

By Senator Lee

23-1396A-98

See HB

1 A bill to be entitled
2 An act relating to planning for educational
3 facilities; amending s. 163.3177, F.S.;
4 requiring that the future land use element of a
5 local government's comprehensive plan include
6 certain criteria relating to location of
7 schools; specifying the date by which such
8 plans must comply and providing effect of
9 noncompliance; providing requirements with
10 respect to the data and analyses on which a
11 public school facilities element should be
12 based; providing for goals, objectives, and
13 policies; providing for a future conditions map
14 and certain reciprocal agreements; amending s.
15 163.3180, F.S.; revising requirements for
16 imposition of a school concurrency requirement
17 by a local government and for the local
18 government comprehensive plan or plan amendment
19 to implement such requirement; requiring a
20 public schools facilities element; providing
21 requirements for level of service standards;
22 providing requirements for designation of
23 service areas; providing requirements with
24 respect to financial feasibility; specifying an
25 availability standard; requiring that
26 intergovernmental coordination requirements be
27 satisfied and providing that certain
28 municipalities are not required to be a
29 signatory of the required interlocal agreement;
30 providing duties of such municipalities to
31 evaluate their status and enter into the

1 interlocal agreement when required, and
2 providing effect of failure to do so; directing
3 the state land planning agency to adopt by rule
4 minimum criteria for review and determination
5 of compliance of a public schools facilities
6 element and for the associated interlocal
7 agreement; amending s. 163.3191, F.S.;
8 providing that the local planning agency's
9 periodic report on the comprehensive plan shall
10 assess the coordination of the plan with public
11 schools; amending s. 235.185, F.S.; directing
12 school boards to adopt annually 10-year and
13 20-year work programs in addition to the
14 required 5-year district facilities work
15 program; amending s. 235.186, F.S.; including
16 additional expenditures in a district's planned
17 basic capital outlay expenditures that may be
18 eligible for an effort index grant; including
19 districts that have adopted a public school
20 facilities element in districts to which
21 priority consideration for such grants should
22 be given under certain circumstances; amending
23 s. 235.19, F.S.; providing a directive to
24 school boards with respect to school location;
25 amending s. 235.193, F.S.; providing
26 requirements for the 5-year district facilities
27 work program with respect to enrollment and
28 population projections; precluding the siting
29 of new schools in certain jurisdictions;
30 amending s. 235.2155, F.S.; specifying
31 additional savings by school districts which

1 the SIT Program is designed to reward;
2 providing that the SMART Schools Clearinghouse
3 shall examine data relating to educational
4 facilities planning, and favorably consider
5 districts where local governments have adopted
6 a public school facilities element, in
7 recommending SIT Program awards; authorizing
8 use of such awards for offsite infrastructure
9 needs generated by development of educational
10 facilities; providing for interim use of
11 certain criteria and guidelines by the state
12 land planning agency in compliance review of a
13 school concurrency system; providing an
14 effective date.

15
16 WHEREAS, the Legislature recognizes the need to
17 determine educational facility needs as Florida continues to
18 grow, and the need to ensure that local school districts have
19 adequate funds to finance needed educational facilities, and

20 WHEREAS, the Legislature recognizes that the state has
21 an interest in school concurrency because public education is
22 a state responsibility and because of the role of the state in
23 the administration of statewide growth management policy, and

24 WHEREAS, the Legislature recognizes that state policy
25 on school concurrency is incomplete, and

26 WHEREAS, it is the intent of the Legislature that local
27 governments retain the authority to impose school concurrency
28 on a local option basis within clearly defined parameters
29 established by the state in statutes and rules, and

30 WHEREAS, it is the intent of the Legislature to
31 increase predictability and minimize conflict and litigation

1 in local governments which choose to impose school
2 concurrency, and

3 WHEREAS, it is the intent of the Legislature that
4 school concurrency, where implemented, should improve the
5 state's educational system as well as advance the state's
6 integrated planning and growth management system, NOW,
7 THEREFORE,

8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Paragraph (a) of subsection (6) of section
12 163.3177, Florida Statutes, is amended, and subsection (12) is
13 added to said section, to read:

14 163.3177 Required and optional elements of
15 comprehensive plan; studies and surveys.--

16 (6) In addition to the requirements of subsections
17 (1)-(5), the comprehensive plan shall include the following
18 elements:

19 (a) A future land use plan element designating
20 proposed future general distribution, location, and extent of
21 the uses of land for residential uses, commercial uses,
22 industry, agriculture, recreation, conservation, education,
23 public buildings and grounds, other public facilities, and
24 other categories of the public and private uses of land. The
25 future land use plan shall include standards to be followed in
26 the control and distribution of population densities and
27 building and structure intensities. The proposed
28 distribution, location, and extent of the various categories
29 of land use shall be shown on a land use map or map series
30 which shall be supplemented by goals, policies, and measurable
31 objectives. Each land use category shall be defined in terms

1 of the types of uses included and specific standards for the
2 density or intensity of use. The future land use plan shall
3 be based upon surveys, studies, and data regarding the area,
4 including the amount of land required to accommodate
5 anticipated growth; the projected population of the area; the
6 character of undeveloped land; the availability of public
7 services; and the need for redevelopment, including the
8 renewal of blighted areas and the elimination of nonconforming
9 uses which are inconsistent with the character of the
10 community. The future land use plan may designate areas for
11 future planned development use involving combinations of types
12 of uses for which special regulations may be necessary to
13 ensure development in accord with the principles and standards
14 of the comprehensive plan and this act. The future land use
15 plan of a county may also designate areas for possible future
16 municipal incorporation. The land use maps or map series
17 shall generally identify and depict historic district
18 boundaries and shall designate historically significant
19 properties meriting protection. The future land use element
20 must clearly identify the land use categories in which public
21 schools are an allowable use. When delineating the land use
22 categories in which public schools are an allowable use, a
23 local government shall include in the categories sufficient
24 land proximate to residential development to meet the
25 projected needs for schools in coordination with public school
26 boards and may establish differing criteria for schools of
27 different type or size. Each local government shall include
28 lands contiguous to existing school sites, to the maximum
29 extent possible, within the land use categories in which
30 public schools are an allowable use. The future land use
31 element shall include criteria which encourage the location of

1 schools proximate to urban residential areas to the extent
2 possible and shall require that the local government seek to
3 collocate public facilities, such as parks, libraries, and
4 community centers, with schools to the extent possible.All
5 comprehensive plans must comply with this paragraph no later
6 than October 1, 1999, or the deadline for the local government
7 evaluation and appraisal report, whichever occurs first ~~1996~~.
8 The failure by a local government to comply with this
9 requirement will result in the prohibition of the local
10 government's ability to amend the local comprehensive plan as
11 provided by s. 163.3187(6).An amendment proposed by a local
12 government for purposes of identifying the land use categories
13 in which public schools are an allowable use is exempt from
14 the limitation on the frequency of plan amendments contained
15 in s. 163.3187.

16 (12) A public school facilities element adopted to
17 implement a school concurrency program shall meet the
18 requirements of this subsection.

19 (a) A public school facilities element shall be based
20 upon data and analyses that address, among other items, how
21 levels of service will be met and achieved. Such data and
22 analyses must include, at a minimum, such items as: the 5-year
23 school district facilities work program adopted pursuant to s.
24 235.185; the educational plant survey and an existing
25 educational and ancillary plant map or map series; information
26 on existing development and development anticipated for the
27 next 5 years and the long-term planning period; an analysis of
28 problems and opportunities for existing schools and schools
29 anticipated in the future; an analysis of opportunities to
30 collocate future schools with other public facilities such as
31 parks, libraries, and community centers; an analysis of the

1 need for supporting infrastructure such as sidewalks and bus
2 stops for existing and future schools; an analysis of
3 opportunities to locate schools to serve as community focal
4 points; projected future population and associated
5 demographics, including development patterns year by year for
6 the upcoming 5-year and long-term planning periods; and
7 anticipated educational and ancillary plants with land area
8 requirements.

9 (b) The element shall contain one or more adopted
10 goals which establish the long-term end toward which public
11 school programs and activities are ultimately directed.

12 (c) The element shall contain one or more adopted
13 objectives for each goal, setting specific, measurable,
14 intermediate ends that are achievable and mark progress toward
15 the goal.

16 (d) The element shall contain one or more adopted
17 policies for each objective which establish the way in which
18 programs and activities will be conducted to achieve an
19 identified goal.

20 (e) The objectives and policies shall address items
21 such as: the procedure for an annual update process; the
22 procedure for school site selection; the procedure for school
23 permitting; provision of supporting infrastructure; location
24 of future school sites so they serve as community focal
25 points; measures to ensure compatibility of school sites and
26 surrounding land uses; coordination with adjacent local
27 governments and the school district on emergency preparedness
28 issues; and coordination of the future land use map.

29 (f) The element shall include a future conditions map
30 which depicts the anticipated location of educational and
31 ancillary plants. The map will of necessity be general for the

1 long-term planning period and more specific for the 5-year
2 period.

3 (g) The element shall include reciprocal requirements
4 for future land use and intergovernmental coordination
5 elements.

6 Section 2. Subsection (1) of section 163.3180, Florida
7 Statutes, is amended, and subsections (12) and (13) are added
8 to said section, to read:

9 163.3180 Concurrency.--

10 (1)~~(a)~~ Roads, sanitary sewer, solid waste, drainage,
11 potable water, parks and recreation, and mass transit, where
12 applicable, are the only public facilities and services
13 subject to the concurrency requirement on a statewide basis.
14 Additional public facilities and services may not be made
15 subject to concurrency on a statewide basis without
16 appropriate study and approval by the Legislature; however,
17 any local government may extend the concurrency requirement so
18 that it applies to additional public facilities within its
19 jurisdiction.

20 ~~(b) If a local government elects to extend the~~
21 ~~concurrency requirement to public schools, it should first~~
22 ~~conduct a study to determine how the requirement would be met~~
23 ~~and shared by all affected parties. The local government shall~~
24 ~~provide an opportunity for full participation in this study by~~
25 ~~the school board. The state land planning agency may provide~~
26 ~~technical assistance to local governments that study and~~
27 ~~prepare for extension of the concurrency requirement to public~~
28 ~~schools. When establishing concurrency requirements for public~~
29 ~~schools, a local government shall comply with the following~~
30 ~~criteria for any proposed plan or plan amendment transmitted~~
31 ~~pursuant to s. 163.3184(3) after July 1, 1995:~~

1 ~~1. Adopt level of service standards for public schools~~
2 ~~with the agreement of the school board. Public school~~
3 ~~level-of-service standards shall be adopted as part of the~~
4 ~~capital improvements element in the local government~~
5 ~~comprehensive plan, which shall contain a financially feasible~~
6 ~~public school capital facilities program established in~~
7 ~~conjunction with the school board that will provide~~
8 ~~educational facilities at an adequate level of service~~
9 ~~necessary to implement the adopted local government~~
10 ~~comprehensive plan.~~

11 ~~2. Satisfy the requirement for intergovernmental~~
12 ~~coordination set forth in s. 163.3177(6)(h)1. and 2.~~

13 (12) School concurrency, if imposed by local option,
14 shall be established on a districtwide basis and shall include
15 all public schools in the district and all portions of the
16 district, whether located in a municipality or an
17 unincorporated area. The application of school concurrency to
18 development shall be based upon the adopted comprehensive
19 plan, as amended. A local government shall comply with the
20 following school concurrency requirements for any proposed
21 plan or plan amendment adopted and transmitted for a
22 compliance review pursuant to s. 163.3184(7) and (8):

23 (a) Public school facilities element.--A local
24 government shall adopt and transmit to the state land planning
25 agency a plan or plan amendment which includes a public school
26 facilities element which is consistent with the requirements
27 of s. 163.3177(12) and which is determined by the state land
28 planning agency to be in compliance as defined in s.
29 163.3184(1)(b) and pursuant to s. 163.3184(9).

30 (b) Level of service standards.--The Legislature
31 recognizes that an essential requirement for a concurrency

1 management system is the level of service at which a public
2 facility is expected to operate.

3 1. Local governments and school boards imposing school
4 concurrency shall exercise authority in conjunction with each
5 other to establish jointly an adequate level of service, as
6 defined in rule 9J-5 Florida Administrative Code, necessary to
7 implement the adopted local government comprehensive plan,
8 based on data and analysis.

9 2. Public school level of service standards shall be
10 included and adopted into the capital improvements element of
11 the local comprehensive plan and shall apply districtwide to
12 all schools of the same type. Types of schools may include
13 elementary, middle, and high schools as well as
14 special-purpose facilities such as magnet schools.

15 3. Local governments and school boards shall have the
16 option to utilize tiered levels of service to allow time to
17 achieve an adequate and desirable level of service as
18 circumstances warrant.

19 (c) Service areas.--The Legislature recognizes that an
20 essential requirement for a concurrency system is a
21 designation of the area within which the level of service will
22 be measured when an application for a residential development
23 permit is reviewed for school concurrency purposes. This
24 delineation is also important for purposes of determining
25 whether the local government has a financially feasible public
26 school capital facilities program that will provide schools
27 which will achieve and maintain the adopted level of service.

28 1. In order to balance competing interests, preserve
29 the constitutional concept of uniformity, and avoid disruption
30 of existing educational and growth management processes, local
31 governments are encouraged to apply school concurrency to

1 development on a districtwide basis so that a concurrency
2 determination for a specific development will be based upon
3 the availability of school capacity districtwide.

4 2. For local governments establishing school
5 concurrency service areas on a less-than-districtwide basis,
6 such as school attendance zones, local governments and school
7 boards shall have the burden to demonstrate that the
8 utilization of school capacity is maximized to the greatest
9 extent possible in the comprehensive plan amendment, taking
10 into account transportation costs and court-approved
11 desegregation plans, as well as other factors. In addition, in
12 order to achieve concurrency within the service area
13 boundaries selected by local governments and school boards,
14 the service area boundaries, together with the standards for
15 establishing those boundaries, shall be identified, included,
16 and adopted as part of the comprehensive plan.

17 3. Where school capacity exists on a districtwide
18 basis, but the adopted level of service standard may not be
19 met in a particular service area as applied to an application
20 for a development permit, the development order shall be
21 issued and mitigation measures shall not be exacted if the
22 needed capacity for the particular service area is available
23 in one or more contiguous service areas as adopted by the
24 local government.

25 (d) Financial feasibility.--The Legislature recognizes
26 that financial feasibility is an important issue because the
27 premise of concurrency is that the public facilities will be
28 provided in order to meet the adopted level of service. This
29 part and chapter 9J-5, Florida Administrative Code, contain
30 specific standards to determine the financial feasibility of
31 capital programs. These standards were adopted to make

1 concurrency more predictable and local governments more
2 accountable.

3 1. A comprehensive plan amendment seeking to impose
4 school concurrency shall contain appropriate amendments to the
5 capital improvements element of the comprehensive plan,
6 consistent with the requirements of s. 163.3177(3) and rule
7 9J-5.016, Florida Administrative Code. The capital
8 improvements element shall set forth a financially feasible
9 public school capital facilities program, established in
10 conjunction with the school board, that demonstrates that the
11 adopted level of service standards will be achieved and
12 maintained.

13 2. Such amendments shall demonstrate that the public
14 school capital facilities program meets all of the financial
15 feasibility standards of this part and chapter 9J-5, Florida
16 Administrative Code, that apply to capital programs which
17 provide the basis for mandatory concurrency on other public
18 facilities and services.

19 3. When the financial feasibility of a public school
20 capital facilities program is evaluated by the state land
21 planning agency for purposes of a compliance determination,
22 the evaluation shall be based upon the service areas selected
23 by the local governments and school board.

24 (e) Availability standard.--Consistent with the public
25 welfare, public school facilities to serve new developments
26 shall be in place or be under actual construction at least 3
27 years after issuance by the local government of a local
28 development order authorizing the residential development.

29 (f) Intergovernmental coordination.--

30 1. When establishing concurrency requirements for
31 public schools, a local government shall satisfy the

1 requirements for intergovernmental coordination set forth in
2 s. 163.3177(6)(h)1. and 2., except that a municipality is not
3 required to be a signatory to the interlocal agreement
4 required by s. 163.3177(6)(h)2. as a prerequisite for
5 imposition of school concurrency, and as a nonsignatory shall
6 not participate in the adopted local school concurrency
7 system, if the municipality meets all of the following
8 criteria for having no significant impact on school
9 attendance:

10 a. The municipality has issued development orders for
11 fewer than 50 residential dwelling units during the preceding
12 5 years, or the municipality has generated fewer than 25
13 additional public school students during the preceding 5
14 years.

15 b. The municipality has not annexed new land during
16 the preceding 5 years in land use categories which permit
17 residential uses that will affect school attendance rates.

18 c. The municipality has no public schools located
19 within its boundaries.

20 d. At least 80 percent of the developable land within
21 the boundaries of the municipality has been built upon.

22 2. A municipality which qualifies as having no
23 significant impact on school attendance pursuant to the
24 criteria of subparagraph 1. must review and determine at the
25 time of its evaluation and appraisal report pursuant to s.
26 163.3191 whether it continues to meet the criteria. If the
27 municipality determines that it no longer meets the criteria,
28 it must adopt appropriate school concurrency goals,
29 objectives, and policies in its plan amendments based on the
30 evaluation and appraisal report, and enter into the existing
31 interlocal agreement required by s. 163.3177(6)(h)2., in order

1 to fully participate in the school concurrency system. If
2 such a municipality fails to do so, it will be subject to the
3 enforcement provisions of s. 163.3191.

4 (13) The state land planning agency shall, by October
5 1, 1998, adopt by rule minimum criteria for the review and
6 determination of compliance of a public school facilities
7 element adopted by a local government for purposes of
8 imposition of school concurrency. It shall also adopt by rule
9 guidelines and criteria for the interlocal agreement required
10 by s. 163.3177(6)(h)2. when serving as a prerequisite for
11 imposition of school concurrency. Such minimum criteria and
12 guidelines and criteria shall be consistent with this part and
13 with the Proposed Consensus Text by the Department of
14 Community Affairs Public School Construction Working Group,
15 dated February 18, 1998.

16 Section 3. Paragraph (i) is added to subsection (2) of
17 section 163.3191, Florida Statutes, to read:

18 163.3191 Evaluation and appraisal of comprehensive
19 plan.--

20 (2) The report shall present an assessment and
21 evaluation of the success or failure of the comprehensive
22 plan, or element or portion thereof, and shall contain
23 appropriate statements (using words, maps, illustrations, or
24 other forms) related to:

25 (i) The coordination of the comprehensive plan with
26 existing and recommended public schools as identified in the
27 applicable 5-year school district facilities work program
28 adopted pursuant to s. 235.185. The assessment shall address,
29 where relevant, the success or failure of the coordination of
30 the future land use map and associated planned residential
31 development with existing and recommended schools and their

1 capacities, as well as the joint decisionmaking processes
2 engaged in by the local government and the school board in
3 regard to establishing appropriate population projections and
4 the planning and siting of public school facilities. If the
5 issues are not relevant, the local government shall
6 demonstrate that they are not relevant.

7 Section 4. Subsection (5) is added to section 235.185,
8 Florida Statutes, as created by chapter 97-384, Laws of
9 Florida, to read:

10 235.185 School district facilities work program;
11 definitions; preparation, adoption, and amendment.--

12 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
13 the adopted district facilities work program covering the
14 5-year work program, the district school board shall adopt
15 annually a 10-year and a 20-year work program which include
16 the information set forth in subsection (2), but based upon
17 enrollment projections and facility needs for the 10-year and
18 20-year periods. It is recognized that the projections in the
19 10-year and 20-year timeframes are tentative and should be
20 used only for general planning purposes.

21 Section 5. Paragraph (a) of subsection (4) and
22 paragraph (d) of subsection (5) of section 235.186, Florida
23 Statutes, as created by chapter 97-384, Laws of Florida, are
24 amended to read:

25 235.186 Effort index grants for school district
26 facilities work program projects.--

27 (4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY
28 EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT
29 INDEX GRANTS.--

30 (a) When reviewing a district facilities work program,
31 the clearinghouse shall calculate the district's planned basic

1 capital outlay expenditures that may be eligible for an effort
2 index grant. For each district, this calculation shall consist
3 of:

4 1. Expenditures for district capital outlay projects
5 described in subsection (1).

6 2. Expenditures for debt service payments for
7 outstanding capital outlay bonds sold to finance new
8 construction, remodeling, renovation, or major repair of
9 educational facilities.

10 3. Expenditures for scheduled payments on outstanding
11 certificates of participation used to finance new
12 construction, remodeling, renovation, or major repair of
13 educational facilities.

14 4. Expenditures for long-term lease agreements between
15 a district and a local government.

16 5. Expenditures for collocation of public school
17 facilities with local government facilities, including
18 expenditures avoided as a result of the collocation.

19 6. Expenditures for joint use of public school
20 facilities with local government facilities, including
21 expenditures avoided as a result of the joint use.

22
23 Expenditures relating to the replacement of relocatable
24 classrooms that meet standards shall not qualify as
25 expenditures eligible for inclusion in the calculation for
26 effort index grants.

27 (5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT
28 FACILITIES.--

29 (d) If legislative appropriations are insufficient to
30 fully fund the eligible total statewide qualified effort index
31 grants as calculated by the clearinghouse, priority

1 consideration shall be given to providing effort index grants
2 to those districts based upon:

3 1. The extent to which they have exceeded the district
4 effort index in subsection (2); ~~and~~

5 2. The extent to which they have maximized their
6 revenue generating potential from the district effort index in
7 subsection (2) through the purchase of certificates of
8 participation, the sale of bonds, or other appropriate
9 long-term financing; ~~and-~~

10 3. Whether the district has adopted a public school
11 facilities element pursuant to s. 163.3177.

12 Section 6. Subsection (1) of section 235.19, Florida
13 Statutes, is amended to read:

14 235.19 Site planning and selection.--

15 (1) Before acquiring property for sites, each board
16 shall determine the location of proposed educational centers
17 or campuses for the board. In making this determination, the
18 board shall consider existing and anticipated site needs and
19 the most economical and practicable locations of sites. The
20 board shall coordinate with the long-range or comprehensive
21 plans of local, regional, and state governmental agencies to
22 assure the compatibility of such plans with site planning.
23 Boards shall seek to locate schools proximate to urban
24 residential areas to the extent possible, and shall seek to
25 collocate schools with other public facilities, such as parks,
26 libraries, and community centers, to the extent possible.

27 Section 7. Subsection (2) of section 235.193, Florida
28 Statutes, is amended to read:

29 235.193 Coordination of planning with local governing
30 bodies.--

31

1 (2) A school board and the local governing body must
2 share and coordinate information related to existing and
3 planned public school facilities; proposals for development,
4 redevelopment, or additional development; and infrastructure
5 required to support the public school facilities, concurrent
6 with proposed development. A school board shall use Department
7 of Education enrollment projections when preparing the 5-year
8 district facilities work program pursuant to s. 235.185, and a
9 school board shall affirmatively demonstrate in the
10 educational facilities report consideration of local
11 governments' population projections to ensure that the 5-year
12 work program not only reflects enrollment projections but also
13 considers applicable municipal and county growth and
14 development projections. A school board is precluded from
15 siting a new school in a jurisdiction where the school board
16 has failed to provide the annual educational facilities report
17 for the prior year required pursuant to s. 235.194 unless the
18 failure is corrected and the school board receives written
19 permission of the local government body to site such a school.

20 Section 8. Paragraph (a) of subsection (3), paragraph
21 (b) of subsection (6), and subsection (7) of section 235.2155,
22 Florida Statutes, as amended by chapter 97-384, Laws of
23 Florida, are amended to read:

24 235.2155 School Infrastructure Thrift Program Act.--

25 (3) The SIT Program is designed as:

26 (a) An incentive program to reward districts for:

27 1. Savings realized through functional, frugal
28 construction.

29 2. Savings realized through the operation of charter
30 schools in non-school-district facilities.

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1 3. Savings realized through the capital outlay
2 expenditure avoided by the district's use of long-term lease
3 agreements with local governments.

4 4. Savings realized through the capital outlay
5 expenditure avoided by the district's collocation of
6 educational facilities with compatible local government
7 facilities.

8 5. Savings realized through the capital outlay
9 expenditure avoided by the district's joint use of facilities
10 with local governments.

11 (6)

12 (b) The SMART Schools Clearinghouse shall examine the
13 supporting data from each school district, including evidence
14 of coordination and cooperation by school boards with local
15 governments in the planning and siting of educational
16 facilities, and evidence of the submission of the educational
17 facilities report required pursuant to s. 235.194, and shall
18 report to the commissioner each district's eligibility
19 pursuant to s. 235.216. Based on the clearinghouse's report
20 and pursuant to ss. 235.217 and 235.218, the clearinghouse
21 shall make recommendations, ranked in order of priority, for
22 SIT Program awards. In prioritizing its recommendations, the
23 clearinghouse shall favorably consider school districts in
24 which local governments have adopted a public school
25 facilities element.

26 (7) Awards from the SIT Program shall be made by the
27 commissioner from funds appropriated by the Legislature and
28 may be used for any lawful capital outlay expenditure,
29 including required offsite infrastructure needs that are
30 generated by the development of educational facilities.

31

1 Section 9. Until the minimum criteria for a public
2 school facilities element adopted by a local government for
3 purposes of imposition of school concurrency, and the
4 guidelines and criteria for the interlocal agreement required
5 by s. 163.3177(6)(h)2., Florida Statutes, when serving as a
6 prerequisite for imposition of school concurrency, have been
7 adopted by the state land planning agency and are in effect,
8 the state land planning agency shall utilize the minimum
9 criteria and guidelines and criteria contained in the Proposed
10 Consensus Text by the Department of Community Affairs Public
11 School Construction Working Group, dated February 18, 1998,
12 for purposes of any compliance review of an adopted school
13 concurrency system.

14 Section 10. This act shall take effect July 1 of the
15 year in which enacted.

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LEGISLATIVE SUMMARY

Requires that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools. Specifies the date by which such plans must comply and provides effect of noncompliance. Provides requirements with respect to the data and analyses on which a public school facilities element should be based. Provides for goals, objectives, and policies. Provides for a future conditions map and certain reciprocal agreements. Revises requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement. Requires a public schools facilities element. Provides requirements for level of service standards. Provides requirements for designation of service areas. Provides requirements with respect to financial feasibility. Specifies an availability standard. Requires that intergovernmental coordination requirements be satisfied and provides that certain municipalities are not required to be a signatory of the required interlocal agreement. Provides duties of such municipalities to evaluate their status and enter into the interlocal agreement when required, and provides effect of failure to do so. Directs the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element and for the associated interlocal agreement. Provides that the local planning agency's periodic report on the comprehensive plan shall assess the coordination of the plan with public schools.

Directs school boards to adopt annually 10-year and 20-year work programs in addition to the required 5-year district facilities work program. Includes additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant. Includes districts that have adopted a public school facilities element in districts to which priority consideration for such grants should be given under certain circumstances. Provides a directive to school boards with respect to school location. Provides requirements for the 5-year district facilities work program with respect to enrollment and population projections. Precludes the siting of new schools in certain jurisdictions. Specifies additional savings by school districts which the SIT Program is designed to reward. Provides that the SMART Schools Clearinghouse shall examine data relating to educational facilities planning, and favorably consider districts where local governments have adopted a public school facilities element, in recommending SIT Program awards. Authorizes use of such awards for offsite infrastructure needs generated by development of educational facilities.

Provides for interim use of certain criteria and

1 | guidelines by the state land planning agency in
2 | compliance review of a school concurrency system.
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