

SCHOOL CONCURRENCY

Changes Made to Local Government School Concurrency Process:

[Senate Bill 706](#) made changes to section 163.3180, Florida Statutes, which controls a local government's school concurrency system. Under this statute, a local government may now allow a development to proceed on a specific parcel despite failing to satisfy school concurrency when three factors are met, and it provides procedures through which developers can satisfy concurrency through mitigation.

The bill made a few minor clarifications to existing law. Now, school concurrency is satisfied when a developer tenders a written, legally binding commitment to provide mitigation in proportion to the demand created by the property's development. Within 30 days of the district school board's receipt of this commitment, it must notify the local government that capacity is available for the development. Further, the school board must direct the proportionate-share mitigation toward a qualifying school capacity improvement, *or* it must set aside that mitigation and refrain from spending it until a qualifying school capacity improvement has been identified. This bill was signed into law on May 18, 2022 and went into effect on July 1, 2022.