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
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 that 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 Generals 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
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Related Bill(s)</th>
<th>Key Issues</th>
<th>Potential Impact to the Broward County Public Schools (BCPS) Department/District</th>
<th>Status of Bill</th>
<th>Date Bill would become effective</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 144</td>
<td>HB 207</td>
<td>Revises the minimum requirements for the adoption of impact fees by specified local governments.</td>
<td>No additional impact</td>
<td>3/10/2019 Senate • Referred to Community Affairs; Finance and Tax; Appropriations 2/28/2019 Senate • On Committee agenda Community Affairs 3/5/2019 Senate • Introduced • Favorable by Community Affairs; YEAS 5 NAYS 0 3/6/2019 Senate • Finance and Tax 3/15/2019 Senate • Finance and Tax 3/20/2019 Senate • Favorable by Finance and Tax; YEAS 8 NAYS 0 3/25/2019 Senate • On Committee agenda- Appropriations 3/27/2019 Senate • Favorable by- Appropriations; YEAS 19 NAYS 0 3/28/2019 Senate • Placed on Calendar, on 2nd reading 4/1/2019 Senate • Placed on Special Order Calendar, 04/03/19 4/3/2019 Senate • Read 2nd time • Placed on 3rd reading 4/4/2019 Senate • Read 3rd time • Substituted CS/HB 207 • Laid on Table, refer to CS/HB 207</td>
<td>7/1/2019</td>
<td>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.</td>
</tr>
<tr>
<td>HB 7103</td>
<td>HB 207 SB 350</td>
<td>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.</td>
<td>Impact to District’s Impact fee program will be based on feedback received on the bill from legal counsel. 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.</td>
<td>5/3/2019 House • Amendment(s) failed (396347) • Concurred in 1 amendment(s) (444806) • CS passed as amended; YEAS 66 NAYS 42 • Ordered engrossed, then enrolled</td>
<td>Upon becoming law</td>
<td>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.</td>
</tr>
</tbody>
</table>
An act relating to impact fees; amending s. 163.31801, F.S.; revising the minimum requirements for the adoption of impact fees by specified local governments; exempting water and sewer connection fees from the Florida Impact Fee Act; providing an effective date.

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

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

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges definitions; ordinances levying impact fees.—

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

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

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

(a) The local government must calculate the calculation of the impact fee based on the most recent and localized data.

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

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

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

(e) The local government may not require payment of the impact fee before the date of issuance of the building permit for the property that is subject to the fee.
(f) The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

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

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

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

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

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the
evidence that the imposition or amount of the fee meets the
requirements of state legal precedent or this section. The court
may not use a deferential standard.

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

Section 2. This act shall take effect July 1, 2019.
An act relating to community development and housing;
amending s. 125.01055, F.S.; authorizing an
inclusionary housing ordinance to require a developer
to provide a specified number or percentage of
affordable housing units to be included in a
development or allow a developer to contribute to a
housing fund or other alternatives; requiring a county
to provide certain incentives to fully offset all
costs to the developer of its affordable housing
contribution; providing applicability; amending s.
125.022, F.S.; requiring that a county review the
application for completeness and issue a certain
letter within a specified period after receiving an
application for approval of a development permit or
development order; providing procedures for addressing
deficiencies in, and for approving or denying, the
application; providing applicability of certain
timeframes; conforming provisions to changes made by
the act; defining the term "development order";
amending s. 163.3167, F.S.; providing requirements for
a comprehensive plan adopted after a specified date
and all land development regulations adopted to
implement the comprehensive plan; amending s.
163.3180, F.S.; revising compliance requirements for a
mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; adding minimum conditions that certain impact fees must satisfy; requiring a local government to credit against the collection of an impact fee any contribution related to public education facilities, subject to certain requirements; requiring the holder of certain impact fee credits to be entitled to a certain benefit if a local government increases its impact fee rates; providing applicability; providing that the government, in certain actions, has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements; prohibiting the court from using a deferential standard for the benefit of the government; authorizing a county, municipality, or special district to provide an exception or waiver for an impact fee for the development or construction of housing that is affordable; providing that if a
county, municipality, or special district provides such exception or waiver, it is not required to use any revenues to offset the impact; providing applicability; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain preexisting development orders; amending s. 163.3215, F.S.; providing that either party is entitled to a certain summary procedure in certain proceedings; requiring the court to advance such cause on the calendar, subject to certain requirements; providing that the prevailing party in a certain challenge to a development order is entitled to certain attorney fees and costs; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of
affordable housing units to be included in a
development or allow a developer to contribute to a
housing fund or other alternatives; requiring a
municipality to provide certain incentives to fully
offset all costs to the developer of its affordable
housing contribution; providing applicability;
amending s. 420.502, F.S.; revising legislative
findings for a certain state housing finance strategy;
amending s. 420.503, F.S.; conforming cross-
references; defining the term "essential services
personnel"; amending s. 420.5095, F.S.; deleting the
definition of the term "essential services personnel";
amending s. 252.363, F.S.; providing that the
declaration of a state of emergency issued by the
Governor for a natural emergency tolls the period
remaining to exercise the rights under a permit or
other authorization for the duration of the emergency
declaration; amending s. 553.791, F.S.; providing and
revising definitions; revising legislative intent;
prohibiting a local jurisdiction from charging fees
for building inspections if the fee owner or
contractor hires a private provider; authorizing the
local jurisdiction to charge a reasonable
administrative fee; revising the timeframe within
which an owner or contractor must notify the building
official that he or she is using a certain private
provider; revising the type of affidavit form to be
used by certain private providers under certain
circumstances; revising the timeframe within which a
building official must approve or deny a permit
application; specifying the timeframe within which the
local building official must issue a certain permit or
notice of noncompliance if the permit applicant
submits revisions; limiting a building official's
review of a resubmitted permit application to
previously identified deficiencies; limiting the
number of times a building official may audit a
private provider, with exceptions; amending s.
718.112, F.S.; requiring condominium associations to
ensure compliance with the Florida Fire Prevention
Code; requiring associations to retrofit certain high-
rise buildings with either a fire sprinkler system or
an engineered life safety system as specified in the
code; deleting a requirement for association bylaws to
include a provision relating to certain certificates
of compliance; extending and specifying the date
before which local authorities having jurisdiction may
not require completion of retrofitting a fire
sprinkler system or an engineered life safety system,
respectively; deleting an obsolete provision;
providing applicability; amending s. 718.1085, F.S.; revising the definition of the term "common areas" to exclude individual balconies; extending the year before which the local authority having jurisdiction may not require retrofitting of common areas with handrails and guardrails; requiring the State Fire Marshal, by a certain date, to issue a data call to all local fire officials to collect data on certain high-rise condominiums; specifying data that local fire officials must submit; requiring that all data be received and compiled into a certain report by a certain date; requiring that the report be sent to the Governor and the Legislature by a certain date; providing an effective date.

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

Section 1. Section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.
(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;
(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or
(c) Granting other incentives.

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

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

125.022 Development permits and orders.—
(1) Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If
the application is deficient, the applicant has 30 days to
address the deficiencies by submitting the required additional
information. Within 120 days after the county has deemed the
application complete, or 180 days for applications that require
final action through a quasi-judicial hearing or a public
hearing, the county must approve, approve with conditions, or
deny the application for a development permit or development
order. Both parties may agree to a reasonable request for an
extension of time, particularly in the event of a force majeure
or other extraordinary circumstance. An approval, approval with
conditions, or denial of the application for a development
permit or development order must include written findings
supporting the county's decision. The timeframes contained in
this subsection do not apply in an area of critical state
concern, as designated in s. 380.0552.

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

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

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

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

(6)(5) Issuance of a development permit or development
order by a county does not in any way create any rights on the
part of the applicant to obtain a permit from a state or federal
agency and does not create any liability on the part of the
county for issuance of the permit if the applicant fails to
obtain requisite approvals or fulfill the obligations imposed by
a state or federal agency or undertakes actions that result in a
violation of state or federal law. A county shall attach such a
disclaimer to the issuance of a development permit and shall
include a permit condition that all other applicable state or
federal permits be obtained before commencement of the
development.

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

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

163.3167 Scope of act.—

(3) A municipality established after the effective date of
this act shall, within 1 year after incorporation, establish a
local planning agency, pursuant to s. 163.3174, and prepare and
adopt a comprehensive plan of the type and in the manner set out
in this act within 3 years after the date of such incorporation.
A county comprehensive plan ___ shall be deemed controlling until
the municipality adopts a comprehensive plan in accordance
with this act. A comprehensive plan adopted after January
1, 2019, and all land development regulations adopted to
implement the comprehensive plan must incorporate each
development order existing before the comprehensive plan's
effective date, may not impair the completion of a development
in accordance with such existing development order, and must
vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

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

163.3180 Concurrency.—

(5)

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

(6)
(h)1. In order to limit the liability of local
governments, a local government may allow a landowner to proceed
with development of a specific parcel of land notwithstanding a
failure of the development to satisfy school concurrency, if all
the following factors are shown to exist:
   a. The proposed development would be consistent with the
future land use designation for the specific property and with
pertinent portions of the adopted local plan, as determined by
the local government.
   b. The local government's capital improvements element and
the school board's educational facilities plan provide for
school facilities adequate to serve the proposed development,
and the local government or school board has not implemented
that element or the project includes a plan that demonstrates
that the capital facilities needed as a result of the project
can be reasonably provided.
   c. The local government and school board have provided a
means by which the landowner will be assessed a proportionate
share of the cost of providing the school facilities necessary
to serve the proposed development.

2. If a local government applies school concurrency, it
may not deny an application for site plan, final subdivision
approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s. 163.31777.

a. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding
commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

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

c. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified
in the 5-year school board educational facilities plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

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

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

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges; definitions; ordinances levying impact fees.—

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

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.
(3) At a minimum, an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions, at minimum:

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

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

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

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

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

(f) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
(g) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

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

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

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

(5) If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit.
balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

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

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

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

(9) This section does not apply to water and sewer
connection fees.

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

163.3202 Land development regulations.—

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

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

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

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

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

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

(c) The prevailing party in a challenge to a development order filed under subsection (3) is entitled to recover reasonable attorney fees and costs incurred in challenging or
defending the order, including reasonable appellate attorney
fees and costs.

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

166.033 Development permits and orders.—

(1) Within 30 days after receiving an application for
approval of a development permit or development order, a
municipality must review the application for completeness and
issue a letter indicating that all required information is
submitted or specifying with particularity any areas that are
deficient. If the application is deficient, the applicant has 30
days to address the deficiencies by submitting the required
additional information. Within 120 days after the municipality
has deemed the application complete, or 180 days for
applications that require final action through a quasi-judicial
hearing or a public hearing, the municipality must approve,
approve with conditions, or deny the application for a
development permit or development order. Both parties may agree
to a reasonable request for an extension of time, particularly
in the event of a force majeure or other extraordinary
circumstance. An approval, approval with conditions, or denial
of the application for a development permit or development order
must include written findings supporting the municipality's
decision. The timeframes contained in this subsection do not
apply in an area of critical state concern, as designated in s.
380.0552 or chapter 28-36, Florida Administrative Code.

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

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

(4) As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(5) For any development permit application filed with the municipality after July 1, 2012, a municipality may not
require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

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

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

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

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a
municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

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

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

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

(c) Granting other incentives.

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

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

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

Section 11. Present subsections (18) through (42) of
section 420.503, Florida Statutes, are redesignated as
subsections (19) through (43), respectively, a new subsection
(18) is added to that section, and subsection (15) of that
section is amended, to read:
420.503 Definitions.—As used in this part, the term:

(15) "Elderly" means persons 62 years of age or older; however, this definition does not prohibit housing from being deemed housing for the elderly as defined in subsection (20) if such housing otherwise meets the requirements of subsection (20).

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

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

420.5095 Community Workforce Housing Innovation Pilot Program.—

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

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas
that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

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

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

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

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise
the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

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

2. The expiration of a building permit.

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

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

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

553.791 Alternative plans review and inspection.—

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

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

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the
permit documents and that the minimum mandatory inspections
required under the building code have been performed and
properly recorded. The term does not mean that the local
building official may not be required to replicate the plan
review or inspection being performed by the private provider,
unless expressly authorized by this section.

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

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

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

(f) "Immediate threat to public safety and welfare" means
a building code violation that, if allowed to persist,
constitutes an immediate hazard that could result in death,
serious bodily injury, or significant property damage. This
paragraph does not limit the authority of the local building
official to issue a Notice of Corrective Action at any time
during the construction of a building project or any portion of
such project if the official determines that a condition of the
building or portion thereof may constitute a hazard when the
building is put into use following completion as long as the
condition cited is shown to be in violation of the building code
or approved plans.

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

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

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required under
subsection (6).
3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

   (i) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

   (j) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

   (k) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

   1. A certificate of occupancy or certificate of completion.

   2. A certificate of compliance from the private provider required under subsection (11).

   3. Any applicable fees.

   4. Any documents required by the local building official
to determine that the fee owner has secured all other government
approvals required by law.

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

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

(2)

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

(4) A fee owner or the fee owner's contractor using a
private provider to provide building code inspection services
shall notify the local building official at the time of permit application, or by 2 p.m. local time, no less than 7 business days before prior to the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction under this section, on a form to be adopted by the commission. This notice shall include the following information:

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

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

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

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I
understand that the local building official may not
review the plans submitted or perform the required
building inspections to determine compliance with the
applicable codes, except to the extent specified in
said law. Instead, plans review and/or required
building inspections will be performed by licensed or
certified personnel identified in the application. The
law requires minimum insurance requirements for such
personnel, but I understand that I may require more
insurance to protect my interests. By executing this
form, I acknowledge that I have made inquiry regarding
the competence of the licensed or certified personnel
and the level of their insurance and am satisfied that
my interests are adequately protected. I agree to
indemnify, defend, and hold harmless the local
government, the local building official, and their
building code enforcement personnel from any and all
claims arising from my use of these licensed or
certified personnel to perform building code
inspection services with respect to the building or
structure that is the subject of the enclosed permit
application.

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

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

(6) A private provider performing plans review under this
section shall review the construction plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form reasonably acceptable to adopted by the commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

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

(b) The plans comply with the applicable codes.

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

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day 30-day period, the 20-day 30-day period shall
be tolled pending resolution of the matter. To resolve the plan
deficiencies, the permit applicant may elect to dispute the
deficiencies pursuant to subsection (13) or to submit revisions
to correct the deficiencies.

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

(d) If the local building official provides a second
written notice of plan deficiencies to the permit applicant
within the prescribed time period, the permit applicant may
elect to dispute the deficiencies pursuant to subsection (13) or
to submit additional revisions to correct the deficiencies. For
all revisions submitted after the first revision, the local
building official has an additional 5 business days from the
date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

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

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

718.112 Bylaws.—

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

(1) Firesafety.—An association must ensure compliance with the Florida Fire Prevention Code. As to a residential
condominium building that is a high-rise building as defined
under the Florida Fire Prevention Code, the association must
retrofit either a fire sprinkler system or an engineered life
safety system as specified in the Florida Fire Prevention Code
Certificate of compliance. A provision that a certificate of
compliance from a licensed electrical contractor or electrician
may be accepted by the association's board as evidence of
compliance of the condominium units with the applicable fire and
life safety code must be included. Notwithstanding chapter 633
or of any other code, statute, ordinance, administrative rule,
or regulation, or any interpretation of the foregoing, an
association, residential condominium, or unit owner is not
obligated to retrofit the common elements, association property,
or units of a residential condominium with a fire sprinkler
system in a building that has been certified for occupancy by
the applicable governmental entity if the unit owners have voted
to forego such retrofitting by the affirmative vote of a
majority of all voting interests in the affected condominium.
The local authority having jurisdiction may not require
completion of retrofitting with a fire sprinkler system or an
engineered life safety system before January 1, 2024 2020. By
December 31, 2016, a residential condominium association that is
not in compliance with the requirements for a fire sprinkler
system and has not voted to forego retrofitting of such a system
must initiate an application for a building permit for the
required installation with the local government having
jurisdiction demonstrating that the association will become
compliant by December 31, 2019.

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

2. If there has been a previous vote to forego
retrofitting, a vote to require retrofitting may be obtained at
a special meeting of the unit owners called by a petition of at
least 10 percent of the voting interests. Such a vote may only
be called once every 3 years. Notice shall be provided as
required for any regularly called meeting of the unit owners, and must state the purpose of the meeting. Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.

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

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

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

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

718.1085 Certain regulations not to be retroactively applied.—Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation thereof, an association,
condominium, or unit owner is not obligated to retrofit the
common elements or units of a residential condominium that meets
the definition of "housing for older persons" in s. 760.29(4)(b)3. to comply with requirements relating to handrails
and guardrails if the unit owners have voted to forego such
retrofitting by the affirmative vote of two-thirds of all voting
interests in the affected condominium. However, a condominium
association may not vote to forego the retrofitting in common
areas in a high-rise building. For the purposes of this section,
the term "high-rise building" means a building that is greater
than 75 feet in height where the building height is measured
from the lowest level of fire department access to the floor of
the highest occupiable level. For the purposes of this section,
the term "common areas" means stairwells and exposed, outdoor
walkways and corridors, but does not include individual
balconies. In no event shall the local authority having
jurisdiction require retrofitting of common areas with handrails
and guardrails before the end of 2024.

(1) A vote to forego retrofitting may not be obtained by
general proxy or limited proxy, but shall be obtained by a vote
personally cast at a duly called membership meeting, or by
execution of a written consent by the member, and shall be
effective upon the recording of a certificate attesting to such
vote in the public records of the county where the condominium
is located. The association shall provide each unit owner
written notice of the vote to forego retrofitting of the
required handrails or guardrails, or both, in at least 16-point
bold type, by certified mail, within 20 days after the
association's vote. After such notice is provided to each owner,
a copy of such notice shall be provided by the current owner to
a new owner prior to closing and shall be provided by a unit
owner to a renter prior to signing a lease.

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

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

Section 18. This act shall take effect upon becoming a law.
Recommendation on Percentage Increase of the Student Generation Rate/School Impact Fee Study Update
## DeMinimus Calculation for Broward County Schools

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>Bedrooms</th>
<th>Total Impact Fee(1)</th>
<th>Current Adopted Fee(2)</th>
<th>Percent Change(3)</th>
<th>75% Rate Cap(4)</th>
<th>Percent Change(5)</th>
<th>Sample of Units(6)</th>
<th>Revenue Current Rate(7)</th>
<th>Revenue Full Rate(8)</th>
<th>Revenue 75% Cap(9)</th>
<th>Revenue Difference(10)</th>
<th>Percent of Full Rate Revenue(11), Percent of Current Rate Revenue(12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>3 or fewer</td>
<td>$9,049</td>
<td>$6,558</td>
<td>38%</td>
<td>$9,049</td>
<td>38%</td>
<td>850</td>
<td>$5,574,300</td>
<td>$7,691,650</td>
<td>$7,691,650</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 or more</td>
<td>$12,295</td>
<td>$8,241</td>
<td>49%</td>
<td>$12,295</td>
<td>49%</td>
<td>2,265</td>
<td>$18,665,865</td>
<td>$27,848,175</td>
<td>$27,848,175</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Townhouse, Duplex &amp; Villa</td>
<td>2 or fewer</td>
<td>$4,918</td>
<td>$3,783</td>
<td>30%</td>
<td>$4,918</td>
<td>30%</td>
<td>229</td>
<td>$866,307</td>
<td>$1,126,222</td>
<td>$1,126,222</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 or more</td>
<td>$7,377</td>
<td>$6,418</td>
<td>15%</td>
<td>$7,377</td>
<td>15%</td>
<td>1,897</td>
<td>$12,174,946</td>
<td>$13,994,169</td>
<td>$13,994,169</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Garden Apartment</td>
<td>1 or fewer</td>
<td>$3,442</td>
<td>$358</td>
<td>86.1%</td>
<td>$626</td>
<td>75%</td>
<td>350</td>
<td>$125,300</td>
<td>$1,204,700</td>
<td>$219,100</td>
<td>-$985,600</td>
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</tr>
<tr>
<td></td>
<td>2 bedrooms</td>
<td>$4,918</td>
<td>$4,182</td>
<td>18%</td>
<td>$4,918</td>
<td>18%</td>
<td>2,769</td>
<td>$11,579,958</td>
<td>$13,617,942</td>
<td>$13,617,942</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 or more</td>
<td>$5,901</td>
<td>$7,598</td>
<td>-22%</td>
<td>$5,901</td>
<td>-22%</td>
<td>802</td>
<td>$6,093,596</td>
<td>$4,732,602</td>
<td>$4,732,602</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Mid-Rise</td>
<td>1 or fewer</td>
<td>$738</td>
<td>$279</td>
<td>165%</td>
<td>$488</td>
<td>75%</td>
<td>117</td>
<td>$32,643</td>
<td>$86,346</td>
<td>$57,096</td>
<td>-$29,250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 or more</td>
<td>$1,967</td>
<td>$1,098</td>
<td>79%</td>
<td>$1,921</td>
<td>75%</td>
<td>1,207</td>
<td>$1,325,286</td>
<td>$2,374,169</td>
<td>$2,318,647</td>
<td>-$55,522</td>
<td></td>
</tr>
<tr>
<td>High-Rise</td>
<td>Combined</td>
<td>$738</td>
<td>$344</td>
<td>115%</td>
<td>$602</td>
<td>75%</td>
<td>1,647</td>
<td>$566,568</td>
<td>$993,494</td>
<td>$993,494</td>
<td>-$223,992</td>
<td></td>
</tr>
<tr>
<td>Mobile Home</td>
<td>2 or fewer</td>
<td>$3,688</td>
<td>$2,955</td>
<td>25%</td>
<td>$3,688</td>
<td>25%</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 or more</td>
<td>$8,016</td>
<td>$6,440</td>
<td>24%</td>
<td>$8,016</td>
<td>24%</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: $57,004,769, $73,891,461, $72,597,097, -$1,294,364

Percent of Full Rate Revenue: 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)

Prepared by: Tindale Oliver
Student Generation Rate/School Impact Fee Study Update
Timeline
<table>
<thead>
<tr>
<th>Meetings, Public Workshops/ Hearings</th>
<th>Date</th>
<th>Time</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study Standing Committee</td>
<td>1/31/17</td>
<td>2:00 pm</td>
<td>KCW</td>
</tr>
<tr>
<td>Oversight Committee*</td>
<td>4/12/17</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Broward County Planning Council *</td>
<td>4/27/17</td>
<td>10:00 am</td>
<td>Broward County Governmental Center, Room 422</td>
</tr>
<tr>
<td>Staff Working Group</td>
<td>6/01/17</td>
<td>9:30 am</td>
<td>401 NW 70th Terrace, 1st Floor Plantation, FL 33317</td>
</tr>
<tr>
<td>Broward League of Cities</td>
<td>6/01/17</td>
<td>12:00 Noon</td>
<td>Colony West, 6800 NW 88th Ave. Tamarac, FL</td>
</tr>
<tr>
<td>Oversight Committee*</td>
<td>6/14/17</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>General Public Workshop*</td>
<td>6/19/17</td>
<td>2:00 pm</td>
<td>Broward County Governmental Center, Room TBA</td>
</tr>
<tr>
<td>School Board Workshop*</td>
<td>6/20/17</td>
<td>10:00 am</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Oversight Committee*</td>
<td>8/9/17</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>School Board Workshop*</td>
<td>8/25/17</td>
<td>1:00 pm</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Staff Working Group (Status Report)</td>
<td>10/5/17</td>
<td>9:30 a.m.</td>
<td>401 NW 70th Terrace, 1st Floor Plantation, FL 33317</td>
</tr>
<tr>
<td>Oversight Committee (Status Report)*</td>
<td>10/11/17</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>School Board Workshop*</td>
<td>11/28/17</td>
<td>12:30 pm</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>School Board Workshop*</td>
<td>05/15/18</td>
<td>5:00 pm</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Oversight Committee (Status Report)*</td>
<td>01/9/19</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Oversight Committee*</td>
<td>04/17/19</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>Oversight Committee*</td>
<td>06/19/19</td>
<td>12:00 Noon</td>
<td>KCW, School Board Meeting Room</td>
</tr>
<tr>
<td>School Board Operational Meeting*</td>
<td>08/06/19</td>
<td>10:05 am</td>
<td>KCW, School Board Meeting Room (Transmittal of the Study recommendations to the County Commission for adoption into Broward County Land Development Code)</td>
</tr>
</tbody>
</table>

Presumed Broward County Planning Council* 10/XX/19 TBD Broward County Governmental Center (LPA Hearing)

Presumed Broward County Commission* 12/XX/19 TBD Broward County Governmental Center Room No. 422 (Adoption of Study recommendations into the Broward County Land Development Code)

Presumed Updated SGR/SIF Effective Date** 03/XX/20 N/A N/A

* 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.