

By Representatives Silver, Diaz de la Portilla and Miller

1 A bill to be entitled
2 An act relating to local government
3 comprehensive planning; amending s. 163.3177,
4 F.S.; requiring the inclusion of a public
5 schools element in a local government's
6 comprehensive plan; amending s. 163.3180, F.S.;
7 providing that public school facilities are
8 subject to the concurrency requirement on a
9 statewide basis; providing an effective date.

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

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13 Section 1. Paragraph (k) is added to subsection (6) of
14 section 163.3177, Florida Statutes, 1996 Supplement, and
15 paragraph (e) of subsection (7) of said section is amended, to
16 read:

17 163.3177 Required and optional elements of
18 comprehensive plan; studies and surveys.--

19 (6) In addition to the requirements of subsections
20 (1)-(5), the comprehensive plan shall include the following
21 elements:

22 (k) A public schools element consisting of plans and
23 specifications for a financially feasible system of public
24 school facilities adequate for the population to be served
25 developed in accordance with s. 235.193.

26 (7) The comprehensive plan may include the following
27 additional elements, or portions or phases thereof:

28 (e) A public buildings and related facilities element
29 showing locations and arrangements of civic and community
30 centers, ~~public schools~~, hospitals, libraries, police and fire
31 stations, and other public buildings. This plan element should

1 show particularly how it is proposed to effect coordination
2 with governmental units, such as school boards or hospital
3 authorities, having public development and service
4 responsibilities, capabilities, and potential but not having
5 land development regulatory authority. This element may
6 include plans for architecture and landscape treatment of
7 their grounds.

8 Section 2. Subsection (1) and paragraph (a) of
9 subsection (2) of section 163.3180, Florida Statutes, 1996
10 Supplement, are amended to read:

11 163.3180 Concurrency.--

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

22 ~~(b) If a local government elects to extend the~~
23 ~~concurrency requirement to public schools, it should first~~
24 ~~conduct a study to determine how the requirement would be met~~
25 ~~and shared by all affected parties. The local government~~
26 ~~shall provide an opportunity for full participation in this~~
27 ~~study by the school board. The state land planning agency may~~
28 ~~provide technical assistance to local governments that study~~
29 ~~and prepare for extension of the concurrency requirement to~~
30 ~~public schools.~~ When establishing concurrency requirements
31 for public schools, a local government shall comply with the

1 following criteria for any proposed plan or plan amendment
2 transmitted pursuant to s. 163.3184(3) ~~after July 1, 1995~~:

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

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

15 (2)(a) Consistent with public health and safety,
16 public school, sanitary sewer, solid waste, drainage, and
17 potable water facilities shall be in place and available to
18 serve new development no later than the issuance by the local
19 government of a certificate of occupancy or its functional
20 equivalent.

21 Section 3. This act shall take effect October 1, 1997.

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24 HOUSE SUMMARY

25 Requires that a public schools element be included in a
26 local government's comprehensive plan and provides that
27 public school facilities are subject to the concurrency
28 requirement.
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