

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 to implement a  
12          school concurrency program should be based;  
13          providing for goals, objectives, and policies;  
14          providing for future conditions maps; amending  
15          s. 163.3180, F.S.; revising requirements for  
16          imposition of a school concurrency requirement  
17          by a local government and for the local  
18          government comprehensive plan or plan amendment  
19          to implement such requirement; requiring a  
20          public schools facilities element; providing  
21          requirements for level of service standards;  
22          providing requirements for designation of  
23          service areas; providing requirements with  
24          respect to financial feasibility; specifying an  
25          availability standard; requiring that  
26          intergovernmental coordination requirements be  
27          satisfied and providing that certain  
28          municipalities are not required to be a  
29          signatory of the required interlocal agreement;  
30          providing duties of such municipalities to  
31          evaluate their status and enter into the

1 interlocal agreement when required, and  
 2 providing effect of failure to do so; providing  
 3 requirements with respect to the interlocal  
 4 agreement; directing the state land planning  
 5 agency to adopt by rule minimum criteria for  
 6 review and determination of compliance of a  
 7 public schools facilities element; amending s.  
 8 163.3191, F.S.; providing that the local  
 9 planning agency's periodic report on the  
 10 comprehensive plan shall assess the  
 11 coordination of the plan with public schools;  
 12 amending s. 235.185, F.S.; directing school  
 13 boards to adopt annually 10-year and 20-year  
 14 work programs in addition to the required  
 15 5-year district facilities work program;  
 16 amending s. 235.19, F.S.; providing a directive  
 17 to school boards with respect to school  
 18 location; amending s. 235.193, F.S.; providing  
 19 requirements for the 5-year district facilities  
 20 work program with respect to enrollment and  
 21 population projections; precluding the siting  
 22 of new schools in certain jurisdictions;  
 23 creating s. 235.2157, F.S.; defining "small  
 24 school"; requiring that school districts plan  
 25 construction of small schools only after July  
 26 1, 1998 and that this be reflected in the  
 27 5-year school district facilities work plan;  
 28 providing for application; requiring small  
 29 schools to comply with racial balance  
 30 requirements; authorizing the commissioner to  
 31 revise certain requirements under certain

1           circumstances; requiring the commissioner to  
2           make certain recommendations to the  
3           Legislature; providing for interim use of  
4           certain criteria by the state land planning  
5           agency in compliance review of a public school  
6           facilities element; providing for  
7           implementation of an alternative public schools  
8           concurrency system by counties subject to a  
9           final order by the Administration Commission;  
10          providing an effective date.

11  
12           WHEREAS, the Legislature recognizes the need to  
13          determine educational facility needs as Florida continues to  
14          grow, and the need to ensure that local school districts have  
15          adequate funds to finance needed educational facilities, and

16           WHEREAS, the Legislature recognizes that the state has  
17          an interest in school concurrency because public education is  
18          a state responsibility and because of the role of the state in  
19          the administration of statewide growth management policy, and

20           WHEREAS, the Legislature recognizes that state policy  
21          on school concurrency is incomplete, and

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

26           WHEREAS, it is the intent of the Legislature to  
27          increase predictability and minimize conflict and litigation  
28          in local governments which choose to impose school  
29          concurrency, and

30           WHEREAS, it is the intent of the Legislature that  
31          school concurrency, where implemented, should improve the

1 state's educational system as well as advance the state's  
2 integrated planning and growth management system, NOW,  
3 THEREFORE,

4

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

6

7 Section 1. Paragraph (a) of subsection (6) of section  
8 163.3177, Florida Statutes, is amended, and subsection (12) is  
9 added to said section, to read:

10 163.3177 Required and optional elements of  
11 comprehensive plan; studies and surveys.--

12 (6) In addition to the requirements of subsections  
13 (1)-(5), the comprehensive plan shall include the following  
14 elements:

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

1 anticipated growth; the projected population of the area; the  
2 character of undeveloped land; the availability of public  
3 services; and the need for redevelopment, including the  
4 renewal of blighted areas and the elimination of nonconforming  
5 uses which are inconsistent with the character of the  
6 community. The future land use plan may designate areas for  
7 future planned development use involving combinations of types  
8 of uses for which special regulations may be necessary to  
9 ensure development in accord with the principles and standards  
10 of the comprehensive plan and this act. The future land use  
11 plan of a county may also designate areas for possible future  
12 municipal incorporation. The land use maps or map series  
13 shall generally identify and depict historic district  
14 boundaries and shall designate historically significant  
15 properties meriting protection. The future land use element  
16 must clearly identify the land use categories in which public  
17 schools are an allowable use. When delineating the land use  
18 categories in which public schools are an allowable use, a  
19 local government shall include in the categories sufficient  
20 land proximate to residential development to meet the  
21 projected needs for schools in coordination with public school  
22 boards and may establish differing criteria for schools of  
23 different type or size. Each local government shall include  
24 lands contiguous to existing school sites, to the maximum  
25 extent possible, within the land use categories in which  
26 public schools are an allowable use. All comprehensive plans  
27 must comply with this paragraph no later than October 1, 1999,  
28 or the deadline for the local government evaluation and  
29 appraisal report, whichever occurs first ~~1996~~. The failure by  
30 a local government to comply with this requirement will result  
31 in the prohibition of the local government's ability to amend

1 the local comprehensive plan as provided by s. 163.3187(6).An  
2 amendment proposed by a local government for purposes of  
3 identifying the land use categories in which public schools  
4 are an allowable use is exempt from the limitation on the  
5 frequency of plan amendments contained in s. 163.3187. The  
6 future land use element shall include criteria which encourage  
7 the location of schools proximate to urban residential areas  
8 to the extent possible and shall require that the local  
9 government seek to collocate public facilities, such as parks,  
10 libraries, and community centers, with schools to the extent  
11 possible.

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

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

1 development patterns year by year for the upcoming 5-year and  
2 long-term planning periods; and anticipated educational and  
3 ancillary plants with land area requirements.

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

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

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

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

22 (f) The element shall include one or more future  
23 conditions maps which depict the anticipated location of  
24 educational and ancillary plants. The maps will of necessity  
25 be general for the long-term planning period and more specific  
26 for the 5-year period.

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

30 163.3180 Concurrency.--

31

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

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

23           ~~1. Adopt level-of-service standards for public schools~~  
24 ~~with the agreement of the school board. Public school~~  
25 ~~level-of-service standards shall be adopted as part of the~~  
26 ~~capital improvements element in the local government~~  
27 ~~comprehensive plan, which shall contain a financially feasible~~  
28 ~~public school capital facilities program established in~~  
29 ~~conjunction with the school board that will provide~~  
30 ~~educational facilities at an adequate level of service~~  
31



1 ~~necessary to implement the adopted local government~~  
2 ~~comprehensive plan.~~

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

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

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

31

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

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

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

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

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

31

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

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

25           3. Where school capacity is available on a  
26 districtwide basis but school concurrency is applied on a less  
27 than districtwide basis in the form of concurrency service  
28 areas, if the adopted level of service standard cannot be met  
29 in a particular service area as applied to an application for  
30 a development permit and if the needed capacity for the  
31 particular service area is available in one or more contiguous

1 service areas, as adopted by the local government, then the  
2 development order shall be issued and mitigation measures  
3 shall not be exacted.

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

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

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

29 3. When the financial feasibility of a public school  
30 capital facilities program is evaluated by the state land  
31 planning agency for purposes of a compliance determination,

1 the evaluation shall be based upon the service areas selected  
2 by the local governments and school board.

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

10 (f) Intergovernmental coordination.--

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

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

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

30 c. The municipality has no public schools located  
31 within its boundaries.

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

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

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

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

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

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

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

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

30           6. Define the geographic application of school  
31 concurrency. If school concurrency is to be applied on a less

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

- 17 7. Establish a uniform districtwide procedure for  
 18 implementing school concurrency which provides for:
- 19 a. The evaluation of development applications for  
 20 compliance with school concurrency requirements;
  - 21 b. An opportunity for the school board to review and  
 22 comment on the effect of comprehensive plan amendments and  
 23 rezonings on the public school facilities plan; and
  - 24 c. The monitoring and evaluation of the school  
 25 concurrency system.

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

31



1           (13) The state land planning agency shall, by October  
2 1, 1998, adopt by rule minimum criteria for the review and  
3 determination of compliance of a public school facilities  
4 element adopted by a local government for purposes of  
5 imposition of school concurrency.

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

8           163.3191 Evaluation and appraisal of comprehensive  
9 plan.--

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

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

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

31

1           235.185 School district facilities work program;  
2 definitions; preparation, adoption, and amendment; long-term  
3 work programs.--

4           (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to  
5 the adopted district facilities work program covering the  
6 5-year work program, the district school board shall adopt  
7 annually a 10-year and a 20-year work program which include  
8 the information set forth in subsection (2), but based upon  
9 enrollment projections and facility needs for the 10-year and  
10 20-year periods. It is recognized that the projections in the  
11 10-year and 20-year timeframes are tentative and should be  
12 used only for general planning purposes.

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

15           235.19 Site planning and selection.--

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

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

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

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

19           Section 7. Section 235.2157, Florida Statutes, is  
20 created to read:

21           235.2157 Small school requirement.--

22           (1) Beginning July 1, 1999 all plans for new  
23 educational facilities to be constructed within a school  
24 district and reflected in the 5-year school district  
25 facilities work plan shall be plans for small schools in order  
26 to promote increased learning and more effective use of school  
27 facilities.

28           (2) As used in this section, "small school" means:

29           (a) An elementary school with a student population of  
30 not more than 500 students.

31

1           (b) A middle school with a student population of not  
2 more than 900 students.

3           (c) A high school with a student population of not  
4 more than 1,200 students.

5           (d) A school serving kindergarten through grade 8 with  
6 a student population of not more than 700 students.

7           (e) A school serving kindergarten through grade 12  
8 with a student population of not more than 900 students.

9           (3) This section does not apply to plans for new  
10 educational facilities already under contract or in the  
11 planning stage on July 1, 1999.

12           (4) Small schools shall comply with all laws, rules,  
13 and court orders relating to racial balance.

14           (5) The commissioner may waive or expand the small  
15 schools size requirements of this section upon request of the  
16 school district if the school district demonstrates the  
17 impracticality of the small schools limitation.

18           (6) By March 1, 1999, the commissioner shall recommend  
19 to the Legislature a sliding scale for optimal school size, as  
20 provided under this section, based on land availability, land  
21 cost, and student population.

22           Section 8. Until the minimum criteria for a public  
23 school facilities element adopted for purposes of imposition  
24 of school concurrency, as required by s. 163.3180(13), Florida  
25 Statutes, are in effect, the state land planning agency shall  
26 utilize the minimum criteria for a public school facilities  
27 element adopted for purposes of imposition of school  
28 concurrency contained in the Final Report and Consensus Text  
29 by the Department of Community Affairs Public School  
30 Construction Working Group, dated March 9, 1998, in any  
31 compliance review of any such element.

1           Section 9. Any county whose adopted public school  
2 facilities element is the subject of a final order entered by  
3 the Administration Commission prior to the effective date of  
4 this act may implement its public school facilities element in  
5 accordance with the general law concerning public school  
6 facilities concurrency in effect when the final order was  
7 entered and in accord with the final order consistent with any  
8 appellate court decision. The county shall comply with the  
9 requirements of the final order, consistent with any appellate  
10 decision, in implementing its public school facilities element  
11 and in adopting any necessary amendment to its comprehensive  
12 plan.

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

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31