

**STORAGE NAME:** h4377s1.ca

**DATE:** April 7, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 4377

**RELATING TO:** Comprehensive Planning/Schools

**SPONSOR(S):** Representative Pruitt

**COMPANION BILL(S):** SB 2474 (s); HB 3985 (c)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
  - (2) EDUCATION APPROPRIATIONS
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This committee substitute requires that the future land use element of a local government's comprehensive plan include certain criteria relating to location of schools and specifies the date by which such plans must comply. This bill provides requirements for the following: data and analyses on which a public school facilities element should be based; goals, objectives, and policies; a future conditions map; and certain reciprocal agreements.

This bill revises the requirements for the imposition of a school concurrency requirement by a local government and requires a public schools facilities element. This bill provides requirements for the following: level of service standards; designation of service areas; financial feasibility standards; and specifies an availability standard. In addition, this bill requires that intergovernmental coordination requirements be satisfied, but allows certain municipalities not to be a signatory of the agreements.

This bill creates minimum criteria for interlocal agreements for the imposition of school concurrency. The bill provides direction to the state land planning agency to adopt minimum criteria for the review and determination of compliance of a public schools facilities element for the imposition of school concurrency with its associated interlocal agreements. In addition, the bill requires the local planning agency's periodic report on the comprehensive plan to assess the coordination of the plan with public schools.

This bill directs school boards to adopt annually, 10-year and 20-year work programs, in addition to the currently required 5-year district facilities work program. This bill permits additional expenditures in a district's planned basic capital outlay expenditures that may be eligible for an effort index grant. This bill provides that, under certain circumstances, districts that have adopted a public school facilities element in districts may be granted priority consideration for such grants.

This bill provides a directive to school boards with respect to school siting and location and provides requirements for the 5-year district facilities work. In addition, this bill precludes the siting of new schools in certain jurisdictions.

This bill specifies additional savings by school districts which the SIT Program is designed to reward. The bill provides that the SMART Schools Clearinghouse favorably consider districts where local governments have adopted a public school facilities element.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**The Local Government Comprehensive Planning and Land Development Regulation Act:**

In 1985, the Legislature passed the Local Government Comprehensive Planning and Land Development Regulation Act (Act), found in chapter 163, part II, Florida Statutes. The Act has been amended numerous times. The Act, as amended, requires all local governments to prepare comprehensive plans that are reviewed by the state land planning agency. These plans must contain data, analyses, policies, goals, and objectives relating to eight mandatory elements on the following issues:

- Capital improvements;
- Future land use;
- Traffic circulation;
- General sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge;
- Conservation;
- Recreation and open space;
- Housing; and
- Intergovernmental coordination.

The plans are reviewed by Department of Community Affairs (DCA), in its role as the state land planning agency.

***Future Land Use Element***

Subsection 163.3177(6), Florida Statutes, requires the Future Land Use Element (FLUE), of each comprehensive plan to clearly identify the land use categories in which public schools are an allowable use. Local government must include sufficient land proximate to residential development to meet the projected needs for schools. This must be done in coordination with public school boards. However, the most recent data indicates that only 24 local governments have submitted plan amendments to comply with this requirement.

***Concurrency***

Section 163.3180, Florida Statutes, provide the statewide concurrency requirements for local government comprehensive plans. These standards do not include educational facilities. However, local governments may include such facilities in their plans if they so choose. If a local government chooses to extend the concurrency requirement to public schools, paragraph 163.3180(1)(b), Florida Statutes, indicates that the local government should first conduct a study to determine how the requirement would be met and shared by all affected parties. In addition, a local government must adopt level-of-service standards for public schools with the agreement of the school board, and must satisfy the requirements for intergovernmental coordination set forth in subparagraphs 163.3177(6)(b)1. and 2., Florida Statutes.

During its 1997 Regular Session, the Legislature established the Public Schools Construction Study Commission and directed it to "study in detail and recommend appropriate reforms related to the planning, and siting, of public schools, and reforms related to school concurrency." See Chapter 97-152, § 6, Laws of Florida (Specific Appropriation 1628). The Commission was directed to submit its final report no later than January 1, 1998. In connection with the Commission's study, the Legislature suspended the authority of local governments, other than in Broward County, to impose school concurrency until July 1, 1998. See Chapter 97-265, § 13, Laws of Florida.

**[Note:** The final report of the Public Schools Construction Study Commission can be found on the Internet at: <http://www.state.fl.us/commaff/dca.html>]

### ***Evaluation and Appraisal of Comprehensive Plans***

Section 163.3191, Florida Statutes, requires each local government to prepare an evaluation and appraisal report (EAR) on their local government comprehensive plan. The EAR is the principal process for updating local comprehensive plans to reflect changes in state policy on planning and growth management. The EAR must include statements of the effect of future changes to growth management plans and rules on the local comprehensive plan, actions necessary to meet planning issues, anticipated plan amendments necessary to implement changes, and public participation processes.

### **Educational Facilities Act:**

Ch. 235, Florida Statutes, authorizes state and local officials to cooperate in establishing and maintaining public educational facilities to provide for public educational needs.

### ***School District Facilities Work Program***

Section. 235.185, Florida Statutes, requires each district school board to adopt a 5-year work program and update this work program annually for the next five years. The five year facilities work program is the financially feasible list of capital outlay projects and maintenance needs identified within their 5-year school plant survey, as prioritized and approved by the school board. The Department of Education provides 5-year student enrollment and Capital Outlay Full Time Equivalent (COFTE), projections for facilities surveys and facilities work programs.

The Department of Education has not yet begun making projections to 2020. The reason is that the University of Florida (UF) will not be calculating age-group population projections beyond 2010 until after the results of the 2000 census are out (probably not until 2002). Without the "official projections" of UF as backup, the enrollment numbers developed by DOE might be different from later UF projections.

### ***Effort Index Grants for School District Facilities Work Program Projects***

Section. 235.186, Florida Statutes., provides the Effort Index Grants for district facilities work program projects which schools may include as evidence of "self-help." Currently, eligible expenditures include the following: bonds; certificates of participation; PECO; CO&DS bonds; sales surtax authorized in subsection 212.055(7), Florida Statutes; infrastructure sales surtax authorized in subsection 212.055(2), Florida Statutes; direct

proceeds from 2-mill discretionary capital outlay levy; direct proceeds from district voted millage, School Infrastructure Thrift program awards; Classroom First Program proceeds; private donations; and grants from local government or private organizations. If there are insufficient funds to award all recommended grants, the legislature would consider awards based on the extent the district exceeded the district effort index, and the extent to which the district maximized their revenue for capital projects.

### ***Site Planning and Selection***

Section 235.19, Florida Statutes, provides requirements for site planning and selection of public school facilities, and grants the Commissioner of Education rulemaking authority to prescribe recommended sizes for new sites according to various categories of students.

In general, school districts select and purchase land which is identified as appropriate in the local government comprehensive plan. Many urban school districts work with local government to provide shared recreational space by locating schools adjacent to parks. Collocation of programs within single facilities has occurred but is not common. Joint use facilities, sharing of libraries, and other programs are currently dependent upon local initiative.

### ***Coordination of Planning with Local Governmental Bodies***

Section 235.193, Florida Statutes, describes the process and provides guidelines for the coordination of planning for educational facilities between the school board and the local governing body.

The school boards may or may not be providing the local governments within their district boundaries a copy of their annual capital outlay plan and a copy of their 5-year facilities survey. There is no penalty for noncompliance. Some schools plan for their growth needs without consideration of the growth and development plans of local government. Some local governments plan for their growth needs without consideration of the growth requirements of the schools. A local government may or may not be aware of a school board's intention to develop an owned site or to purchase a school site within their jurisdiction, although the comprehensive plan should (although many do not) identify land use categories generally available for school facilities.

### ***School Infrastructure Thrift Program Act***

Section 235.2155, Florida Statutes, provides the requirements for the School Infrastructure Thrift (SIT) program. SIT awards are based on facilities program construction cost savings realized through functional, frugal school construction, and through the operation of charter schools to avoid the capital outlay investment in facilities for the school board.

#### **B. EFFECT OF PROPOSED CHANGES:**

The committee substitute has the following effects:

- Expands the minimum criteria of the future land use element to require criteria to encourage the location of schools proximate to urban residential areas, to require

that local governments seek to collocate public facilities with public educational facilities; and **to comply with these requirements no later than October 1, 1999, or the deadline for their EAR (whichever comes first)**. This requirement can be met by the adoption of the public school facilities element adopted to implement a school concurrency plan.

- Creates an optional public schools facilities element (PSFE), which must be adopted to implement a school concurrency program.
- Creates concurrency requirements for local governments that chose to adopt a public schools facilities element to implement school concurrency in the comprehensive plan.
- Creates intergovernmental coordination requirements for local governments that chose to adopt a public schools facilities element to implement school concurrency in the comprehensive plan.
- Creates an EAR requirement for the assessment of the coordination between a local comprehensive plan and the school district's 5-year school district facilities work program.
- Requires school districts to create 10-year and 20-year school facilities programs, including proposed funding amounts and sources.
- Encourages intergovernmental agreements and partnerships between school boards and local governments by providing Effort Index Grant program rewards to school districts who apply and qualify.
- Requires school districts "to seek" collocation facilities with local governments with or close to residential areas.
- Encourages coordination of planning efforts between local governments and school boards by requiring evidence of such efforts as part of the SIT program application.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. The bill authorizes the state land planning agency to adopt rules to establish minimum criteria for the review and determination of compliance of public school facilities element adopted for the purposes of imposition of school concurrency.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes.

School boards *must* develop 5-year and 10-year work plans.

Local governments *must* include assessment of coordination of the comprehensive plan with the 5-year school district facilities work program in their EAR. Local governments *must* include in their future land use element, criteria to encourage the location of schools proximate to urban residential areas and to seek opportunities to collocate public facilities with schools. Local governments *may* adopt a public schools facilities element.

DCA *must* develop minimum criteria for review and determination of compliance of a public schools facilities element. DCA *must* develop minimum criteria and guidelines for interlocal agreements required for school concurrency.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Ch. 163, Florida Statutes and ch. 235, Florida Statutes.



**E. SECTION-BY-SECTION RESEARCH:**

**Section 1:** Amends paragraph 163.3177(6)(a), Florida Statutes, amending the future land use element (a required element) of local comprehensive plans to require criteria to encourage the location of schools proximate to urban residential areas. Also, requiring local governments to seek to collocate public facilities (parks, libraries, and community centers), with schools, to the extent possible. Provides a deadline of October 1, 1991 or the deadline for the local government EAR, whichever comes first. Prohibits local governments who fail to comply with this section to amend their local government comprehensive plans in accordance with the twice a year amendment procedure.

Creates section 163.3177(12), creating a public school facilities element to implement school concurrency, which includes the following:

- The PSFE must be based on, in part, how level of service standards will be achieved and maintained.
- The PSFE must be based on, in part, data and analysis that includes the following: the 5-year school district facilities work program, the educational plant survey, the existing educational and ancillary plan map or series, information based on existing and anticipated 5-year development, and analysis of problems and opportunities for existing and anticipated schools.
- The PSFE must also include the following: analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographic (including development patterns year by year for the upcoming 5-year and long-term planning periods); and anticipated educational and ancillary plants with land area requirements.
- The PSFE must include one or more goals to establish the long-term end toward which public school programs and activities are ultimately directed.
- The PSFE must include one or more objectives for each goal.
- The PSFE must include one or more policies for each objective.
- The PSFE's objectives and policies must address: the procedures for annual updates; the procedure for school site selection; the procedure for school permitting; the procedure for supporting infrastructure; the procedure for location of future school sites serving as community focal points; measures to ensure compatibility of school sites; coordination with adjacent local governments and the school district on emergency preparedness issues; and coordination with the FLUE.
- The PSFE must include one or more future conditions map depicting the anticipated location of educational and ancillary plants.

**Section 2:** Amends section 163.3180, Florida Statutes, by deleting the current requirement for local governments to conduct a study to determine how a public school

concurrency requirement would be met and shared by all affected parties, prior to extending concurrency requirements to include public schools; and eliminates the existing requirement for coordination of public school concurrency with the ICE.

Creates section 163.3177(12), authorizing, by local option, school concurrency, as follows:

- School concurrency, if imposed by local option, must be established districtwide and include all public schools, all portions of the district (whether located in a municipality or unincorporated area), and be based on the adopted comprehensive plan, as amended.

**[Note:** As a plan amendment, the school concurrency requirements must be adopted and transmitted for compliance review pursuant to subsection 163.3184(7) and (8), Florida Statutes.]

- All local governments within the county (except for nonrequired signatories as defined in paragraph f), must adopt and transmit to the state planning agency the interlocal agreement and necessary plan amendments for compliance review before concurrency can take effect.
- School concurrency is not effective until all required signatories have adopted the necessary interlocal agreements and plan amendments.
- Minimum requirements for school concurrency are as follows:
  - ▶ Creates paragraph 163.3191(12)(a), requiring as follows:
    - ◆ A local government must adopt and transmit to the state land planning agency a plan or plan amendment which includes a public schools facilities element which is determined to be in compliance with the process for adoption of comprehensive plan or plan amendments.
    - ◆ All local government public school facilities plan elements within the county must be consistent with each other, as well as in compliance with the process for adoption of comprehensive plan or plan amendments.
  - ▶ Creates paragraph 163.3191(12)(b), defining “level of service standards” as “the level of service at which a public facility is expected to operate.” This paragraph also requires the following:
    - ◆ Local government and school boards must jointly establish adequate level of service standards, as defined in rule 9J-5, F.A.C.
    - ◆ Public school level of service standards must be included and adopted into the capital improvements element of the local government comprehensive plan and must apply districtwide to all schools of the same type.
    - ◆ Local governments and school boards must have the option to utilize “tiered” level of service standards, as circumstances warrant.

- ▶ Creates paragraph 163.3191(12)(c), recognizing the necessity for designation of service areas. Local governments are encouraged to apply school concurrency to development on a districtwide basis.
  - ◆ When local governments apply concurrency on a less than districtwide basis then local governments and school boards must demonstrate that the utilization of school capacity is maximized to the greatest extent possible.
  - ◆ When local governments apply concurrency on a less than districtwide basis then local governments and school boards must identify and adopt as part of the comprehensive plan the service area boundaries. Any subsequent changes to the boundaries must be by plan amendment and is exempt from the twice per calendar year limitation for amendments to the comprehensive plan.
  - ◆ When school capacity is available on a districtwide basis, but school concurrency is applied on a less than districtwide basis, and if the adopted level of service standard cannot be met in a particular service area, as applied to a development order, and if the needed capacity is available in one or more contiguous service areas, the development order must be issued and mitigation may not be exacted.
- ▶ Creates paragraph 163.3191(12)(d), creating specific standards for financial feasibility of school concurrency plans, as adopted by the capital improvement element, as follows:
  - ◆ The financial feasibility plan must comply with the standards contained in rule 9J-5, F.A.C.
  - ◆ School concurrency comprehensive plan amendments to the capital improvements element must be consistent with the requirements of the capital improvements element and rule 9J-4.015, F.A.C.
  - ◆ The capital improvements element must contain a financially feasible public school capital facilities program (established in conjunction with the school board), that shows that the adopted level of service standards will be achieved and maintained.
  - ◆ The state land planning agency's compliance determination of the capital facilities program must be based upon the service areas selected by the local governments and school boards.
- ▶ Creates paragraph 163.3191(12)(e), requiring that public school facilities to serve new development must be in place or under actual construction no sooner than 3 years after the issuance of the local development order.
- ▶ Creates paragraph 163.3191(12)(f), requiring intergovernmental coordination for establishing public school concurrency, including the following:
  - ◆ A local government must meet the requirements of the intergovernmental coordination element, except for certain municipalities.

- ◆ Municipalities that are not required to be signatories to the intergovernmental agreement are as follows: the municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years or the municipality has generated less than 25 additional public school students during the preceding 5 years; the municipality has not annexed new land with categories that permit residential uses in the preceding 5 years; the municipality has no public schools within its boundaries; and at least 80 percent of the developable land within the municipalities' boundaries has been built upon.
- ◆ Municipalities that are not required to be signatories to the intergovernmental agreement must review and determine at the time of their EAR whether they continue to meet the criteria.
- ◆ Municipalities that no longer meet the criteria as nonrequired signatories must adopt appropriate school concurrency goals, objectives, and policies in their plan amendments based on their EAR and must enter into the existing interlocal agreement for public school concurrency in order to participate in the school concurrency process.
- ◆ Municipalities that no longer meet the criteria as nonrequired signatories and that fail to adopt appropriate plan amendments, are subject to EAR sanctions (including sanctions imposed by the Administration Commission).
- ▶ Creates paragraph 163.3191(12)(g), establishing interlocal agreement requirements for school concurrency, as follows:
  - ◆ The agreement must acknowledge the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis.
  - ◆ The agreement must acknowledge the local government's land use authority, including their authority to approve or deny comprehensive plan amendments and development orders.
  - ◆ The agreement must be submitted to the state land planning agency, by the local government, as a part of the compliance review.
  - ◆ The agreement must establish mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and with the plans of the school board.
  - ◆ The agreement must establish a process for each local government and the school board to agree and base their plans on consistent projections of amount, type, and distribution of population growth.
  - ◆ The agreement must establish a process to coordinate and share information relating to existing and planned public school facilities

projections and proposals for development and redevelopment and required infrastructure.

- ◆ The agreement must establish a process to develop siting criteria to encourage the location of public schools proximate to urban residential areas and to seek to collocate schools with other public facilities.
  - ◆ The agreement must specify uniform, districtwide level of service standards for public schools (of the same type) and the process for modifying the level of service standards.
  - ◆ The agreement must establish a process for the preparation, amendment, and joint approval by each local government and school board of a public school capital facilities program which is financially feasible, along with the process and schedule for incorporation of the program into the local governments' comprehensive plans on an annual basis.
  - ◆ The agreement must define the geographic application of school concurrency. When applied on a less than districtwide basis, the agreement must establish criteria and standards for the establishment and modification of concurrency service areas.
  - ◆ The agreement must establish a process and schedule for mandatory incorporation of the school concurrency service areas, and the criteria and standards for establishment of the service areas into the local government comprehensive plans.
  - ◆ The agreement must ensure maximum utilization of school capacity, taking into account various factors.
  - ◆ The agreement must ensure the achievement and maintenance of the adopted level of service standards for the geographic area of application throughout the 5 years covered by the public schools facilities plan and add a new fifth year during the annual update.
  - ◆ The agreement must establish a uniform districtwide procedure for implementing concurrency.
  - ◆ The agreement must include provisions relating to termination, suspension, and amendment to the agreement and providing for that if the agreement is terminated or suspended, the application of school concurrency must be terminated or suspended.
- Creates subsection 163.3191(13), requiring the state land planning agency, by October 1, 1998, to adopt a rule establishing minimum criteria for review and determination of compliance of public school facilities element adopted by a local government for the purposes of imposing school concurrency.

**Section 3:** Adds paragraph 163.3191(2)(i), adding a requirement to the required statements of the EAR, an assessment of the coordination of the comprehensive plan with the existing and recommended public schools identified in the applicable 5-year

school districts facilities work program. The assessment must contain, when relevant, the success or failure of the coordination of the future land use map and associated planned residential development with existing and recommended schools and their capacities. The assessment must also contain, when relevant, the joint decisionmaking process used by the local government and the school board in establishing appropriate population projections, and in the planning and siting of public school facilities. The local government must demonstrate why issues are not relevant.

**Section 4:** Adds subsection 235.185(5), Florida Statutes, requiring, in addition to the 5-year facilities work program, the school boards must annually adopt a 10-year and a 20-year work program.

**Section 5:** Amends section 235.186, Florida Statutes, expanding the list of facilities program expenditures which a school district may include as evidence of "self-help" in order to qualify for effort index grants which are approved by the Smart Schools Clearinghouse. The additional categories include the following:

- Long-term leases with local governments;
- Collocation of programs with local governments in common facilities; and
- Joint use facilities with local government.

If, after the clearinghouse has recommended a grant to the legislature, and there are insufficient funds to award all recommended grants, a district that has not adopted a public school facilities element (with or without school concurrency requirements) will have lower priority than districts which have adopted the element.

**Section 6:** Amends section 235.19, Florida Statutes, to require school boards to locate schools proximate to urban residential areas where possible, and to collocate schools with other public facilities such as parks, libraries, and community centers.

**Section 7:** Amends section 235.193, Florida Statutes, to require school boards to use Department of Education (DOE), enrollment projections and to also consider applicable local government growth and development projections. A school board is prohibited from siting a school in a jurisdiction where the school board has failed to provide the annual educational facilities reports as required by section 234.194, Florida Statutes.

**Section 8:** Amends section 235.2155, Florida Statutes, to include additional incentives for School Infrastructure Thrift (SIT) Program rewards: facilities cost avoidance realized by long term leases with local governments; collocation of facilities with compatible local government programs; and development of joint use facilities with local governments. School boards must submit evidence of cooperative facilities initiatives reports as required by section 235.194, Florida Statutes, as a part of the SIT rewards program application. The Smart Schools Clearinghouse must consider this in prioritization of SIT awards.

**Section 9:** Requires DCA to utilize the minimum criteria and guidelines contained in the *Final Report and Consensus Text* by the Department of Community Affairs Public School Construction Working Group, dated March 9, 1998. When the minimum criteria for a

public schools facilities element (to impose school concurrency) is adopted by rule of the state land planning agency, this section is repealed.

**Section 10:** Provides an effective date of July 1 of the year enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

The availability standard for public facilities needed to serve new development is defined as being "in place or under actual construction *no sooner than 3 years* after the issuance of the local development order. This standard, makes the availability standard completely open-ended. This would appear to make the availability standard essentially meaningless.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A committee substitute was adopted by at the Community Affairs Committee meeting on April 7, 1998.

The differences between the bill "as introduced" and the committee substitute are as follows:

**Section 1:** Rearranged the amending language contained in subparagraph 163.3177(6)(a), Florida Statutes, for clarification purposes.

**Section 2:** This section changed as follows:

- Amends newly created subsection 163.3180(12), to eliminate the requirement for local governments imposing school concurrency on a districtwide basis to adopt and [all of the governments] simultaneously transmit their plan amendments and interlocal agreements to the state land planning agency. Prohibits school concurrency from being effective within the district until all local governments, except those who qualify for exemption, have adopted the necessary plan amendments with the interlocal agreements to the



state land planning agency and the state land planning agency has determined that the amendments and interlocal agreements are in compliance.

- Clarifies language in newly created subparagraphs 163.3180(12)(c)2. and 3., clarifying the imposition of school concurrency on a less than districtwide basis.
- Clarifies of language in newly created paragraph 163.3180(12)(d), regarding financial feasibility of school concurrency.
- Amends newly created paragraph 163.3180(12)(e), amending the availability standard requiring public school facilities that are to serve new developments be in place or under actual construction “no more than 3 years” after the issuance of the development order authorizing the development, to “no sooner than 3 years” after the issuance of the development order authorizing the development.
- Creates subparagraph 163.3180(12)(g), and amends newly created paragraph 163.3180(13), as follows:
  - Creates minimum standards and criteria for interlocal agreements for the imposition of school concurrency.
  - Eliminated rulemaking authority granted in newly created subsection 163.3180(13), for the review of interlocal agreements for the imposition of school concurrency adopted prior to the October 1, 1998, deadline for the adoption of minimum criteria rules.

**Section 5:** Expands newly created subparagraph 235.185(5)(d)3., to include in the calculation of Effort Index Grants For District Facilities, whether a local government has adopted either a public schools facilities element *without imposing school concurrency* or a public schools facilities element *imposing school concurrency*.

**Section 6:** Amends additional language to subsection 235.19(1), Florida Statutes, calling for school boards to locate schools proximate to urban residential areas to conform with the language directing local governments to encourage the location of schools proximate to urban residential areas.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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Tonya Sue Chavis, Esq.

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Joan Highsmith-Smith