

1 A bill to be entitled
2 An act relating to local government
3 comprehensive planning; amending s. 163.3187,
4 F.S.; providing that a limitation on amendments
5 to a local government's comprehensive plan does
6 not apply to amendments necessary to establish
7 public school concurrency; requiring all local
8 government public school facilities elements
9 within a county to be prepared and adopted on a
10 similar time schedule; amending s. 163.3177,
11 F.S.; revising requirements relating to
12 inclusion of school siting elements in
13 comprehensive plans; amending s. 235.193, F.S.;
14 providing that certain public educational
15 facilities are not inconsistent with local
16 comprehensive plans under certain
17 circumstances; amending s. 234.021, F.S.;
18 providing criteria for district school boards
19 and local governmental entities to consider in
20 determining hazardous walking conditions for
21 students; amending s. 163.362, F.S.; clarifying
22 space requirements for certain publicly owned
23 buildings located in community redevelopment
24 areas; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Paragraph (h) is added to subsection (1) of
29 section 163.3187, Florida Statutes, 1998 Supplement, to read:

30 163.3187 Amendment of adopted comprehensive plan.--
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1 (1) Amendments to comprehensive plans adopted pursuant
2 to this part may be made not more than two times during any
3 calendar year, except:

4 (h) Any comprehensive plan amendment to establish
5 public school concurrency pursuant to s. 163.3180(12),
6 including, but not limited to, adoption of a public school
7 facilities element and adoption of amendments to the capital
8 improvements element and intergovernmental coordination
9 element. In order to ensure the consistency of local
10 government public school facilities elements within a county,
11 such elements shall be prepared and adopted on a similar time
12 schedule.

13 Section 2. Paragraph (a) of subsection (6) of section
14 163.3177, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 163.3177 Required and optional elements of
17 comprehensive plan; studies and surveys.--

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

21 (a) A future land use plan element designating
22 proposed future general distribution, location, and extent of
23 the uses of land for residential uses, commercial uses,
24 industry, agriculture, recreation, conservation, education,
25 public buildings and grounds, other public facilities, and
26 other categories of the public and private uses of land. The
27 future land use plan shall include standards to be followed in
28 the control and distribution of population densities and
29 building and structure intensities. The proposed
30 distribution, location, and extent of the various categories
31 of land use shall be shown on a land use map or map series

1 which shall be supplemented by goals, policies, and measurable
2 objectives. Each land use category shall be defined in terms
3 of the types of uses included and specific standards for the
4 density or intensity of use. The future land use plan shall
5 be based upon surveys, studies, and data regarding the area,
6 including the amount of land required to accommodate
7 anticipated growth; the projected population of the area; the
8 character of undeveloped land; the availability of public
9 services; and the need for redevelopment, including the
10 renewal of blighted areas and the elimination of nonconforming
11 uses which are inconsistent with the character of the
12 community. The future land use plan may designate areas for
13 future planned development use involving combinations of types
14 of uses for which special regulations may be necessary to
15 ensure development in accord with the principles and standards
16 of the comprehensive plan and this act. The future land use
17 plan of a county may also designate areas for possible future
18 municipal incorporation. The land use maps or map series
19 shall generally identify and depict historic district
20 boundaries and shall designate historically significant
21 properties meriting protection. The future land use element
22 must clearly identify the land use categories in which public
23 schools are an allowable use. When delineating the land use
24 categories in which public schools are an allowable use, a
25 local government shall include in the categories sufficient
26 land proximate to residential development to meet the
27 projected needs for schools in coordination with public school
28 boards and may establish differing criteria for schools of
29 different type or size. Each local government shall include
30 lands contiguous to existing school sites, to the maximum
31 extent possible, within the land use categories in which

1 public schools are an allowable use. All comprehensive plans
2 must comply with the school siting requirements of this
3 paragraph no later than October 1, 1999, ~~or the deadline for~~
4 ~~the local government evaluation and appraisal report,~~
5 ~~whichever occurs first.~~ The failure by a local government to
6 comply with these school siting requirements by October 1,
7 1999, ~~this requirement~~ will result in the prohibition of the
8 local government's ability to amend the local comprehensive
9 plan, except for plan amendments described in paragraph
10 163.3187(1)(b), until the school siting requirements are met
11 ~~as provided by s. 163.3187(6).~~ An amendment proposed by a
12 local government for purposes of identifying the land use
13 categories in which public schools are an allowable use is
14 exempt from the limitation on the frequency of plan amendments
15 contained in s. 163.3187. The future land use element shall
16 include criteria which encourage the location of schools
17 proximate to urban residential areas to the extent possible
18 and shall require that the local government seek to collocate
19 public facilities, such as parks, libraries, and community
20 centers, with schools to the extent possible.

21 Section 3. Subsections (3) and (8) of section 235.193,
22 Florida Statutes, 1998 Supplement, are amended to read:

23 235.193 Coordination of planning with local governing
24 bodies.--

25 (3) The location of public educational facilities
26 shall be consistent with the comprehensive plan of the
27 appropriate local governing body developed under part II of
28 chapter 163 and the plan's implementing land development
29 regulations, to the extent that the regulations are not in
30 conflict with or the subject regulated is not specifically
31 addressed by this chapter or the State Uniform Building Code,

1 unless mutually agreed by the local government and the board.
2 If a local government comprehensive plan restricts the
3 construction of new public educational facilities to locations
4 within the existing primary urban service district, a proposed
5 new public educational facility located outside the primary
6 urban services district is not inconsistent with the
7 comprehensive plan of the appropriate local governing body if
8 that facility is designed to serve students residing in, or
9 projected to be residing in, residential development located
10 outside the primary urban services district which has been
11 previously approved or allowed by the local government.

12 (8) Existing schools shall be considered consistent
13 with the applicable local government comprehensive plan
14 adopted under part II of chapter 163. The collocation of a
15 new proposed public educational facility with an existing
16 public educational facility, or the expansion of an existing
17 public educational facility is not inconsistent with the local
18 comprehensive plan, if the site is consistent with the
19 comprehensive plan's future land use policies and categories
20 in which public schools are identified as allowable uses, and
21 levels of service adopted by the local government for any
22 facilities affected by the proposed location for the new
23 facility are maintained.If a board submits an application to
24 expand an existing school site, the local governing body may
25 impose reasonable development standards and conditions on the
26 expansion only, and in a manner consistent with s. 235.34(1).
27 Standards and conditions may not be imposed which conflict
28 with those established in this chapter or the State Uniform
29 Building Code, unless mutually agreed. Local government
30 review or approval is not required for:

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1 (a) The placement of temporary or portable classroom
2 facilities; or

3 (b) Proposed renovation or construction on existing
4 school sites, with the exception of construction that changes
5 the primary use of a facility, includes stadiums, or results
6 in a greater than 5 percent increase in student capacity, or
7 as mutually agreed.

8 Section 4. Paragraph (b) of subsection (2) and
9 subsection (3) of section 234.021, Florida Statutes, are
10 amended to read:

11 234.021 Hazardous walking conditions.--

12 (2) IDENTIFICATION.--

13 (b) It is intended that district school boards and
14 local governmental entities work cooperatively to identify
15 conditions that which are hazardous to students who must walk
16 to school. ~~The it is further intended that~~ state or local
17 governmental entities having jurisdiction are requested to
18 make appropriate budgetary allocations to correct such
19 hazardous conditions within a reasonable ~~period of time~~ after
20 the local school district notifies the responsible
21 governmental entities of the hazardous conditions.

22 (3) CRITERIA FOR DETERMINING HAZARDOUS WALKING
23 CONDITIONS.--

24 (a) Walkways parallel to the road.--

25 1. It shall be considered a hazardous walking
26 condition with respect to any road along which students must
27 walk in order to walk to and from school if there is not an
28 area ~~at least 4 feet wide~~ adjacent to the road which has at
29 least a 4-foot, wide reasonably flat and obstacle-free, having
30 ~~a~~ surface upon which students may walk without being required
31 to walk on the road surface. In addition, whenever the road

1 along which students must walk is uncurbed and has a posted
2 speed limit of 55 miles per hour, the area as described above
3 for students to walk upon shall be set off the road by no less
4 than 3 feet from the edge of the road.

5 2. ~~The provisions of~~ Subparagraph 1. does ~~do~~ not apply
6 when the road along which students must walk:

7 a. Is in a residential area which has little or no
8 transient traffic;

9 b. Is a road on which the volume of traffic is less
10 than 180 vehicles per hour, per direction, during the time
11 students walk to and from school; or

12 c. Is located in a residential area and has a posted
13 speed limit of 30 miles per hour or less.

14 (b) Walkways perpendicular to the road.--It shall be
15 considered a hazardous walking condition with respect to any
16 road across which students must walk in order to walk to and
17 from school:

18 1. If the traffic volume on such road exceeds the rate
19 of 360 vehicles per hour, per direction (including all lanes),
20 during the time students walk to and from school and if the
21 crossing site is uncontrolled. As used in ~~For purposes of~~ this
22 subsection, the term ~~an~~ "uncontrolled crossing site" means ~~is~~
23 ~~defined as~~ an intersection or other designated crossing site
24 where no crossing guard, traffic enforcement officer, or stop
25 sign or other traffic control signal is present during the
26 times students walk to and from school.

27 2. If the total traffic volume ~~on such road~~ exceeds
28 4,000 vehicles per hour through an intersection or other
29 crossing site controlled by a stop sign or other traffic
30 control signal, unless crossing guards or other traffic
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1 enforcement officers are also present during the times
2 students walk to and from school.

3 3. If the roadway has six or more through lanes,
4 excluding turn lanes, and the traffic volume exceeds 3,000
5 vehicles per hour through an intersection, whether or not
6 crossing guards or other enforcement officers are also present
7 during the times students walk to and from school.

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9 Traffic volume must ~~shall~~ be determined by the most current
10 traffic engineering study conducted by a state or local
11 governmental agency.

12 Section 5. Subsection (4) of section 163.362, Florida
13 Statutes, is amended to read:

14 163.362 Contents of community redevelopment
15 plan.--Every community redevelopment plan shall:

16 (4) Identify specifically any publicly funded capital
17 projects to be undertaken within the community redevelopment
18 area. In cases where such projects include a county-owned
19 courthouse or court complex, such a facility is exempt from
20 the office space requirements of s. 27.34(2), except that
21 space shall be provided in an amount not less than that
22 provided in the Department of Management Services office space
23 standards.

24 Section 6. This act shall take effect upon becoming a
25 law.

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