

By the Committee on Community Affairs and Senator Lee

316-2031-98

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
14 map; amending s. 163.3180, F.S.; revising
15 requirements for imposition of a school
16 concurrency requirement by a local government
17 and for the local government comprehensive plan
18 or plan amendment to implement such
19 requirement; requiring a public schools
20 facilities element; providing requirements for
21 level of service standards; providing
22 requirements for designation of service areas;
23 providing requirements with respect to
24 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; providing
3 requirements for an interlocal agreement;
4 directing the state land planning agency to
5 adopt by rule minimum criteria for review and
6 determination of compliance of a public schools
7 facilities element; 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,

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

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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. All comprehensive plans
31 must comply with this paragraph no later than October 1, 1999,

1 or the deadline for the local government evaluation and
2 appraisal report, whichever occurs first ~~1996~~. The failure by
3 a local government to comply with this requirement will result
4 in the prohibition of the local government's ability to amend
5 the local comprehensive plan as provided by s. 163.3187(6). An
6 amendment proposed by a local government for purposes of
7 identifying the land use categories in which public schools
8 are an allowable use is exempt from the limitation on the
9 frequency of plan amendments contained in s. 163.3187. The
10 future land use element shall include criteria which encourage
11 the location of schools proximate to urban residential areas
12 to the extent possible and shall require that the local
13 government seek to collocate public facilities, such as parks,
14 libraries, and community centers, with schools to the extent
15 possible.

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

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

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

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

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

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

26 (f) The element shall include one or more future
27 conditions map which depicts the anticipated location of
28 educational and ancillary plants. The map will of necessity be
29 general for the long-term planning period and more specific
30 for the 5-year period.

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

4 163.3180 Concurrency.--

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

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

27 ~~1. Adopt level-of-service standards for public schools~~
28 ~~with the agreement of the school board. Public school~~
29 ~~level-of-service standards shall be adopted as part of the~~
30 ~~capital improvements element in the local government~~
31 ~~comprehensive plan, which shall contain a financially feasible~~

1 ~~public school capital facilities program established in~~
2 ~~conjunction with the school board that will provide~~
3 ~~educational facilities at an adequate level of service~~
4 ~~necessary to implement the adopted local government~~
5 ~~comprehensive plan.~~

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

8 (12) School concurrency, if imposed by local option,
9 shall be established on a districtwide basis and shall include
10 all public schools in the district and all portions of the
11 district, whether located in a municipality or an
12 unincorporated area. The application of school concurrency to
13 development shall be based upon the adopted comprehensive
14 plan, as amended. All local governments within a county,
15 except as provided in paragraph (f), shall adopt and transmit
16 to the state land planning agency the necessary plan
17 amendments, along with the interlocal agreement, for a
18 compliance review pursuant to s. 163.3184(7) and (8). School
19 concurrency shall not become effective in a county until all
20 local governments, except as provided in paragraph (f), have
21 adopted the necessary plan amendments, which together with the
22 interlocal agreement, are determined to be in compliance with
23 the requirements of this part. The minimum requirements for
24 school concurrency are the following:

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

1 consistent with each other as well as the requirements of this
2 chapter.

3 (b) Level of service standards.--The Legislature
4 recognizes that an essential requirement for a concurrency
5 management system is the level of service at which a public
6 facility is expected to operate.

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

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

19 3. Local governments and school boards shall have the
20 option to utilize tiered level of service standards to allow
21 time to achieve an adequate and desirable level of service as
22 circumstances warrant.

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

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1 which will achieve and maintain the adopted level of service
2 standards.

3 1. In order to balance competing interests, preserve
4 the constitutional concept of uniformity, and avoid disruption
5 of existing educational and growth management processes, local
6 governments are encouraged to apply school concurrency to
7 development on a districtwide basis so that a concurrency
8 determination for a specific development will be based upon
9 the availability of school capacity districtwide.

10 2. For local governments applying school concurrency
11 on a less than districtwide basis, such as utilizing school
12 attendance zones or larger school concurrency service areas,
13 local governments and school boards shall have the burden to
14 demonstrate that the utilization of school capacity is
15 maximized to the greatest extent possible in the comprehensive
16 plan and amendment, taking into account transportation costs
17 and court-approved desegregation plans, as well as other
18 factors. In addition, in order to achieve concurrency within
19 the service area boundaries selected by local governments and
20 school boards, the service area boundaries, together with the
21 standards for establishing those boundaries, shall be
22 identified, included, and adopted as part of the comprehensive
23 plan. Any subsequent change to the service area boundaries
24 for purposes of a school concurrency system shall be by plan
25 amendment and shall be exempt from the limitation on the
26 frequency of plan amendments in s. 163.3187(1).

27 3. Where school capacity is available on a
28 districtwide basis but school concurrency service is applied
29 on a less than districtwide basis in the form of concurrency
30 services areas, if the adopted level of service standard
31 cannot be met in a particular service area as applied to an

1 application for a development permit and if the needed
2 capacity for the particular service area is available in one
3 or more contiguous service areas as adopted by the local
4 government, then the development order shall be issued and
5 mitigation measures shall not be exacted.

6 (d) Financial feasibility.--The Legislature recognizes
7 that financial feasibility is an important issue because the
8 premise of concurrency is that the public facilities will be
9 provided in order to achieve and maintain the adopted level of
10 service standard. This part and chapter 9J-5, Florida
11 Administrative Code, contain specific standards to determine
12 the financial feasibility of capital programs. These standards
13 were adopted to make concurrency more predictable and local
14 governments more accountable.

15 1. A comprehensive plan amendment seeking to impose
16 school concurrency shall contain appropriate amendments to the
17 capital improvements element of the comprehensive plan,
18 consistent with the requirements of s. 163.3177(3) and rule
19 9J-5.016, Florida Administrative Code. The capital
20 improvements element shall set forth a financially feasible
21 public school capital facilities program, established in
22 conjunction with the school board, that demonstrates that the
23 adopted level of service standards will be achieved and
24 maintained.

25 2. Such amendments shall demonstrate that the public
26 school capital facilities program meets all of the financial
27 feasibility standards of this part and chapter 9J-5, Florida
28 Administrative Code, that apply to capital programs which
29 provide the basis for mandatory concurrency on other public
30 facilities and services.

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

6 (e) Availability standard.--Consistent with the public
7 welfare, public school facilities to serve new developments
8 shall be in place or be under actual construction no sooner
9 than 3 years after issuance by the local government of a local
10 development order authorizing the residential development.

11 (f) Intergovernmental coordination.--

12 1. When establishing concurrency requirements for
13 public schools, a local government shall satisfy the
14 requirements for intergovernmental coordination set forth in
15 s. 163.3177(6)(h)1. and 2., except that a municipality is not
16 required to be a signatory to the interlocal agreement
17 required by s. 163.3177(6)(h)2. as a prerequisite for
18 imposition of school concurrency, and as a nonsignatory shall
19 not participate in the adopted local school concurrency
20 system, if the municipality meets all of the following
21 criteria for having no significant impact on school
22 attendance:

23 a. The municipality has issued development orders for
24 fewer than 50 residential dwelling units during the preceding
25 5 years, or the municipality has generated fewer than 25
26 additional public school students during the preceding 5
27 years.

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

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1 c. The municipality has no public schools located
2 within its boundaries.

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

5 2. A municipality which qualifies as having no
6 significant impact on school attendance pursuant to the
7 criteria of subparagraph 1. must review and determine at the
8 time of its evaluation and appraisal report pursuant to s.
9 163.3191 whether it continues to meet the criteria. If the
10 municipality determines that it no longer meets the criteria,
11 it must adopt appropriate school concurrency goals,
12 objectives, and policies in its plan amendments based on the
13 evaluation and appraisal report, and enter into the existing
14 interlocal agreement required by s. 163.3177(6)(h)2., in order
15 to fully participate in the school concurrency system. If
16 such a municipality fails to do so, it will be subject to the
17 enforcement provisions of s. 163.3191.

18 (g) Interlocal agreement for school concurrency.--When
19 establishing concurrency requirements for public schools, a
20 local government must enter into an interlocal agreement which
21 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and
22 the requirements of this subsection. The interlocal agreement
23 shall acknowledge both the school board's constitutional and
24 statutory obligations to provide a uniform system of free
25 public schools on a countywide basis, and the land use
26 authority of local governments, including their authority to
27 approve or deny comprehensive plan amendments and development
28 orders. The interlocal agreement shall be submitted to the
29 state land planning agency by the local government as a part
30 of the compliance review, along with the other necessary
31 amendments to the comprehensive plan required by this part.

1 In addition to the requirements of s. 163.3177(6)(h), the
2 interlocal agreement shall meet the following requirements:

3 1. Establish the mechanisms for coordinating the
4 development, adoption and amendment of each local government's
5 public school facilities element with each other and the plans
6 of the school board to ensure a uniform districtwide school
7 concurrency system.

8 2. Establish a process by which each local government
9 and the school board shall agree and base their plans on
10 consistent projections of the amount, type and distribution of
11 population growth and coordinate and share information
12 relating to existing and planned public school facilities
13 projections and proposals for development and redevelopment,
14 and infrastructure required to support public school
15 facilities.

16 3. Establish a process for the development of siting
17 criteria which encourages the location of public schools
18 proximate to urban residential areas to the extent possible
19 and seeks to collocate schools with other public facilities
20 such as parks, libraries, and community centers to the extent
21 possible.

22 4. Specify uniform, districtwide level of service
23 standards for public schools of the same type and the process
24 for modifying the adopted levels of service standards.

25 5. Establish a process for the preparation, amendment
26 and joint approval by each local government and the school
27 board of a public school capital facilities program which is
28 financially feasible, and a process and schedule for
29 incorporation of the public school capital facilities program
30 into the local government comprehensive plans on an annual
31 basis.

1 6. Define the geographic application of school
2 concurrency. If school concurrency is to be applied on a less
3 than districtwide basis in the form of concurrency service
4 areas, the agreement shall establish criteria and standards
5 for the establishment and modification of school concurrency
6 service areas. The agreement shall also establish a process
7 and schedule for the mandatory incorporation of the school
8 concurrency service areas and the criteria and standards for
9 establishment of the service areas into the local government
10 comprehensive plans. The agreement shall ensure maximum
11 utilization of school capacity, taking into account
12 transportation costs and court-approved desegregation plans,
13 as well as other factors. The agreement shall also ensure the
14 achievement and maintenance of the adopted level of service
15 standards for the geographic area of application throughout
16 the 5 years covered by the public school capital facilities
17 plan and thereafter by adding a new fifth year during the
18 annual update.

19 7. Establish a uniform districtwide procedure for
20 implementing school concurrency which provides for:

21 a. The evaluation of development applications for
22 compliance with school concurrency requirements;

23 b. An opportunity for the school board to review and
24 comment on the effect of comprehensive plan amendments and
25 rezonings on the public school facilities plan; and

26 c. The monitoring and evaluation of the school
27 concurrency system.

28 8. Include provisions relating to termination,
29 suspension and amendment of the agreement. The agreement
30 shall provide that if the agreement is terminated or
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1 suspended, the application of school concurrency shall be
2 terminated or suspended.

3 (13) The state land planning agency shall, by October
4 1, 1998, adopt by rule minimum criteria for the review and
5 determination of compliance of a public school facilities
6 element adopted by a local government for purposes of
7 imposition of school concurrency.

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

10 163.3191 Evaluation and appraisal of comprehensive
11 plan.--

12 (2) The report shall present an assessment and
13 evaluation of the success or failure of the comprehensive
14 plan, or element or portion thereof, and shall contain
15 appropriate statements (using words, maps, illustrations, or
16 other forms) related to:

17 (i) The coordination of the comprehensive plan with
18 existing public schools and those identified in the applicable
19 5-year school district facilities work program adopted
20 pursuant to s. 235.185. The assessment shall address, where
21 relevant, the success or failure of the coordination of the
22 future land use map and associated planned residential
23 development with public schools and their capacities, as well
24 as the joint decisionmaking processes engaged in by the local
25 government and the school board in regard to establishing
26 appropriate population projections and the planning and siting
27 of public school facilities. If the issues are not relevant,
28 the local government shall demonstrate that they are not
29 relevant.

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

4 235.185 School district facilities work program;
5 definitions; preparation, adoption, and amendment; long-term
6 work programs.--

7 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
8 the adopted district facilities work program covering the
9 5-year work program, the district school board shall adopt
10 annually a 10-year and a 20-year work program which include
11 the information set forth in subsection (2), but based upon
12 enrollment projections and facility needs for the 10-year and
13 20-year periods. It is recognized that the projections in the
14 10-year and 20-year timeframes are tentative and should be
15 used only for general planning purposes.

16 Section 5. Paragraph (a) of subsection (4) and
17 paragraph (d) of subsection (5) of section 235.186, Florida
18 Statutes, as created by chapter 97-384, Laws of Florida, are
19 amended to read:

20 235.186 Effort index grants for school district
21 facilities work program projects.--

22 (4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY
23 EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT
24 INDEX GRANTS.--

25 (a) When reviewing a district facilities work program,
26 the clearinghouse shall calculate the district's planned basic
27 capital outlay expenditures that may be eligible for an effort
28 index grant. For each district, this calculation shall consist
29 of:

30 1. Expenditures for district capital outlay projects
31 described in subsection (1).

1 2. Expenditures for debt service payments for
2 outstanding capital outlay bonds sold to finance new
3 construction, remodeling, renovation, or major repair of
4 educational facilities.

5 3. Expenditures for scheduled payments on outstanding
6 certificates of participation used to finance new
7 construction, remodeling, renovation, or major repair of
8 educational facilities.

9 4. Expenditures for long-term lease agreements between
10 a district and a local government.

11 5. Expenditures for collocation of public school
12 facilities with local government facilities, including
13 expenditures avoided as a result of the collocation.

14 6. Expenditures for joint use of public school
15 facilities with local government facilities, including
16 expenditures avoided as a result of the joint use.

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18 Expenditures relating to the replacement of relocatable
19 classrooms that meet standards shall not qualify as
20 expenditures eligible for inclusion in the calculation for
21 effort index grants.

22 (5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT
23 FACILITIES.--

24 (d) If legislative appropriations are insufficient to
25 fully fund the eligible total statewide qualified effort index
26 grants as calculated by the clearinghouse, priority
27 consideration shall be given to providing effort index grants
28 to those districts based upon:

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

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

6 3. Whether the local government has adopted either an
7 optional public school facilities element or a public school
8 facilities element pursuant to s. 163.3177(12) to implement a
9 school concurrency system.

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

12 235.19 Site planning and selection.--

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

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

27 235.193 Coordination of planning with local governing
28 bodies.--

29 (2) A school board and the local governing body must
30 share and coordinate information related to existing and
31 planned public school facilities; proposals for development,

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

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

20 235.2155 School Infrastructure Thrift Program Act.--

21 (3) The SIT Program is designed as:

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

23 1. Savings realized through functional, frugal
24 construction.

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

27 3. Savings realized through the capital outlay
28 expenditure avoided by the district's use of long-term lease
29 agreements with county or municipal governments.

30 4. Savings realized through the capital outlay
31 expenditure avoided by the district's collocation of

1 educational facilities with compatible local government
2 facilities of county or municipal governments.

3 5. Savings realized through the capital outlay
4 expenditure avoided by the district's joint use of facilities
5 with county or municipal governments.

6 (6)

7 (b) The SMART Schools Clearinghouse shall examine the
8 supporting data from each school district, including evidence
9 of coordination and cooperation by school boards with county
10 or municipal governments in the planning and siting of
11 educational facilities, and evidence of the submission of the
12 educational facilities report required pursuant to s. 235.194,
13 and shall report to the commissioner each district's
14 eligibility pursuant to s. 235.216. Based on the
15 clearinghouse's report and pursuant to ss. 235.217 and
16 235.218, the clearinghouse shall make recommendations, ranked
17 in order of priority, for SIT Program awards. In prioritizing
18 its recommendations, the clearinghouse shall favorably
19 consider school districts in which local governments have
20 adopted either an optional public school facilities element or
21 a public school facilities element pursuant to s. 163.3177(12)
22 as required to implement the school concurrency system.

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

28 Section 9. The minimum criteria adopted by the state
29 land planning agency pursuant to s. 163.3180(13) shall be
30 consistent with Chapter 163, Part II, Florida Statutes, and
31 with the Final Report and Consensus Text by the Department of

1 Community Affairs Public School Construction Working Group
2 dated March 9, 1998. Until the minimum criteria for a public
3 school facilities element adopted by a local government for
4 purposes of imposition of school concurrency have been adopted
5 by the state land planning agency and are in effect, the state
6 land planning agency shall utilize the minimum criteria
7 contained in the Final Report and Consensus Text by the
8 Department of Community Affairs Public School Construction
9 Working Group, dated March 9, 1998, for purposes of any
10 compliance review of an adopted school concurrency system.
11 This section shall be repealed by operation of law when the
12 rules required by s. 163.3180(13) are adopted by the state
13 land planning agency and are in effect.

14 Section 10. This act shall take effect July 1, 1998.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2474
4 Includes the requirements for an interlocal agreement needed
5 as a prerequisite to adopting school concurrency, rather than
6 deferring to the department to adopt by rule guidelines and
7 criteria for the interlocal agreements.
8 Clarifies that failure of the local government to include
9 certain criteria in its future land use element and to seek to
10 collocate schools with other public facilities, does not
11 subject the local government to penalty.
12 Requires that all local government school facilities plan
13 elements within the same county be consistent with each other.
14 Requires that changes to the adopted service area boundaries
15 be made by plan amendment, and exempts those amendments from
16 frequency limitations.
17 Changes the availability standard to require that public
18 school facilities be in place no sooner than 3 years after
19 issuance of the local development order, rather than within 3
20 years of issuance of the development order.
21 Deletes a requirement that the school district receive written
22 permission from the local government in order to locate a new
23 school in a jurisdiction in which it failed to provide the
24 required annual education facilities report.
25 Clarifies that school districts in all jurisdictions which
26 adopt a public school facilities element may be considered for
27 an award of SIT funds, not just those in which concurrency has
28 been adopted.
29 Clarifies that school concurrency is not effective in a county
30 until all municipalities in the county have adopted the
31 applicable plan amendments and interlocal agreement.