative charges for the collection of  
 388 impact fees must be limited to actual costs.

389 (d) The local government must provide ~~Require that~~ notice  
 390 not be provided~~no~~ less than 90 days before the effective date  
 391 of an ordinance or resolution imposing a new or increased impact  
 392 fee. A county or municipality is not required to wait 90 days to  
 393 decrease, suspend, or eliminate an impact fee.

394 (e) Collection of the impact fee may not be required to  
 395 occur earlier than the date of issuance of the building permit  
 396 for the property that is subject to the fee.

397 (f) The impact fee must be proportional and reasonably  
 398 connected to, or have a rational nexus with, the need for  
 399 additional capital facilities and the increased impact generated  
 400 by the new residential or commercial construction.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

401 (g) The impact fee must be proportional and reasonably  
 402 connected to, or have a rational nexus with, the expenditures of  
 403 the funds collected and the benefits accruing to the new  
 404 residential or nonresidential construction.

405 (h) The local government must specifically earmark funds  
 406 collected under the impact fee for use in acquiring,  
 407 constructing, or improving capital facilities to benefit new  
 408 users.

409 (i) Revenues generated by the impact fee may not be used,  
 410 in whole or in part, to pay existing debt or for previously  
 411 approved projects unless the expenditure is reasonably connected  
 412 to, or has a rational nexus with, the increased impact generated  
 413 by the new residential or nonresidential construction.

414 (4) The local government must credit against the  
 415 collection of the impact fee any contribution, whether  
 416 identified in a proportionate share agreement or other form of  
 417 exaction, related to public education facilities, including land  
 418 dedication, site planning and design, or construction. Any  
 419 contribution must be applied to reduce any education-based  
 420 impact fees on a dollar-for-dollar basis at fair market value.

421 (5) If a local government increases its impact fee rates,  
 422 the holder of any impact fee credits, whether such credits are  
 423 granted under s. 163.3180, s. 380.06, or otherwise, which were  
 424 in existence before the increase, is entitled to the full  
 425 benefit of the intensity or density prepaid by the credit

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

426 balance as of the date it was first established. This subsection  
 427 shall operate prospectively and not retrospectively.

428 (6)-(4) Audits of financial statements of local  
 429 governmental entities and district school boards which are  
 430 performed by a certified public accountant pursuant to s. 218.39  
 431 and submitted to the Auditor General must include an affidavit  
 432 signed by the chief financial officer of the local governmental  
 433 entity or district school board stating that the local  
 434 governmental entity or district school board has complied with  
 435 this section.

436 (7)-(5) In any action challenging an impact fee or the  
 437 government's failure to provide required dollar-for-dollar  
 438 credits for the payment of impact fees as provided in s.  
 439 163.3180(6)(h)2.b., the government has the burden of proving by  
 440 a preponderance of the evidence that the imposition or amount of  
 441 the fee or credit meets the requirements of state legal  
 442 precedent and ~~or~~ this section. The court may not use a  
 443 deferential standard for the benefit of the government.

444 (8) A county, municipality, or special district may  
 445 provide an exception or waiver for an impact fee for the  
 446 development or construction of housing that is affordable, as  
 447 defined in s. 420.9071. If a county, municipality, or special  
 448 district provides such an exception or waiver, it is not  
 449 required to use any revenues to offset the impact.

450 (9) This section does not apply to water and sewer



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

451 connection fees.

452 Section 6. Paragraph (j) is added to subsection (2) of  
453 section 163.3202, Florida Statutes, to read:

454 163.3202 Land development regulations.—

455 (2) Local land development regulations shall contain  
456 specific and detailed provisions necessary or desirable to  
457 implement the adopted comprehensive plan and shall at a minimum:

458 (j) Incorporate preexisting development orders identified  
459 pursuant to s. 163.3167(3).

460 Section 7. Subsection (8) of section 163.3215, Florida  
461 Statutes, is amended to read:

462 163.3215 Standing to enforce local comprehensive plans  
463 through development orders.—

464 (8)(a) In any proceeding under subsection (3), either  
465 party is entitled to the summary procedure provided in s.  
466 51.011, and the court shall advance the cause on the calendar,  
467 subject to paragraph (b) ~~or subsection (4),~~ the Department of  
468 Legal Affairs may intervene to represent the interests of the  
469 state.

470 (b) Upon a showing by either party by clear and convincing  
471 evidence that summary procedure is inappropriate, the court may  
472 determine that summary procedure does not apply.

473 (c) The prevailing party in a challenge to a development  
474 order filed under subsection (3) is entitled to recover  
475 reasonable attorney fees and costs incurred in challenging or

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

476 defending the order, including reasonable appellate attorney  
477 fees and costs.

478 Section 8. Section 166.033, Florida Statutes, is amended  
479 to read:

480 166.033 Development permits and orders.—

481 (1) Within 30 days after receiving an application for  
482 approval of a development permit or development order, a  
483 municipality must review the application for completeness and  
484 issue a letter indicating that all required information is  
485 submitted or specifying with particularity any areas that are  
486 deficient. If the application is deficient, the applicant has 30  
487 days to address the deficiencies by submitting the required  
488 additional information. Within 120 days after the municipality  
489 has deemed the application complete, or 180 days for  
490 applications that require final action through a quasi-judicial  
491 hearing or a public hearing, the municipality must approve,  
492 approve with conditions, or deny the application for a  
493 development permit or development order. Both parties may agree  
494 to a reasonable request for an extension of time, particularly  
495 in the event of a force majeure or other extraordinary  
496 circumstance. An approval, approval with conditions, or denial  
497 of the application for a development permit or development order  
498 must include written findings supporting the municipality's  
499 decision. The timeframes contained in this subsection do not  
500 apply in an area of critical state concern, as designated in s.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

501 380.0552 or chapter 28-36, Florida Administrative Code.

502 (2)~~(1)~~ When reviewing an application for a development  
 503 permit or development order that is certified by a professional  
 504 listed in s. 403.0877, a municipality may not request additional  
 505 information from the applicant more than three times, unless the  
 506 applicant waives the limitation in writing. Before a third  
 507 request for additional information, the applicant must be  
 508 offered a meeting to attempt to resolve outstanding issues.  
 509 Except as provided in subsection (5) ~~(4)~~, if the applicant  
 510 believes the request for additional information is not  
 511 authorized by ordinance, rule, statute, or other legal  
 512 authority, the municipality, at the applicant's request, shall  
 513 proceed to process the application for approval or denial.

514 (3)~~(2)~~ When a municipality denies an application for a  
 515 development permit or development order, the municipality shall  
 516 give written notice to the applicant. The notice must include a  
 517 citation to the applicable portions of an ordinance, rule,  
 518 statute, or other legal authority for the denial of the permit  
 519 or order.

520 (4)~~(3)~~ As used in this section, the terms ~~term~~  
 521 "development permit" and "development order" have has the same  
 522 meaning as in s. 163.3164, but do ~~does~~ not include building  
 523 permits.

524 (5)~~(4)~~ For any development permit application filed with  
 525 the municipality after July 1, 2012, a municipality may not

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

526 | require as a condition of processing or issuing a development  
 527 | permit or development order that an applicant obtain a permit or  
 528 | approval from any state or federal agency unless the agency has  
 529 | issued a final agency action that denies the federal or state  
 530 | permit before the municipal action on the local development  
 531 | permit.

532 |       (6)~~(5)~~ Issuance of a development permit or development  
 533 | order by a municipality does not ~~in any way~~ create any right on  
 534 | the part of an applicant to obtain a permit from a state or  
 535 | federal agency and does not create any liability on the part of  
 536 | the municipality for issuance of the permit if the applicant  
 537 | fails to obtain requisite approvals or fulfill the obligations  
 538 | imposed by a state or federal agency or undertakes actions that  
 539 | result in a violation of state or federal law. A municipality  
 540 | shall attach such a disclaimer to the issuance of development  
 541 | permits and shall include a permit condition that all other  
 542 | applicable state or federal permits be obtained before  
 543 | commencement of the development.

544 |       (7)~~(6)~~ This section does not prohibit a municipality from  
 545 | providing information to an applicant regarding what other state  
 546 | or federal permits may apply.

547 |       Section 9. Section 166.04151, Florida Statutes, is amended  
 548 | to read:

549 |       166.04151 Affordable housing.—

550 |       (1) Notwithstanding any other provision of law, a

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

551 municipality may adopt and maintain in effect any law,  
552 ordinance, rule, or other measure that is adopted for the  
553 purpose of increasing the supply of affordable housing using  
554 land use mechanisms such as inclusionary housing ordinances.

555 (2) An inclusionary housing ordinance may require a  
556 developer to provide a specified number or percentage of  
557 affordable housing units to be included in a development or  
558 allow a developer to contribute to a housing fund or other  
559 alternatives in lieu of building the affordable housing units.  
560 However, in exchange, a municipality must provide incentives to  
561 fully offset all costs to the developer of its affordable  
562 housing contribution. Such incentives may include, but are not  
563 limited to:

564 (a) Allowing the developer density or intensity bonus  
565 incentives or more floor space than allowed under the current or  
566 proposed future land use designation or zoning;

567 (b) Reducing or waiving fees, such as impact fees or water  
568 and sewer charges; or

569 (c) Granting other incentives.

570 (3) Subsection (2) does not apply in an area of critical  
571 state concern, as designated by s. 380.0552 or chapter 28-36,  
572 Florida Administrative Code.

573 Section 10. Subsection (8) of section 420.502, Florida  
574 Statutes, is amended to read:

575 420.502 Legislative findings.—It is hereby found and

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

576 | declared as follows:

577 |       (8) (a) It is necessary to create new programs to stimulate  
578 | the construction and substantial rehabilitation of rental  
579 | housing for eligible persons and families.

580 |       (b) It is necessary to create a state housing finance  
581 | strategy to provide affordable workforce housing opportunities  
582 | to essential services personnel in areas of critical state  
583 | concern designated under s. 380.05, for which the Legislature  
584 | has declared its intent to provide affordable housing, and areas  
585 | that were designated as areas of critical state concern for at  
586 | least 20 consecutive years before removal of the designation.  
587 | The lack of affordable workforce housing has been exacerbated by  
588 | the dwindling availability of developable land, environmental  
589 | constraints, rising construction and insurance costs, and the  
590 | shortage of lower-cost housing units. As this state's population  
591 | continues to grow, essential services personnel vital to the  
592 | economies of areas of critical state concern are unable to live  
593 | in the communities where they work, creating transportation  
594 | congestion and hindering their quality of life and community  
595 | engagement.

596 |       Section 11. Present subsections (18) through (42) of  
597 | section 420.503, Florida Statutes, are redesignated as  
598 | subsections (19) through (43), respectively, a new subsection  
599 | (18) is added to that section, and subsection (15) of that  
600 | section is amended, to read:

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

601           420.503 Definitions.—As used in this part, the term:  
 602           (15) "Elderly" means persons 62 years of age or older;  
 603 however, this definition does not prohibit housing from being  
 604 deemed housing for the elderly as defined in subsection (20)  
 605 ~~(19)~~ if such housing otherwise meets the requirements of  
 606 subsection (20) ~~(19)~~.

607           (18) "Essential services personnel" means natural persons  
 608 or families whose total annual household income is at or below  
 609 120 percent of the area median income, adjusted for household  
 610 size, and at least one of whom is employed as police or fire  
 611 personnel, a child care worker, a teacher or other education  
 612 personnel, health care personnel, a public employee, or a  
 613 service worker.

614           Section 12. Subsection (3) of section 420.5095, Florida  
 615 Statutes, is amended to read:

616           420.5095 Community Workforce Housing Innovation Pilot  
 617 Program.—

618           (3) For purposes of this section, the term:

619           (a) "Workforce housing" means housing affordable to  
 620 natural persons or families whose total annual household income  
 621 does not exceed 140 percent of the area median income, adjusted  
 622 for household size, or 150 percent of area median income,  
 623 adjusted for household size, in areas of critical state concern  
 624 designated under s. 380.05, for which the Legislature has  
 625 declared its intent to provide affordable housing, and areas

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

626 that were designated as areas of critical state concern for at  
 627 least 20 consecutive years prior to removal of the designation.

628 (b) ~~"Essential services personnel" means persons in need~~  
 629 ~~of affordable housing who are employed in occupations or~~  
 630 ~~professions in which they are considered essential services~~  
 631 ~~personnel, as defined by each county and eligible municipality~~  
 632 ~~within its respective local housing assistance plan pursuant to~~  
 633 ~~s. 420.9075(3)(a).~~

634 ~~(c)~~ "Public-private partnership" means any form of  
 635 business entity that includes substantial involvement of at  
 636 least one county, one municipality, or one public sector entity,  
 637 such as a school district or other unit of local government in  
 638 which the project is to be located, and at least one private  
 639 sector for-profit or not-for-profit business or charitable  
 640 entity, and may be any form of business entity, including a  
 641 joint venture or contractual agreement.

642 Section 13. Paragraph (a) of subsection (1) of section  
 643 252.363, Florida Statutes, is amended to read:

644 252.363 Tolling and extension of permits and other  
 645 authorizations.—

646 (1) (a) The declaration of a state of emergency issued by  
 647 the Governor for a natural emergency tolls the period remaining  
 648 to exercise the rights under a permit or other authorization for  
 649 the duration of the emergency declaration. Further, the  
 650 emergency declaration extends the period remaining to exercise



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

651 the rights under a permit or other authorization for 6 months in  
 652 addition to the tolled period. This paragraph applies to the  
 653 following:

654 1. The expiration of a development order issued by a local  
 655 government.

656 2. The expiration of a building permit.

657 3. The expiration of a permit issued by the Department of  
 658 Environmental Protection or a water management district pursuant  
 659 to part IV of chapter 373.

660 4. The buildout date of a development of regional impact,  
 661 including any extension of a buildout date that was previously  
 662 granted as specified in s. 380.06(7)(c).

663 Section 14. Subsection (1), paragraph (b) of subsection  
 664 (2), and subsections (4) through (7) and (18) of section  
 665 553.791, Florida Statutes, are amended to read:

666 553.791 Alternative plans review and inspection.—

667 (1) As used in this section, the term:

668 (a) "Applicable codes" means the Florida Building Code and  
 669 any local technical amendments to the Florida Building Code but  
 670 does not include the applicable minimum fire prevention and  
 671 firesafety codes adopted pursuant to chapter 633.

672 (b) "Audit" means the process to confirm that the building  
 673 code inspection services have been performed by the private  
 674 provider, including ensuring that the required affidavit for the  
 675 plan review has been properly completed and affixed to the

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

676 permit documents and that the minimum mandatory inspections  
677 required under the building code have been performed and  
678 properly recorded. The ~~term does not mean that the local~~  
679 building official may not ~~is required to~~ replicate the plan  
680 review or inspection being performed by the private provider,  
681 unless expressly authorized by this section.

682 (c) "Building" means any construction, erection,  
683 alteration, demolition, or improvement of, or addition to, any  
684 structure or site work for which permitting by a local  
685 enforcement agency is required.

686 (d) "Building code inspection services" means those  
687 services described in s. 468.603(5) and (8) involving the review  
688 of building plans as well as those services involving the review  
689 of site plans and site work engineering plans or their  
690 functional equivalent, to determine compliance with applicable  
691 codes and those inspections required by law of each phase of  
692 construction for which permitting by a local enforcement agency  
693 is required to determine compliance with applicable codes.

694 (e) "Duly authorized representative" means an agent of the  
695 private provider identified in the permit application who  
696 reviews plans or performs inspections as provided by this  
697 section and who is licensed as an engineer under chapter 471 or  
698 as an architect under chapter 481 or who holds a standard  
699 certificate under part XII of chapter 468.

700 (f) "Immediate threat to public safety and welfare" means

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

701 a building code violation that, if allowed to persist,  
702 constitutes an immediate hazard that could result in death,  
703 serious bodily injury, or significant property damage. This  
704 paragraph does not limit the authority of the local building  
705 official to issue a Notice of Corrective Action at any time  
706 during the construction of a building project or any portion of  
707 such project if the official determines that a condition of the  
708 building or portion thereof may constitute a hazard when the  
709 building is put into use following completion as long as the  
710 condition cited is shown to be in violation of the building code  
711 or approved plans.

712 (g) "Local building official" means the individual within  
713 the governing jurisdiction responsible for direct regulatory  
714 administration or supervision of plans review, enforcement, and  
715 inspection of any construction, erection, alteration,  
716 demolition, or substantial improvement of, or addition to, any  
717 structure for which permitting is required to indicate  
718 compliance with applicable codes and includes any duly  
719 authorized designee of such person.

720 (h) "Permit application" means a properly completed and  
721 submitted application for the requested building or construction  
722 permit, including:

- 723 1. The plans reviewed by the private provider.
- 724 2. The affidavit from the private provider required under  
725 subsection (6).

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

- 726           3. Any applicable fees.
- 727           4. Any documents required by the local building official
- 728 to determine that the fee owner has secured all other government
- 729 approvals required by law.
- 730           (i) "Plans" means building plans, site engineering plans,
- 731 or site plans, or their functional equivalent, submitted by a
- 732 fee owner or fee owner's contractor to a private provider or
- 733 duly authorized representative for review.
- 734           (j)~~(i)~~ "Private provider" means a person licensed as a
- 735 building code administrator under part XII of chapter 468, as an
- 736 engineer under chapter 471, or as an architect under chapter
- 737 481. For purposes of performing inspections under this section
- 738 for additions and alterations that are limited to 1,000 square
- 739 feet or less to residential buildings, the term "private
- 740 provider" also includes a person who holds a standard
- 741 certificate under part XII of chapter 468.
- 742           (k)~~(j)~~ "Request for certificate of occupancy or
- 743 certificate of completion" means a properly completed and
- 744 executed application for:
- 745           1. A certificate of occupancy or certificate of
- 746 completion.
- 747           2. A certificate of compliance from the private provider
- 748 required under subsection (11).
- 749           3. Any applicable fees.
- 750           4. Any documents required by the local building official

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

751 to determine that the fee owner has secured all other government  
 752 approvals required by law.

753 (1) "Site work" means the portion of a construction  
 754 project that is not part of the building structure, including,  
 755 but not limited to, grading, excavation, landscape irrigation,  
 756 and installation of driveways.

757 (m) ~~(k)~~ "Stop-work order" means the issuance of any written  
 758 statement, written directive, or written order which states the  
 759 reason for the order and the conditions under which the cited  
 760 work will be permitted to resume.

761 (2)

762 (b) It is the intent of the Legislature that owners and  
 763 contractors pay reduced fees ~~not be required to pay extra costs~~  
 764 related to building permitting requirements when hiring a  
 765 private provider for plans review and building inspections. A  
 766 local jurisdiction must calculate the cost savings to the local  
 767 enforcement agency, based on a fee owner or contractor hiring a  
 768 private provider to perform plans reviews and building  
 769 inspections in lieu of the local building official, and reduce  
 770 the permit fees accordingly. The local jurisdiction may not  
 771 charge fees for building inspections if the fee owner or  
 772 contractor hires a private provider; however, the local  
 773 jurisdiction may charge a reasonable administrative fee.

774 (4) A fee owner or the fee owner's contractor using a  
 775 private provider to provide building code inspection services

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

776 shall notify the local building official at the time of permit  
777 application, or by 2 p.m. local time, 2 ~~no less than 7~~ business  
778 days before ~~prior to~~ the first scheduled inspection by the local  
779 building official or building code enforcement agency for a  
780 private provider performing required inspections of construction  
781 under this section, on a form to be adopted by the commission.

782 This notice shall include the following information:

783 (a) The services to be performed by the private provider.

784 (b) The name, firm, address, telephone number, and  
785 facsimile number of each private provider who is performing or  
786 will perform such services, his or her professional license or  
787 certification number, qualification statements or resumes, and,  
788 if required by the local building official, a certificate of  
789 insurance demonstrating that professional liability insurance  
790 coverage is in place for the private provider's firm, the  
791 private provider, and any duly authorized representative in the  
792 amounts required by this section.

793 (c) An acknowledgment from the fee owner in substantially  
794 the following form:

795  
796 I have elected to use one or more private providers to  
797 provide building code plans review and/or inspection  
798 services on the building or structure that is the  
799 subject of the enclosed permit application, as  
800 authorized by s. 553.791, Florida Statutes. I

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

801 understand that the local building official may not  
802 review the plans submitted or perform the required  
803 building inspections to determine compliance with the  
804 applicable codes, except to the extent specified in  
805 said law. Instead, plans review and/or required  
806 building inspections will be performed by licensed or  
807 certified personnel identified in the application. The  
808 law requires minimum insurance requirements for such  
809 personnel, but I understand that I may require more  
810 insurance to protect my interests. By executing this  
811 form, I acknowledge that I have made inquiry regarding  
812 the competence of the licensed or certified personnel  
813 and the level of their insurance and am satisfied that  
814 my interests are adequately protected. I agree to  
815 indemnify, defend, and hold harmless the local  
816 government, the local building official, and their  
817 building code enforcement personnel from any and all  
818 claims arising from my use of these licensed or  
819 certified personnel to perform building code  
820 inspection services with respect to the building or  
821 structure that is the subject of the enclosed permit  
822 application.

823  
824 If the fee owner or the fee owner's contractor makes any changes  
825 to the listed private providers or the services to be provided

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

826 | by those private providers, the fee owner or the fee owner's  
827 | contractor shall, within 1 business day after any change, update  
828 | the notice to reflect such changes. A change of a duly  
829 | authorized representative named in the permit application does  
830 | not require a revision of the permit, and the building code  
831 | enforcement agency shall not charge a fee for making the change.  
832 | In addition, the fee owner or the fee owner's contractor shall  
833 | post at the project site, before ~~prior to~~ the commencement of  
834 | construction and updated within 1 business day after any change,  
835 | on a form to be adopted by the commission, the name, firm,  
836 | address, telephone number, and facsimile number of each private  
837 | provider who is performing or will perform building code  
838 | inspection services, the type of service being performed, and  
839 | similar information for the primary contact of the private  
840 | provider on the project.

841 |       (5) After construction has commenced and if the local  
842 | building official is unable to provide inspection services in a  
843 | timely manner, the fee owner or the fee owner's contractor may  
844 | elect to use a private provider to provide inspection services  
845 | by notifying the local building official of the owner's or  
846 | contractor's intention to do so by 2 p.m. local time, 2 ~~no less~~  
847 | ~~than 7~~ business days before ~~prior to~~ the next scheduled  
848 | inspection using the notice provided for in paragraphs (4) (a)-  
849 | (c).

850 |       (6) A private provider performing plans review under this



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

851 section shall review the ~~construction~~ plans to determine  
 852 compliance with the applicable codes. Upon determining that the  
 853 plans reviewed comply with the applicable codes, the private  
 854 provider shall prepare an affidavit or affidavits on a form  
 855 reasonably acceptable to ~~adopted by~~ the commission certifying,  
 856 under oath, that the following is true and correct to the best  
 857 of the private provider's knowledge and belief:

858 (a) The plans were reviewed by the affiant, who is duly  
 859 authorized to perform plans review pursuant to this section and  
 860 holds the appropriate license or certificate.

861 (b) The plans comply with the applicable codes.

862 (7) (a) No more than 20 ~~30~~ business days after receipt of a  
 863 permit application and the affidavit from the private provider  
 864 required pursuant to subsection (6), the local building official  
 865 shall issue the requested permit or provide a written notice to  
 866 the permit applicant identifying the specific plan features that  
 867 do not comply with the applicable codes, as well as the specific  
 868 code chapters and sections. If the local building official does  
 869 not provide a written notice of the plan deficiencies within the  
 870 prescribed 20-day ~~30-day~~ period, the permit application shall be  
 871 deemed approved as a matter of law, and the permit shall be  
 872 issued by the local building official on the next business day.

873 (b) If the local building official provides a written  
 874 notice of plan deficiencies to the permit applicant within the  
 875 prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

876 | be tolled pending resolution of the matter. To resolve the plan  
877 | deficiencies, the permit applicant may elect to dispute the  
878 | deficiencies pursuant to subsection (13) or to submit revisions  
879 | to correct the deficiencies.

880 |       (c) If the permit applicant submits revisions, the local  
881 | building official has the remainder of the tolled 20-day ~~30-day~~  
882 | period plus 5 business days from the date of resubmittal to  
883 | issue the requested permit or to provide a second written notice  
884 | to the permit applicant stating which of the previously  
885 | identified plan features remain in noncompliance with the  
886 | applicable codes, with specific reference to the relevant code  
887 | chapters and sections. Any subsequent review by the local  
888 | building official is limited to the deficiencies cited in the  
889 | written notice. If the local building official does not provide  
890 | the second written notice within the prescribed time period, the  
891 | permit shall be deemed approved as a matter of law, and ~~issued~~  
892 | ~~by~~ the local building official must issue the permit on the next  
893 | business day.

894 |       (d) If the local building official provides a second  
895 | written notice of plan deficiencies to the permit applicant  
896 | within the prescribed time period, the permit applicant may  
897 | elect to dispute the deficiencies pursuant to subsection (13) or  
898 | to submit additional revisions to correct the deficiencies. For  
899 | all revisions submitted after the first revision, the local  
900 | building official has an additional 5 business days from the

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

901 date of resubmittal to issue the requested permit or to provide  
902 a written notice to the permit applicant stating which of the  
903 previously identified plan features remain in noncompliance with  
904 the applicable codes, with specific reference to the relevant  
905 code chapters and sections.

906 (18) Each local building code enforcement agency may audit  
907 the performance of building code inspection services by private  
908 providers operating within the local jurisdiction. However, the  
909 same private provider may not be audited more than four times in  
910 a calendar year unless the local building official determines a  
911 condition of a building constitutes an immediate threat to  
912 public safety and welfare. Work on a building or structure may  
913 proceed after inspection and approval by a private provider if  
914 the provider has given notice of the inspection pursuant to  
915 subsection (9) and, subsequent to such inspection and approval,  
916 the work shall not be delayed for completion of an inspection  
917 audit by the local building code enforcement agency.

918 Section 15. Paragraph (1) of subsection (2) of section  
919 718.112, Florida Statutes, is amended to read:

920 718.112 Bylaws.—

921 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
922 following and, if they do not do so, shall be deemed to include  
923 the following:

924 (1) Firesafety.—An association must ensure compliance with  
925 the Florida Fire Prevention Code. As to a residential

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

926 condominium building that is a high-rise building as defined  
 927 under the Florida Fire Prevention Code, the association must  
 928 retrofit either a fire sprinkler system or an engineered life  
 929 safety system as specified in the Florida Fire Prevention Code  
 930 ~~Certificate of compliance. A provision that a certificate of~~  
 931 ~~compliance from a licensed electrical contractor or electrician~~  
 932 ~~may be accepted by the association's board as evidence of~~  
 933 ~~compliance of the condominium units with the applicable fire and~~  
 934 ~~life safety code must be included.~~ Notwithstanding chapter 633  
 935 or of any other code, statute, ordinance, administrative rule,  
 936 or regulation, or any interpretation of the foregoing, an  
 937 association, residential condominium, or unit owner is not  
 938 obligated to retrofit the common elements, association property,  
 939 or units of a residential condominium with a fire sprinkler  
 940 system in a building that has been certified for occupancy by  
 941 the applicable governmental entity if the unit owners have voted  
 942 to forego such retrofitting by the affirmative vote of a  
 943 majority of all voting interests in the affected condominium.  
 944 The local authority having jurisdiction may not require  
 945 completion of retrofitting with a fire sprinkler system or an  
 946 engineered life safety system before January 1, 2024 ~~2020~~. ~~By~~  
 947 ~~December 31, 2016,~~ a residential condominium association that is  
 948 ~~not in compliance with the requirements for a fire sprinkler~~  
 949 ~~system and has not voted to forego retrofitting of such a system~~  
 950 ~~must initiate an application for a building permit for the~~

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

951 ~~required installation with the local government having~~  
952 ~~jurisdiction demonstrating that the association will become~~  
953 ~~compliant by December 31, 2019.~~

954 1. A vote to forego retrofitting may be obtained by  
955 limited proxy or by a ballot personally cast at a duly called  
956 membership meeting, or by execution of a written consent by the  
957 member, and is effective upon recording a certificate attesting  
958 to such vote in the public records of the county where the  
959 condominium is located. The association shall mail or hand  
960 deliver to each unit owner written notice at least 14 days  
961 before the membership meeting in which the vote to forego  
962 retrofitting of the required fire sprinkler system is to take  
963 place. Within 30 days after the association's opt-out vote,  
964 notice of the results of the opt-out vote must be mailed or hand  
965 delivered to all unit owners. Evidence of compliance with this  
966 notice requirement must be made by affidavit executed by the  
967 person providing the notice and filed among the official records  
968 of the association. After notice is provided to each owner, a  
969 copy must be provided by the current owner to a new owner before  
970 closing and by a unit owner to a renter before signing a lease.

971 2. If there has been a previous vote to forego  
972 retrofitting, a vote to require retrofitting may be obtained at  
973 a special meeting of the unit owners called by a petition of at  
974 least 10 percent of the voting interests. Such a vote may only  
975 be called once every 3 years. Notice shall be provided as

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

976 required for any regularly called meeting of the unit owners,  
 977 and must state the purpose of the meeting. Electronic  
 978 transmission may not be used to provide notice of a meeting  
 979 called in whole or in part for this purpose.

980 3. As part of the information collected annually from  
 981 condominiums, the division shall require condominium  
 982 associations to report the membership vote and recording of a  
 983 certificate under this subsection and, if retrofitting has been  
 984 undertaken, the per-unit cost of such work. The division shall  
 985 annually report to the Division of State Fire Marshal of the  
 986 Department of Financial Services the number of condominiums that  
 987 have elected to forego retrofitting.

988 4. Notwithstanding s. 553.509, a residential association  
 989 may not be obligated to, and may forego the retrofitting of, any  
 990 improvements required by s. 553.509(2) upon an affirmative vote  
 991 of a majority of the voting interests in the affected  
 992 condominium.

993 5. This paragraph does not apply to timeshare condominium  
 994 associations, which shall be governed by s. 721.24.

995 Section 16. Section 718.1085, Florida Statutes, is amended  
 996 to read:

997 718.1085 Certain regulations not to be retroactively  
 998 applied.—Notwithstanding the provisions of chapter 633 or of any  
 999 other code, statute, ordinance, administrative rule, or  
 1000 regulation, or any interpretation thereof, an association,

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1001 condominium, or unit owner is not obligated to retrofit the  
 1002 common elements or units of a residential condominium that meets  
 1003 the definition of "housing for older persons" in s.  
 1004 760.29(4)(b)3. to comply with requirements relating to handrails  
 1005 and guardrails if the unit owners have voted to forego such  
 1006 retrofitting by the affirmative vote of two-thirds of all voting  
 1007 interests in the affected condominium. However, a condominium  
 1008 association may not vote to forego the retrofitting in common  
 1009 areas in a high-rise building. For the purposes of this section,  
 1010 the term "high-rise building" means a building that is greater  
 1011 than 75 feet in height where the building height is measured  
 1012 from the lowest level of fire department access to the floor of  
 1013 the highest occupiable level. For the purposes of this section,  
 1014 the term "common areas" means stairwells and exposed, outdoor  
 1015 walkways and corridors, but does not include individual  
 1016 balconies. In no event shall the local authority having  
 1017 jurisdiction require retrofitting of common areas with handrails  
 1018 and guardrails before the end of 2024 ~~2014~~.

1019 (1) A vote to forego retrofitting may not be obtained by  
 1020 general proxy or limited proxy, but shall be obtained by a vote  
 1021 personally cast at a duly called membership meeting, or by  
 1022 execution of a written consent by the member, and shall be  
 1023 effective upon the recording of a certificate attesting to such  
 1024 vote in the public records of the county where the condominium  
 1025 is located. The association shall provide each unit owner

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1026 written notice of the vote to forego retrofitting of the  
 1027 required handrails or guardrails, or both, in at least 16-point  
 1028 bold type, by certified mail, within 20 days after the  
 1029 association's vote. After such notice is provided to each owner,  
 1030 a copy of such notice shall be provided by the current owner to  
 1031 a new owner prior to closing and shall be provided by a unit  
 1032 owner to a renter prior to signing a lease.

1033 (2) As part of the information collected annually from  
 1034 condominiums, the division shall require condominium  
 1035 associations to report the membership vote and recording of a  
 1036 certificate under this subsection and, if retrofitting has been  
 1037 undertaken, the per-unit cost of such work. The division shall  
 1038 annually report to the Division of State Fire Marshal of the  
 1039 Department of Financial Services the number of condominiums that  
 1040 have elected to forego retrofitting.

1041 Section 17. By July 1, 2019, the State Fire Marshal shall  
 1042 issue a data call to all local fire officials to collect data  
 1043 regarding high-rise condominiums greater than 75 feet in height  
 1044 which have not retrofitted with a fire sprinkler system or an  
 1045 engineered life safety system in accordance with ss. 633.208(5)  
 1046 and 718.112(2)(1), Florida Statutes. Local fire officials shall  
 1047 submit such data to the State Fire Marshal and shall include,  
 1048 for each individual building, the address, the number of units,  
 1049 and the number of stories. By July 1, 2020, all data must be  
 1050 received and compiled into a report by city and county. By



ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1051 | September 1, 2020, the report must be sent to the Governor, the  
1052 | President of the Senate, and the Speaker of the House of  
1053 | Representatives.

1054 |       Section 18. This act shall take effect upon becoming a  
1055 | law.

**Recommendation on Percentage Increase of the Student  
Generation Rate/School Impact Fee Study Update**

**Table x**  
**DeMinimus Calculation for Broward County Schools**

DRAFT

Dwelling Unit Type	Bedrooms	Total Impact Fee <sup>(1)</sup>	Current Adopted Fee <sup>(2)</sup>	Percent Change <sup>(3)</sup>	75% Rate Cap <sup>(4)</sup>	Percent Change <sup>(5)</sup>	Sample of Units <sup>(6)</sup>	Revenue Current Rate <sup>(7)</sup>	Revenue Full Rate <sup>(8)</sup>	Revenue 75% Cap <sup>(9)</sup>	Revenue Difference <sup>(10)</sup>
Single Family	3 or fewer	\$9,049	\$6,558	38%	\$9,049	38%	850	\$5,574,300	\$7,691,650	\$7,691,650	\$0
	4 or more	\$12,295	\$8,241	49%	\$12,295	49%	2,265	\$18,665,865	\$27,848,175	\$27,848,175	\$0
Townhouse, Duplex & Villa	2 or fewer	\$4,918	\$3,783	30%	\$4,918	30%	229	\$866,307	\$1,126,222	\$1,126,222	\$0
	3 or more	\$7,377	\$6,418	15%	\$7,377	15%	1,897	\$12,174,946	\$13,994,169	\$13,994,169	\$0
Garden Apartment	1 or fewer	\$3,442	\$358	861%	\$626	75%	350	\$125,300	\$1,204,700	\$219,100	-\$985,600
	2 bedrooms	\$4,918	\$4,182	18%	\$4,918	18%	2,769	\$11,579,958	\$13,617,942	\$13,617,942	\$0
	3 or more	\$5,901	\$7,598	-22%	\$5,901	-22%	802	\$6,093,596	\$4,732,602	\$4,732,602	\$0
Mid-Rise	1 or fewer	\$738	\$279	165%	\$488	75%	117	\$32,643	\$86,346	\$57,096	-\$29,250
	2 or more	\$1,967	\$1,098	79%	\$1,921	75%	1,207	\$1,325,286	\$2,374,169	\$2,318,647	-\$55,522
High-Rise	Combined	\$738	\$344	115%	\$602	75%	1,647	\$566,568	\$1,215,486	\$991,494	-\$223,992
Mobile Home	2 or fewer	\$3,688	\$2,955	25%	\$3,688	25%	-	-	-	-	-
	3 or more	\$8,016	\$6,440	24%	\$8,016	24%	-	-	-	-	-
<b>Total<sup>(11)</sup>:</b>								\$57,004,769	\$73,891,461	\$72,597,097	-\$1,294,364
<b>Percent of Full Rate Revenue<sup>(12)</sup>:</b>								-	-	-	1.75%

1) Source: Table 10

2) Source: Broward County Planning and Development Management Division

3) Percent change from the current adopted impact fee (Item 2) to the total impact fee (Item 1)

4) Updated impact fee rate with a capped increase of 75 percent greater than the current adopted fee

5) Percent change from the current adopted impact fee (Item 2) to 75% rate cap (Item 4)

6) Source: Table C-4, new homes added from 2010 to 2016

7) Current adopted impact fee (Item 2) multiplied by the sample of units (Item 6)

8) Total impact fee (Item 1) multiplied by the sample of units (Item 6)

9) 75% rate cap (Item 4) multiplied by the sample of units (Item 6)

10) 75% cap revenue (Item 8) less the full rate revenue (Item 7)

11) Total of the "revenue difference" divided by the "revenue full rate" total

12) Revenue difference (Item 9) divided by Revenue Full Rate (Item 7)

**Student Generation Rate/School Impact Fee Study Update  
Timeline**

STUDENT GENERATION RATE/SCHOOL IMPACT FEE STUDY UPDATE  
**Tentative Meetings/Public Workshops/Hearings**  
 Years 2016 - 2019

<u>Meetings, Public Workshops/ Hearings</u>	<u>Date</u>	<u>Time</u>	<u>Venue</u>
Study Standing Committee	1/31/17	2:00 pm	KCW
Oversight Committee*	4/12/17	12:00 Noon	KCW, School Board Meeting Room
Broward County Planning Council *	4/27/17	10:00 am	Broward County Governmental Center, Room 422
Staff Working Group	6/01/17	9:30 am	401 NW 70 <sup>th</sup> Terrace, 1 <sup>st</sup> Floor Plantation, FL 33317
Broward League of Cities	6/01/17	12:00 Noon	Colony West, 6800 NW 88 <sup>th</sup> Ave. Tamarac, FL
Oversight Committee*	6/14/17	12:00 Noon	KCW, School Board Meeting Room
General Public Workshop*	6/19/17	2:00 pm	Broward County Governmental Center, Room TBA
School Board Workshop*	6/20/17	10:00 am	KCW, School Board Meeting Room
Oversight Committee*	8/9/17	12:00 Noon	KCW, School Board Meeting Room
School Board Workshop*	8/25/17	1:00 pm	KCW, School Board Meeting Room
Staff Working Group (Status Report)	10/5/17	9:30 a.m.	401 NW 70 <sup>th</sup> Terrace, 1 <sup>st</sup> Floor Plantation, FL 33317
Oversight Committee (Status Report)*	10/11/17	12:00 Noon	KCW, School Board Meeting Room
School Board Workshop*	11/28/17	12:30 pm	KCW, School Board Meeting Room
School Board Workshop*	05/15/18	5:00 pm	KCW, School Board Meeting Room
Oversight Committee (Status Report)*	01/9/19	12:00 Noon	KCW, School Board Meeting Room
Oversight Committee*	04/17/19	12:00 Noon	KCW, School Board Meeting Room
Oversight Committee*	06/19/19	12:00 Noon	KCW, School Board Meeting Room
School Board Operational Meeting*	08/06/19	10:05 am	KCW, School Board Meeting Room (Transmittal of the Study recommendations to the County Commission for adoption into Broward County Land Development Code)
<i>Presumed Broward County Planning Council*</i>	<i>10/XX/19</i>	<i>TBD</i>	<i>Broward County Governmental Center (LPA Hearing)</i>
<i>Presumed Broward County Commission*</i>	<i>12/XX/19</i>	<i>TBD</i>	<i>Broward County Governmental Center Room No. 422 (Adoption of Study recommendations into the Broward County Land Development Code)</i>
<i>Presumed Updated SGR/SIF Effective Date**</i>	<i>03/XX/20</i>	<i>N/A</i>	<i>N/A</i>

\* Allows for public comment

\*\* It should be noted that per state law, adopted impact fees ordinances shall become effective 90 days after their adoption date by the governing body.