

November 18, 2025

This memo summarizes the proposed changes to Comprehensive Plan Policies PSF 1.1, PSF 4.3, and PFS 4.5 (“Policies”) in response to the *Technical Assistance Comment 1* as provided the FloridaCommerce transmittal response letter dated October 30, 2025. As stated in the letter, this comment is offered by the State as a “suggestion” and does not form the basis of a challenge to the County’s Comprehensive Plan. However, County staff feels it is necessary to respond to the comment and make it clear why the proposed amendments are not “more restrictive and burdensome” under Chapter 2025-190, Section 28 (SB 180). The amendments proposed to these Policies are required to be made by the County pursuant to the 2021 School Interlocal Agreement (“2021 Agreement”), however, have already been put in practice by the School District since 2021. The following information provided by the School District explains each amendment and why these amendments are not violative of Chapter 2025-190.

Policy PSF 1.1

The proposed language in this Policy updates the School Level of Service (LOS) Standards.

The School Board confirmed the LOS standards in the 2021 Agreement were implemented in 2021 and will remain consistent moving forward. The changes to PSF 1.1 are to be consistent with the standards used by School Board’s standards since 2021. Chapter 2025-190, Section 28, makes the limitation on adoption of more restrictive or burdensome comprehensive plan amendments retroactive to August 1, 2024. The update of the School District LOS standards occurred in 2021, and the School District has been using this standard to review development proposals for the past 4 years. The County does not review developments for school concurrency, the School District reviews new developments and issues the School Capacity Availability Letter (“SCALD”). Thus, this proposed amendment merely updates the County’s Comprehensive Plan to include a standard that has been in place by the School District since 2021.

Policy PSF 4.3 Residential Uses Exempt from the Requirements of School Concurrency

This policy lists residential uses that are exempt from the school concurrency process. The proposed language further expands the exemption to additional residential uses.

The State had concern about the removal of the language found in 4.3(B) “Any new residential development that has a preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program.” The County has determined any projects that fell under this category have since expired. There is no expected negative impact due to the removal of this language as it is not applicable to any active projects.

Given the foregoing, this amendment is not more restrictive or burdensome. It is less restrictive and burdensome because it expands the instances where certain residential uses are exempt from school concurrency requirements.

Policy PSF 4.5 Development Agreement for Mitigation

This policy outlines the process for development agreements for mitigation between the School District and a developer in the event there is no available school capacity to support a development.

The State had concern regarding the change from a 90-day negotiation period to a 60-day encumbrance of available school capacity with a 60-day negotiation period. The School Board clarified that the change allows the available capacity to be reserved for 60 days although the negotiation period does not end after the 60 days. The benefits to this are that if another developer applies during these initial 60 days, there is a clear understanding as to when that encumbered capacity will become available and gives the subsequent developer a more timely answer on available capacity. The change in the encumbrance time period allows developers to move through the process quicker and allows for the County to meet the required statutory time frames for processing development applications. Further, the developer actively in negotiations is assured the available capacity is encumbered for a set amount of time. Thus, this amendment is not more restrictive and burdensome and allows all applicants to move through the process quicker.

The update to PSF 4.5 is intended to be consistent with the School District's process for mitigation development agreements and is not regulated by the County.