

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; providing guidelines for
14 determining the suitability of soils for septic
15 tanks; providing legislative intent; amending
16 s. 235.193, F.S.; providing that certain public
17 educational facilities are not inconsistent
18 with local comprehensive plans under certain
19 circumstances; amending s. 234.021, F.S.;
20 providing criteria for district school boards
21 and local governmental entities to consider in
22 determining hazardous walking conditions for
23 students; amending s. 163.362, F.S.; clarifying
24 space requirements for certain publicly owned
25 buildings located in community redevelopment
26 areas; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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

1 163.3187 Amendment of adopted comprehensive plan.--

2 (1) Amendments to comprehensive plans adopted pursuant
3 to this part may be made not more than two times during any
4 calendar year, except:

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

14 Section 2. Paragraphs (a) and (c) of subsection (6)
15 of section 163.3177, Florida Statutes, 1998 Supplement, are
16 amended to 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 (a) A future land use plan element designating
23 proposed future general distribution, location, and extent of
24 the uses of land for residential uses, commercial uses,
25 industry, agriculture, recreation, conservation, education,
26 public buildings and grounds, other public facilities, and
27 other categories of the public and private uses of land. The
28 future land use plan shall include standards to be followed in
29 the control and distribution of population densities and
30 building and structure intensities. The proposed
31 distribution, location, and extent of the various categories

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

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

22 (c) A general sanitary sewer, solid waste, drainage,
23 potable water, and natural groundwater aquifer recharge
24 element correlated to principles and guidelines for future
25 land use, indicating ways to provide for future potable water,
26 drainage, sanitary sewer, solid waste, and aquifer recharge
27 protection requirements for the area. The element may be a
28 detailed engineering plan including a topographic map
29 depicting areas of prime groundwater recharge. The element
30 shall describe the problems and needs and the general
31 facilities that will be required for solution of the problems

1 and needs. The element shall also include a topographic map
2 depicting any areas adopted by a regional water management
3 district as prime groundwater recharge areas for the Floridan
4 or Biscayne aquifers, pursuant to s. 373.0395. These areas
5 shall be given special consideration when the local government
6 is engaged in zoning or considering future land use for said
7 designated areas. For areas served by onsite sewage treatment
8 and disposal systems ~~septic tanks~~, soil surveys shall be
9 provided ~~which indicate the suitability of soils for septic~~
10 ~~tanks~~. The Legislature acknowledges the state land planning
11 agency's responsibility to review and evaluate comprehensive
12 plan amendments proposing the location, installation, or use
13 of onsite sewage treatment and disposal systems. Except in
14 areas of critical state concern, in reviewing comprehensive
15 plan amendments, the state land planning agency shall not
16 require the use of standards, conditions, or land-use
17 restrictions that are more stringent than or have the effect
18 of being more stringent than the applicable statutes or rules
19 adopted by the Department of Health, the Department of
20 Environmental Protection, or any other agency regarding or
21 affected by the location, installation, or use of onsite
22 sewage treatment and disposal systems.

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

25 235.193 Coordination of planning with local governing
26 bodies.--

27 (3) The location of public educational facilities
28 shall be consistent with the comprehensive plan of the
29 appropriate local governing body developed under part II of
30 chapter 163 and the plan's implementing land development
31 regulations, to the extent that the regulations are not in

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

14 (8) Existing schools shall be considered consistent
15 with the applicable local government comprehensive plan
16 adopted under part II of chapter 163. The collocation of a
17 new proposed public educational facility with an existing
18 public educational facility, or the expansion of an existing
19 public educational facility is not inconsistent with the local
20 comprehensive plan, if the site is consistent with the
21 comprehensive plan's future land use policies and categories
22 in which public schools are identified as allowable uses, and
23 levels of service adopted by the local government for any
24 facilities affected by the proposed location for the new
25 facility are maintained. If a board submits an application to
26 expand an existing school site, the local governing body may
27 impose reasonable development standards and conditions on the
28 expansion only, and in a manner consistent with s. 235.34(1).
29 Standards and conditions may not be imposed which conflict
30 with those established in this chapter or the State Uniform
31

1 Building Code, unless mutually agreed. Local government
2 review or approval is not required for:

3 (a) The placement of temporary or portable classroom
4 facilities; or

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

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

13 234.021 Hazardous walking conditions.--

14 (2) IDENTIFICATION.--

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

24 (3) CRITERIA FOR DETERMINING HAZARDOUS WALKING
25 CONDITIONS.--

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

27 1. It shall be considered a hazardous walking
28 condition with respect to any road along which students must
29 walk in order to walk to and from school if there is not an
30 area ~~at least 4 feet wide~~ adjacent to the road which has at
31 least a 4-foot, wide reasonably flat and obstacle-free, having

1 a surface upon which students may walk without being required
2 to walk on the road surface. In addition, whenever the road
3 along which students must walk is uncurbed and has a posted
4 speed limit of 55 miles per hour, the area as described above
5 for students to walk upon shall be set off the road by no less
6 than 3 feet from the edge of the road.

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

9 a. Is in a residential area which has little or no
10 transient traffic;

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

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

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

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

29 2. If the total traffic volume ~~on such road~~ exceeds
30 4,000 vehicles per hour through an intersection or other
31 crossing site controlled by a stop sign or other traffic

1 control signal, unless crossing guards or other traffic
2 enforcement officers are also present during the times
3 students walk to and from school.

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

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

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

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

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

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