

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. 235.19, F.S.; providing a
16 directive to school boards with respect to
17 school location; amending s. 235.193, F.S.;
18 providing requirements for the 5-year district
19 facilities work program with respect to
20 enrollment and population projections;
21 precluding the siting of new schools in certain
22 jurisdictions; providing for interim use of
23 certain criteria and guidelines by the state
24 land planning agency in compliance review of a
25 school concurrency system; providing an
26 alternative concurrency system for counties
27 subject to final order by the Administration
28 Commission; providing an effective date.

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30 WHEREAS, the Legislature recognizes the need to
31 determine educational facility needs as Florida continues to

1 grow, and the need to ensure that local school districts have
2 adequate funds to finance needed educational facilities, and

3 WHEREAS, the Legislature recognizes that the state has
4 an interest in school concurrency because public education is
5 a state responsibility and because of the role of the state in
6 the administration of statewide growth management policy, and

7 WHEREAS, the Legislature recognizes that state policy
8 on school concurrency is incomplete, and

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

13 WHEREAS, it is the intent of the Legislature to
14 increase predictability and minimize conflict and litigation
15 in local governments which choose to impose school
16 concurrency, and

17 WHEREAS, it is the intent of the Legislature that
18 school concurrency, where implemented, should improve the
19 state's educational system as well as advance the state's
20 integrated planning and growth management system, NOW,
21 THEREFORE,

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (a) of subsection (6) of section
26 163.3177, Florida Statutes, is amended, and subsection (12) is
27 added to said section, to read:

28 163.3177 Required and optional elements of
29 comprehensive plan; studies and surveys.--
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1 (6) In addition to the requirements of subsections
2 (1)-(5), the comprehensive plan shall include the following
3 elements:

4 (a) A future land use plan element designating
5 proposed future general distribution, location, and extent of
6 the uses of land for residential uses, commercial uses,
7 industry, agriculture, recreation, conservation, education,
8 public buildings and grounds, other public facilities, and
9 other categories of the public and private uses of land. The
10 future land use plan shall include standards to be followed in
11 the control and distribution of population densities and
12 building and structure intensities. The proposed
13 distribution, location, and extent of the various categories
14 of land use shall be shown on a land use map or map series
15 which shall be supplemented by goals, policies, and measurable
16 objectives. Each land use category shall be defined in terms
17 of the types of uses included and specific standards for the
18 density or intensity of use. The future land use plan shall
19 be based upon surveys, studies, and data regarding the area,
20 including the amount of land required to accommodate
21 anticipated growth; the projected population of the area; the
22 character of undeveloped land; the availability of public
23 services; and the need for redevelopment, including the
24 renewal of blighted areas and the elimination of nonconforming
25 uses which are inconsistent with the character of the
26 community. The future land use plan may designate areas for
27 future planned development use involving combinations of types
28 of uses for which special regulations may be necessary to
29 ensure development in accord with the principles and standards
30 of the comprehensive plan and this act. The future land use
31 plan of a county may also designate areas for possible future

1 municipal incorporation. The land use maps or map series
2 shall generally identify and depict historic district
3 boundaries and shall designate historically significant
4 properties meriting protection. The future land use element
5 must clearly identify the land use categories in which public
6 schools are an allowable use. When delineating the land use
7 categories in which public schools are an allowable use, a
8 local government shall include in the categories sufficient
9 land proximate to residential development to meet the
10 projected needs for schools in coordination with public school
11 boards and may establish differing criteria for schools of
12 different type or size. Each local government shall include
13 lands contiguous to existing school sites, to the maximum
14 extent possible, within the land use categories in which
15 public schools are an allowable use. All comprehensive plans
16 must comply with this paragraph no later than October 1, 1999,
17 or the deadline for the local government evaluation and
18 appraisal report, whichever occurs first ~~1996~~. The failure by
19 a local government to comply with this requirement will result
20 in the prohibition of the local government's ability to amend
21 the local comprehensive plan as provided by s. 163.3187(6). An
22 amendment proposed by a local government for purposes of
23 identifying the land use categories in which public schools
24 are an allowable use is exempt from the limitation on the
25 frequency of plan amendments contained in s. 163.3187. The
26 future land use element shall include criteria which encourage
27 the location of schools proximate to urban residential areas
28 to the extent possible and shall require that the local
29 government seek to collocate public facilities, such as parks,
30 libraries, and community centers, with schools to the extent
31 possible.

1 (12) A public school facilities element adopted to
2 implement a school concurrency program shall meet the
3 requirements of this subsection.

4 (a) A public school facilities element shall be based
5 upon data and analyses that address, among other items, how
6 level of service standards will be achieved and maintained.
7 Such data and analyses must include, at a minimum, such items
8 as: the 5-year school district facilities work program adopted
9 pursuant to s. 235.185; the educational plant survey and an
10 existing educational and ancillary plant map or map series;
11 information on existing development and development
12 anticipated for the next 5 years and the long-term planning
13 period; an analysis of problems and opportunities for existing
14 schools and schools anticipated in the future; an analysis of
15 opportunities to collocate future schools with other public
16 facilities such as parks, libraries, and community centers; an
17 analysis of the need for supporting public facilities for
18 existing and future schools; an analysis of opportunities to
19 locate schools to serve as community focal points; projected
20 future population and associated demographics, including
21 development patterns year by year for the upcoming 5-year and
22 long-term planning periods; and anticipated educational and
23 ancillary plants with land area requirements.

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

27 (c) The element shall contain one or more objectives
28 for each goal, setting specific, measurable, intermediate ends
29 that are achievable and mark progress toward the goal.
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1 (d) The element shall contain one or more policies for
2 each objective which establish the way in which programs and
3 activities will be conducted to achieve an identified goal.

4 (e) The objectives and policies shall address items
5 such as: the procedure for an annual update process; the
6 procedure for school site selection; the procedure for school
7 permitting; provision of supporting infrastructure; location
8 of future school sites so they serve as community focal
9 points; measures to ensure compatibility of school sites and
10 surrounding land uses; coordination with adjacent local
11 governments and the school district on emergency preparedness
12 issues; and coordination with the future land use element.

13 (f) The element shall include one or more future
14 conditions map which depicts the anticipated location of
15 educational and ancillary plants. The map will of necessity be
16 general for the long-term planning period and more specific
17 for the 5-year period.

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

21 163.3180 Concurrency.--

22 (1)~~(a)~~ Roads, sanitary sewer, solid waste, drainage,
23 potable water, parks and recreation, and mass transit, where
24 applicable, are the only public facilities and services
25 subject to the concurrency requirement on a statewide basis.
26 Additional public facilities and services may not be made
27 subject to concurrency on a statewide basis without
28 appropriate study and approval by the Legislature; however,
29 any local government may extend the concurrency requirement so
30 that it applies to additional public facilities within its
31 jurisdiction.

1 ~~(b) If a local government elects to extend the~~
2 ~~concurrency requirement to public schools, it should first~~
3 ~~conduct a study to determine how the requirement would be met~~
4 ~~and shared by all affected parties. The local government shall~~
5 ~~provide an opportunity for full participation in this study by~~
6 ~~the school board. The state land planning agency may provide~~
7 ~~technical assistance to local governments that study and~~
8 ~~prepare for extension of the concurrency requirement to public~~
9 ~~schools. When establishing concurrency requirements for public~~
10 ~~schools, a local government shall comply with the following~~
11 ~~criteria for any proposed plan or plan amendment transmitted~~
12 ~~pursuant to s. 163.3184(3) after July 1, 1995:~~

13 ~~1. Adopt level-of-service standards for public schools~~
14 ~~with the agreement of the school board. Public school~~
15 ~~level-of-service standards shall be adopted as part of the~~
16 ~~capital improvements element in the local government~~
17 ~~comprehensive plan, which shall contain a financially feasible~~
18 ~~public school capital facilities program established in~~
19 ~~conjunction with the school board that will provide~~
20 ~~educational facilities at an adequate level of service~~
21 ~~necessary to implement the adopted local government~~
22 ~~comprehensive plan.~~

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

25 (12) School concurrency, if imposed by local option,
26 shall be established on a districtwide basis and shall include
27 all public schools in the district and all portions of the
28 district, whether located in a municipality or an
29 unincorporated area. The application of school concurrency to
30 development shall be based upon the adopted comprehensive
31 plan, as amended. All local governments within a county,

1 except as provided in paragraph (f), shall adopt and transmit
2 to the state land planning agency the necessary plan
3 amendments, along with the interlocal agreement, for a
4 compliance review pursuant to s. 163.3184(7) and (8). School
5 concurrency shall not become effective in a county until all
6 local governments, except as provided in paragraph (f), have
7 adopted the necessary plan amendments, which together with the
8 interlocal agreement, are determined to be in compliance with
9 the requirements of this part. The minimum requirements for
10 school concurrency are the following:

11 (a) Public school facilities element.--A local
12 government shall adopt and transmit to the state land planning
13 agency a plan or plan amendment which includes a public school
14 facilities element which is consistent with the requirements
15 of s. 163.3177(12) and which is determined to be in compliance
16 as defined in s. 163.3184(1)(b). All local government public
17 school facilities plan elements within a county must be
18 consistent with each other as well as the requirements of this
19 chapter.

20 (b) Level of service standards.--The Legislature
21 recognizes that an essential requirement for a concurrency
22 management system is the level of service at which a public
23 facility is expected to operate.

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

30 2. Public school level of service standards shall be
31 included and adopted into the capital improvements element of

1 the local comprehensive plan and shall apply districtwide to
2 all schools of the same type. Types of schools may include
3 elementary, middle, and high schools as well as
4 special-purpose facilities such as magnet schools.

5 3. Local governments and school boards shall have the
6 option to utilize tiered level of service standards to allow
7 time to achieve an adequate and desirable level of service as
8 circumstances warrant.

9 (c) Service areas.--The Legislature recognizes that an
10 essential requirement for a concurrency system is a
11 designation of the area within which the level of service will
12 be measured when an application for a residential development
13 permit is reviewed for school concurrency purposes. This
14 delineation is also important for purposes of determining
15 whether the local government has a financially feasible public
16 school capital facilities program that will provide schools
17 which will achieve and maintain the adopted level of service
18 standards.

19 1. In order to balance competing interests, preserve
20 the constitutional concept of uniformity, and avoid disruption
21 of existing educational and growth management processes, local
22 governments are encouraged to apply school concurrency to
23 development on a districtwide basis so that a concurrency
24 determination for a specific development will be based upon
25 the availability of school capacity districtwide.

26 2. For local governments applying school concurrency
27 on a less than districtwide basis, such as utilizing school
28 attendance zones or larger school concurrency service areas,
29 local governments and school boards shall have the burden to
30 demonstrate that the utilization of school capacity is
31 maximized to the greatest extent possible in the comprehensive

1 plan and amendment, taking into account transportation costs
2 and court-approved desegregation plans, as well as other
3 factors. In addition, in order to achieve concurrency within
4 the service area boundaries selected by local governments and
5 school boards, the service area boundaries, together with the
6 standards for establishing those boundaries, shall be
7 identified, included, and adopted as part of the comprehensive
8 plan. Any subsequent change to the service area boundaries
9 for purposes of a school concurrency system shall be by plan
10 amendment and shall be exempt from the limitation on the
11 frequency of plan amendments in s. 163.3187(1).

12 3. Where school capacity is available on a
13 districtwide basis but school concurrency service is applied
14 on a less than districtwide basis in the form of concurrency
15 services areas, if the adopted level of service standard
16 cannot be met in a particular service area as applied to an
17 application for a development permit and if the needed
18 capacity for the particular service area is available in one
19 or more contiguous service areas as adopted by the local
20 government, then the development order shall be issued and
21 mitigation measures shall not be exacted.

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

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

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

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

22 (e) Availability standard.--Consistent with the public
23 welfare, a local government may not deny a development permit
24 authorizing residential development for failure to achieve and
25 maintain the level of service standard for public school
26 capacity in a local-option school concurrency system where
27 adequate school facilities will be in place or under actual
28 construction within 3 years after permit issuance.

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 (g) Interlocal agreement for school concurrency.--When
5 establishing concurrency requirements for public schools, a
6 local government must enter into an interlocal agreement which
7 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and
8 the requirements of this subsection. The interlocal agreement
9 shall acknowledge both the school board's constitutional and
10 statutory obligations to provide a uniform system of free
11 public schools on a countywide basis, and the land use
12 authority of local governments, including their authority to
13 approve or deny comprehensive plan amendments and development
14 orders. The interlocal agreement shall be submitted to the
15 state land planning agency by the local government as a part
16 of the compliance review, along with the other necessary
17 amendments to the comprehensive plan required by this part.
18 In addition to the requirements of s. 163.3177(6)(h), the
19 interlocal agreement shall meet the following requirements:

20 1. Establish the mechanisms for coordinating the
21 development, adoption and amendment of each local government's
22 public school facilities element with each other and the plans
23 of the school board to ensure a uniform districtwide school
24 concurrency system.

25 2. Establish a process by which each local government
26 and the school board shall agree and base their plans on
27 consistent projections of the amount, type and distribution of
28 population growth and coordinate and share information
29 relating to existing and planned public school facilities
30 projections and proposals for development and redevelopment,

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1 and infrastructure required to support public school
2 facilities.

3 3. Establish a process for the development of siting
4 criteria which encourages the location of public schools
5 proximate to urban residential areas to the extent possible
6 and seeks to collocate schools with other public facilities
7 such as parks, libraries, and community centers to the extent
8 possible.

9 4. Specify uniform, districtwide level of service
10 standards for public schools of the same type and the process
11 for modifying the adopted levels of service standards.

12 5. Establish a process for the preparation, amendment
13 and joint approval by each local government and the school
14 board of a public school capital facilities program which is
15 financially feasible, and a process and schedule for
16 incorporation of the public school capital facilities program
17 into the local government comprehensive plans on an annual
18 basis.

19 6. Define the geographic application of school
20 concurrency. If school concurrency is to be applied on a less
21 than districtwide basis in the form of concurrency service
22 areas, the agreement shall establish criteria and standards
23 for the establishment and modification of school concurrency
24 service areas. The agreement shall also establish a process
25 and schedule for the mandatory incorporation of the school
26 concurrency service areas and the criteria and standards for
27 establishment of the service areas into the local government
28 comprehensive plans. The agreement shall ensure maximum
29 utilization of school capacity, taking into account
30 transportation costs and court-approved desegregation plans,
31 as well as other factors. The agreement shall also ensure the

1 achievement and maintenance of the adopted level of service
2 standards for the geographic area of application throughout
3 the 5 years covered by the public school capital facilities
4 plan and thereafter by adding a new fifth year during the
5 annual update.

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

8 a. The evaluation of development applications for
9 compliance with school concurrency requirements;

10 b. An opportunity for the school board to review and
11 comment on the effect of comprehensive plan amendments and
12 rezonings on the public school facilities plan; and

13 c. The monitoring and evaluation of the school
14 concurrency system.

15 8. Include provisions relating to termination,
16 suspension and amendment of the agreement. The agreement
17 shall provide that if the agreement is terminated or
18 suspended, the application of school concurrency shall be
19 terminated or suspended.

20 (13) The state land planning agency shall, by October
21 1, 1998, adopt by rule minimum criteria for the review and
22 determination of compliance of a public school facilities
23 element adopted by a local government for purposes of
24 imposition of school concurrency.

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

27 163.3191 Evaluation and appraisal of comprehensive
28 plan.--

29 (2) The report shall present an assessment and
30 evaluation of the success or failure of the comprehensive
31 plan, or element or portion thereof, and shall contain

1 appropriate statements (using words, maps, illustrations, or
2 other forms) related to:

3 (i) The coordination of the comprehensive plan with
4 existing public schools and those identified in the applicable
5 5-year school district facilities work program adopted
6 pursuant to s. 235.185. The assessment shall address, where
7 relevant, the success or failure of the coordination of the
8 future land use map and associated planned residential
9 development with public schools and their capacities, as well
10 as the joint decisionmaking processes engaged in by the local
11 government and the school board in regard to establishing
12 appropriate population projections and the planning and siting
13 of public school facilities. If the issues are not relevant,
14 the local government shall demonstrate that they are not
15 relevant.

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

19 235.185 School district facilities work program;
20 definitions; preparation, adoption, and amendment; long-term
21 work programs.--

22 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
23 the adopted district facilities work program covering the
24 5-year work program, the district school board shall adopt
25 annually a 10-year and a 20-year work program which include
26 the information set forth in subsection (2), but based upon
27 enrollment projections and facility needs for the 10-year and
28 20-year periods. It is recognized that the projections in the
29 10-year and 20-year timeframes are tentative and should be
30 used only for general planning purposes.

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1 Section 5. Subsection (1) of section 235.19, Florida
2 Statutes, is amended to read:

3 235.19 Site planning and selection.--

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

16 Section 6. Subsection (2) of section 235.193, Florida
17 Statutes, is amended to read:

18 235.193 Coordination of planning with local governing
19 bodies.--

20 (2) A school board and the local governing body must
21 share and coordinate information related to existing and
22 planned public school facilities; proposals for development,
23 redevelopment, or additional development; and infrastructure
24 required to support the public school facilities, concurrent
25 with proposed development. A school board shall use Department
26 of Education enrollment projections when preparing the 5-year
27 district facilities work program pursuant to s. 235.185, and a
28 school board shall affirmatively demonstrate in the
29 educational facilities report consideration of local
30 governments' population projections to ensure that the 5-year
31 work program not only reflects enrollment projections but also

1 considers applicable municipal and county growth and
2 development projections. A school board is precluded from
3 siting a new school in a jurisdiction where the school board
4 has failed to provide the annual educational facilities report
5 for the prior year required pursuant to s. 235.194 unless the
6 failure is corrected.

7 Section 7. Until the minimum criteria for a public
8 school facilities element adopted for purposes of imposition
9 of school concurrency, as required by section 163.3180(13),
10 Florida Statutes, are in effect, the state land planning
11 agency shall utilize the minimum criteria for a public school
12 facilities element adopted for purposes of imposition of
13 school concurrency contained in the Final Report and Consensus
14 Text by the Department of Community Affairs Public School
15 Construction Working Group, dated March 9, 1998, in any
16 compliance review of any such element.

17 Section 8. Any county whose adopted public school
18 facilities element is the subject of a final order entered by
19 the Administration Commission prior to the effective date of
20 this act may implement its public school facilities element in
21 accordance with the general law concerning public school
22 facilities concurrency in effect when the final order was
23 entered and in accord with the final order consistent with any
24 appellate court decision. The county shall comply with the
25 requirements of the final order, consistent with any appellate
26 decision, in implementing its public school facilities element
27 and in adopting any necessary amendment to its comprehensive
28 plan.

29 Section 9. This act shall take effect July 1, 1998.
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