

578-146AX-05 Bill No. CS/HBs 1617 & 1487, 1st Eng.  
Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Dockery and Alexander offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.--

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, no later than January 1, 2002, each local planning agency shall include a representative of the district school board as a member.The governing body may designate itself as the local planning agency pursuant to this subsection, with the addition of a representative of the school board. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall

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1 provide opportunities for involvement by ~~district school~~  
2 ~~boards and~~ applicable community college boards, which may be  
3 accomplished by formal representation, membership on technical  
4 advisory committees, or other appropriate means. The local  
5 planning agency shall prepare the comprehensive plan or plan  
6 amendment after hearings to be held after public notice and  
7 shall make recommendations to the governing body regarding the  
8 adoption or amendment of the plan. The agency may be a local  
9 planning commission, the planning department of the local  
10 government, or other instrumentality, including a countywide  
11 planning entity established by special act or a council of  
12 local government officials created pursuant to s. 163.02,  
13 provided the composition of the council is fairly  
14 representative of all the governing bodies in the county or  
15 planning area; however:

16 (a) If a joint planning entity is in existence on the  
17 effective date of this act which authorizes the governing  
18 bodies to adopt and enforce a land use plan effective  
19 throughout the joint planning area, that entity shall be the  
20 agency for those local governments until such time as the  
21 authority of the joint planning entity is modified by law.

22 (b) In the case of chartered counties, the planning  
23 responsibility between the county and the several  
24 municipalities therein shall be as stipulated in the charter.

25 Section 2. Subsection (12) of section 163.3177,  
26 Florida Statutes, is repealed, and paragraphs (a) and (h) of  
27 subsection (6) and subsection (11) of said section are amended  
28 to read:

29 163.3177 Required and optional elements of  
30 comprehensive plan; studies and surveys.--

31 (6) In addition to the requirements of subsections

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1 (1)-(5), the comprehensive plan shall include the following  
2 elements:

3 (a) A future land use plan element designating  
4 proposed future general distribution, location, and extent of  
5 the uses of land for residential uses, commercial uses,  
6 industry, agriculture, recreation, conservation, education,  
7 public buildings and grounds, other public facilities, and  
8 other categories of the public and private uses of land. The  
9 future land use plan shall include standards to be followed in  
10 the control and distribution of population densities and  
11 building and structure intensities. The proposed  
12 distribution, location, and extent of the various categories  
13 of land use shall be shown on a land use map or map series  
14 which shall be supplemented by goals, policies, and measurable  
15 objectives. Each land use category shall be defined in terms  
16 of the types of uses included and specific standards for the  
17 density or intensity of use. The future land use plan shall  
18 be based upon surveys, studies, and data regarding the area,  
19 including the amount of land required to accommodate  
20 anticipated growth; the projected population of the area; the  
21 character of undeveloped land; the availability of public  
22 services; the need for redevelopment, including the renewal of  
23 blighted areas and the elimination of nonconforming uses which  
24 are inconsistent with the character of the community; and, in  
25 rural communities, the need for job creation, capital  
26 investment, and economic development that will strengthen and  
27 diversify the community's economy. The future land use plan  
28 may designate areas for future planned development use  
29 involving combinations of types of uses for which special  
30 regulations may be necessary to ensure development in accord  
31 with the principles and standards of the comprehensive plan

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1 and this act. In addition, for rural communities, the amount  
2 of land designated for future planned industrial use shall be  
3 based upon surveys and studies that reflect the need for job  
4 creation, capital investment, and the necessity to strengthen  
5 and diversify the local economies, and shall not be limited  
6 solely by the projected population of the rural community. The  
7 future land use plan of a county may also designate areas for  
8 possible future municipal incorporation. The land use maps or  
9 map series shall generally identify and depict historic  
10 district boundaries and shall designate historically  
11 significant properties meriting protection. The future land  
12 use element must clearly identify the land use categories in  
13 which public schools are an allowable use. When delineating  
14 the land use categories in which public schools are an  
15 allowable use, a local government shall include in the  
16 categories sufficient land proximate to residential  
17 development to meet the projected needs for schools in  
18 coordination with public school boards and may establish  
19 differing criteria for schools of different type or size.  
20 Each local government shall include lands contiguous to  
21 existing school sites, to the maximum extent possible, within  
22 the land use categories in which public schools are an  
23 allowable use. All comprehensive plans must comply with the  
24 school siting requirements of this paragraph no later than  
25 October 1, 1999. The failure by a local government to comply  
26 with these school siting requirements by October 1, 1999, will  
27 result in the prohibition of the local government's ability to  
28 amend the local comprehensive plan, except for plan amendments  
29 described in s. 163.3187(1)(b), until the school siting  
30 requirements are met. Amendments ~~An amendment~~ proposed by a  
31 local government for purposes of identifying the land use

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1 categories in which public schools are an allowable use or for  
2 adopting or amending the school siting maps pursuant to s.  
3 163.31776(6) are ~~is~~ exempt from the limitation on the  
4 frequency of plan amendments contained in s. 163.3187. The  
5 future land use element shall include criteria which encourage  
6 the location of schools proximate to urban residential areas  
7 to the extent possible and shall require that the local  
8 government seek to collocate public facilities, such as parks,  
9 libraries, and community centers, with schools, and shall  
10 include criteria which encourage using elementary schools as  
11 focal points for neighborhoods to the extent possible. For  
12 schools serving predominantly rural counties, defined as a  
13 county with a population of less than 75,000, an agricultural  
14 land use category shall be eligible for the location of public  
15 school facilities if the local comprehensive plan contains  
16 school siting criteria and the location is consistent with  
17 such criteria.

18 (h)1. An intergovernmental coordination element  
19 showing relationships and stating principles and guidelines to  
20 be used in the accomplishment of coordination of the adopted  
21 comprehensive plan with the plans of school boards and other  
22 units of local government providing services but not having  
23 regulatory authority over the use of land, with the  
24 comprehensive plans of adjacent municipalities, the county,  
25 adjacent counties, or the region, and with the state  
26 comprehensive plan, as the case may require and as such  
27 adopted plans or plans in preparation may exist. This element  
28 of the local comprehensive plan shall demonstrate  
29 consideration of the particular effects of the local plan,  
30 when adopted, upon the development of adjacent municipalities,  
31 the county, adjacent counties, or the region, or upon the

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1 state comprehensive plan, as the case may require.

2 a. The intergovernmental coordination element shall  
3 provide for procedures to identify and implement joint  
4 planning areas, especially for the purpose of annexation,  
5 municipal incorporation, and joint infrastructure service  
6 areas.

7 b. The intergovernmental coordination element shall  
8 provide for recognition of campus master plans prepared  
9 pursuant to s. 240.155.

10 c. The intergovernmental coordination element may  
11 provide for a voluntary dispute resolution process as  
12 established pursuant to s. 186.509 for bringing to closure in  
13 a timely manner intergovernmental disputes. A local  
14 government may develop and use an alternative local dispute  
15 resolution process for this purpose.

16 2. The intergovernmental coordination element shall  
17 further state principles and guidelines to be used in the  
18 accomplishment of coordination of the adopted comprehensive  
19 plan with the plans of school boards and other units of local  
20 government providing facilities and services but not having  
21 regulatory authority over the use of land. In addition, the  
22 intergovernmental coordination element shall describe joint  
23 processes for collaborative planning and decisionmaking on  
24 population projections and public school siting, the location  
25 and extension of public facilities subject to concurrency, and  
26 siting facilities with countywide significance, including  
27 locally unwanted land uses whose nature and identity are  
28 established in an agreement. Within 1 year of adopting their  
29 intergovernmental coordination elements, each county, all the  
30 municipalities within that county, the district school board,  
31 and any unit of local government service providers in that

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1 county shall establish by interlocal or other formal agreement  
2 executed by all affected entities, the joint processes  
3 described in this subparagraph consistent with their adopted  
4 intergovernmental coordination elements.

5 3. To foster coordination between special districts  
6 and local general-purpose governments as local general-purpose  
7 governments implement local comprehensive plans, each  
8 independent special district must submit a public facilities  
9 report to the appropriate local government as required by s.  
10 189.415.

11 4. The state land planning agency shall establish a  
12 schedule for phased completion and transmittal of plan  
13 amendments to implement subparagraphs 1., 2., and 3. from all  
14 jurisdictions so as to accomplish their adoption by December  
15 31, 1999. A local government may complete and transmit its  
16 plan amendments to carry out these provisions prior to the  
17 scheduled date established by the state land planning agency.  
18 The plan amendments are exempt from the provisions of s.  
19 163.3187(1).

20 5. Intergovernmental coordination between local  
21 governments and the district school board shall be governed by  
22 s. 163.31776 for local governments subject to the requirements  
23 of said section, and compliance with said section with respect  
24 to intergovernmental coordination is encouraged for local  
25 governments exempt from such requirements.

26 (11)(a) The Legislature recognizes the need for  
27 innovative planning and development strategies which will  
28 address the anticipated demands of continued urbanization of  
29 Florida's coastal and other environmentally sensitive areas,  
30 and which will accommodate the development of less populated  
31 regions of the state which seek economic development and which

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1 have suitable land and water resources to accommodate growth  
2 in an environmentally acceptable manner. The Legislature  
3 further recognizes the substantial advantages of innovative  
4 approaches to development which may better serve to protect  
5 environmentally sensitive areas, maintain the economic  
6 viability of agricultural and other predominantly rural land  
7 uses, and provide for the cost-efficient delivery of public  
8 facilities and services.

9 (b) It is the intent of the Legislature that the local  
10 government comprehensive plans and plan amendments adopted  
11 pursuant to the provisions of this part provide for a planning  
12 process which allows for land use efficiencies within existing  
13 urban areas and which also allows for the conversion of rural  
14 lands to other uses, where appropriate and consistent with the  
15 other provisions of this part and the affected local  
16 comprehensive plans, through the application of innovative and  
17 flexible planning and development strategies and creative land  
18 use planning techniques, which may include, but not be limited  
19 to, urban villages, new towns, satellite communities,  
20 area-based allocations, clustering and open space provisions,  
21 mixed-use development, and sector planning.

22 (c) It is the further intent of the Legislature that  
23 local government comprehensive plans and implementing land  
24 development regulations shall provide strategies which  
25 maximize the use of existing facilities and services through  
26 redevelopment, urban infill development, and other strategies  
27 for urban revitalization.

28 (d)1. The department, in cooperation with the  
29 Department of Agriculture and Consumer Services, shall provide  
30 assistance to local governments in the implementation of this  
31 paragraph and rule 9J-5.006(5)(1), Florida Administrative



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1 Code. Implementation of those provisions shall include a  
2 process by which the department may authorize up to five local  
3 governments to designate all or portions of lands classified  
4 in the future land use element as predominantly agricultural,  
5 rural, open, open-rural, or a substantively equivalent land  
6 use, as a rural land stewardship area within which planning  
7 and economic incentives are applied to encourage the  
8 implementation of innovative and flexible planning and  
9 development strategies and creative land use planning  
10 techniques, including those contained in rule 9J-5.006(5)(1),  
11 Florida Administrative Code.

12 2. The department shall encourage participation by  
13 local governments of different sizes and rural  
14 characteristics. It is the intent of the Legislature that  
15 rural land stewardship areas be used to further the following  
16 broad principles of rural sustainability: restoration and  
17 maintenance of the economic value of rural land; control of  
18 urban sprawl; identification and protection of ecosystems,  
19 habitats, and natural resources; promotion of rural economic  
20 activity; maintenance of the viability of Florida's  
21 agricultural economy; and protection of the character of rural  
22 areas of Florida.

23 3. A local government may apply to the department in  
24 writing requesting consideration for authorization to  
25 designate a rural land stewardship area and shall describe its  
26 reasons for applying for the authorization with supporting  
27 documentation regarding its compliance with criteria set forth  
28 in this section.

29 4. In selecting a local government, the department  
30 shall, by written agreement:

31 a. Ensure that the local government has expressed its

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1 intent to designate a rural land stewardship area pursuant to  
2 the provisions of this subsection.

3 b. Ensure that the local government has the financial  
4 and administrative capabilities to implement a rural land  
5 stewardship area.

6 5. The written agreement shall include the basis for  
7 the authorization and provide criteria for evaluating the  
8 success of the authorization, including the extent to which  
9 the rural land stewardship area enhances rural land values;  
10 controls urban sprawl; provides necessary open space for  
11 agriculture and protection of the natural environment;  
12 promotes rural economic activity; and maintains rural  
13 character and the economic viability of agriculture. The  
14 department may terminate the agreement at any time if it  
15 determines that the local government is not meeting the terms  
16 of the agreement.

17 6. A rural land stewardship area shall be not less  
18 than 50,000 acres and shall not exceed 250,000 acres in size,  
19 shall be located outside of municipalities and established  
20 urban growth boundaries, and shall be designated by plan  
21 amendment. The plan amendment designating a rural land  
22 stewardship area shall be subject to review by the Department  
23 of Community Affairs pursuant to s. 163.3184 and shall provide  
24 for the following:

25 a. Criteria for the designation of receiving areas  
26 within rural land stewardship areas in which innovative  
27 planning and development strategies may be applied. Criteria  
28 shall at a minimum provide for the following: adequacy of  
29 suitable land to accommodate development so as to avoid  
30 conflict with environmentally sensitive areas, resources, and  
31 habitats; compatibility between and transition from higher

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1 density uses to lower intensity rural uses; the establishment  
2 of receiving area service boundaries which provide for a  
3 separation between receiving areas and other land uses within  
4 the rural land stewardship area through limitations on the  
5 extension of services; and connection of receiving areas with  
6 the rest of the rural land stewardship area using rural design  
7 and rural road corridors.

8 b. Goals, objectives, and policies setting forth the  
9 innovative planning and development strategies to be applied  
10 within rural land stewardship areas pursuant to the provisions  
11 of this section.

12 c. A process for the implementation of innovative  
13 planning and development strategies within the rural land  
14 stewardship area, including those described in this subsection  
15 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
16 provide for a functional mix of land uses and which are  
17 applied through the adoption by the local government of zoning  
18 and land development regulations applicable to the rural land  
19 stewardship area.

20 d. A process which encourages visioning pursuant to s.  
21 163.3167(11) to ensure that innovative planning and  
22 development strategies comply with the provisions of this  
23 section.

24 e. The control of sprawl through the use of innovative  
25 strategies and creative land use techniques consistent with  
26 the provisions of this subsection and rule 9J-5.006(5)(1),  
27 Florida Administrative Code.

28 7. A receiving area shall be designated by the  
29 adoption of a land development regulation. Prior to the  
30 designation of a receiving area, the local government shall  
31 provide the Department of Community Affairs a period of 30

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1 days in which to review a proposed receiving area for  
2 consistency with the rural land stewardship area plan  
3 amendment and to provide comments to the local government.

4 8. Upon the adoption of a plan amendment creating a  
5 rural land stewardship area, the local government shall, by  
6 ordinance, assign to the area a certain number of credits, to  
7 be known as "transferable rural land use credits," which shall  
8 not constitute a right to develop land, nor increase density  
9 of land, except as provided by this section. The total amount  
10 of transferable rural land use credits assigned to the rural  
11 land stewardship area must correspond to the 25-year or  
12 greater projected population of the rural land stewardship  
13 area. Transferable rural land use credits are subject to the  
14 following limitations:

15 a. Transferable rural land use credits may only exist  
16 within a rural land stewardship area.

17 b. Transferable rural land use credits may only be  
18 used on lands designated as receiving areas and then solely  
19 for the purpose of implementing innovative planning and  
20 development strategies and creative land use planning  
21 techniques adopted by the local government pursuant to this  
22 section.

23 c. Transferable rural land use credits assigned to a  
24 parcel of land within a rural land stewardship area shall  
25 cease to exist if the parcel of land is removed from the rural  
26 land stewardship area by plan amendment.

27 d. Neither the creation of the rural land stewardship  
28 area by plan amendment nor the assignment of transferable  
29 rural land use credits by the local government shall operate  
30 to displace the underlying density of land uses assigned to a  
31 parcel of land within the rural land stewardship area;

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1 however, if transferable rural land use credits are  
2 transferred from a parcel for use within a designated  
3 receiving area, the underlying density assigned to the parcel  
4 of land shall cease to exist.

5 e. The underlying density on each parcel of land  
6 located within a rural land stewardship area shall not be  
7 increased or decreased by the local government, except as a  
8 result of the conveyance or use of transferable rural land use  
9 credits, as long as the parcel remains within the rural land  
10 stewardship area.

11 f. Transferable rural land use credits shall cease to  
12 exist on a parcel of land where the underlying density  
13 assigned to the parcel of land is utilized.

14 g. An increase in the density of use on a parcel of  
15 land located within a designated receiving area may occur only  
16 through the assignment or use of transferable rural land use  
17 credits and shall not require a plan amendment.

18 h. A change in the density of land use on parcels  
19 located within receiving areas shall be specified in a  
20 development order which reflects the total number of  
21 transferable rural land use credits assigned to the parcel of  
22 land and the infrastructure and support services necessary to  
23 provide for a functional mix of land uses corresponding to the  
24 plan of development.

25 i. Land within a rural land stewardship area may be  
26 removed from the rural land stewardship area through a plan  
27 amendment.

28 j. Transferable rural land use credits may be assigned  
29 at different ratios of credits per acre according to the land  
30 use remaining following the transfer of credits, with the  
31 highest number of credits per acre assigned to preserve

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1 environmentally valuable land and a lesser number of credits  
2 to be assigned to open space and agricultural land.

3 k. The use or conveyance of transferable rural land  
4 use credits must be recorded in the public records of the  
5 county in which the property is located as a covenant or  
6 restrictive easement running with the land in favor of the  
7 county and either the Department of Environmental Protection,  
8 the Department of Agriculture and Consumer Services, a water  
9 management district, or a recognized statewide land trust.

10 9. Owners of land within rural land stewardship areas  
11 should be provided incentives to enter into rural land  
12 stewardship agreements, pursuant to existing law and rules  
13 adopted thereto, with state agencies, water management  
14 districts, and local governments to achieve mutually agreed  
15 upon conservation objectives. Such incentives may include,  
16 but not be limited to, the following:

17 a. Opportunity to accumulate transferable mitigation  
18 credits.

19 b. Extended permit agreements.

20 c. Opportunities for recreational leases and  
21 ecotourism.

22 d. Payment for specified land management services on  
23 publicly owned land, or property under covenant or restricted  
24 easement in favor of a public entity.

25 e. Option agreements for sale to government, in either  
26 fee or easement, upon achievement of conservation objectives.

27 10. The department shall report to the Legislature on  
28 an annual basis on the results of implementation of rural land  
29 stewardship areas authorized by the department, including  
30 successes and failures in achieving the intent of the  
31 Legislature as expressed in this paragraph. It is further the

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1 intent of the Legislature that the success of authorized rural  
2 land stewardship areas be substantiated before implementation  
3 occurs on a statewide basis.

4 (e)(d) The implementation of this subsection shall be  
5 subject to the provisions of this chapter, chapters 186 and  
6 187, and applicable agency rules.

7 (f)(e) The department may adopt rules necessary to  
8 ~~shall~~ implement the provisions of this subsection ~~by rule.~~

9 Section 3. Section 163.31776, Florida Statutes, is  
10 created to read:

11 163.31776 Public educational facilities element.--

12 (1) The intent of the Legislature is:

13 (a) To establish a systematic process of sharing  
14 information between school boards and local governments on the  
15 growth and development trends in their communities in order to  
16 forecast future enrollment and school needs.

17 (b) To establish a systematic process for school  
18 boards and local governments to cooperatively plan for the  
19 provision of educational facilities to meet the current and  
20 projected needs of the public education system population,  
21 including the needs placed on the public education system as a  
22 result of growth and development decisions by local  
23 government.

24 (c) To establish a systematic process for local  
25 governments and school boards to cooperatively identify and  
26 meet the infrastructure needs of public schools to assure  
27 healthy school environments and safe school access.

28 (2) The Legislature finds that:

29 (a) Public schools are a linchpin to the vitality of  
30 our communities and play a significant role in thousands of  
31 individual housing decisions which result in community growth

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1 trends.

2 (b) Growth and development issues transcend the  
3 boundaries and responsibilities of individual units of  
4 government, and often no single unit of government can plan or  
5 implement policies to deal with these issues without affecting  
6 other units of government.

7 (3) A public educational facilities element shall be  
8 adopted in cooperation with the applicable school district by  
9 all local governments meeting the criteria identified in  
10 paragraph (a). All local governments are encouraged to adopt a  
11 public educational facilities element regardless of whether  
12 they meet the criteria of paragraph (a) or are exempted by  
13 paragraph (c). The public educational facilities elements  
14 shall be transmitted no later than January 1, 2003, for those  
15 local governments initially meeting the criteria in paragraph  
16 (a).

17 (a) A local government must adopt a public educational  
18 facilities element if the local government is located in a  
19 county where:

20 1. The number of districtwide capital outlay full-time  
21 equivalent students is equal to 80 percent or more of the most  
22 current year's school capacity and the projected 5-year  
23 student growth is 1,000 students or greater; or

24 2. The projected 5-year student growth rate is 10  
25 percent or greater.

26 (b) The Department of Education shall issue a report  
27 notifying the state land planning agency and each county and  
28 school district that meets the criteria specified in paragraph  
29 (a) on June 1 of each year. Local governments and school  
30 boards shall have 18 months following notification to comply  
31 with the requirements of this section.



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1           (c) Each municipality within a county described in  
2 paragraph (a) shall adopt its own element or adopt a plan  
3 amendment accepting the public educational facilities element  
4 adopted by the county which includes the municipality's area  
5 of authority as defined by s. 163.3171. However, a  
6 municipality is exempt from this requirement if it does not  
7 contain a public school within its jurisdiction and none is  
8 scheduled in the 5-year district facilities work program of  
9 the school board's education facilities plan adopted pursuant  
10 to s. 235.185, and if the residents of the municipality have  
11 generated less than 50 additional public school students  
12 during the last 5 years. Any municipality exempt under this  
13 paragraph shall notify the county and the school board of any  
14 planned annexations into residential or proposed residential  
15 areas or other change in conditions which would render the  
16 municipality no longer eligible for exemption and shall comply  
17 with the provisions of this subsection no later than 1 year  
18 following a change in conditions which renders the  
19 municipality no longer eligible for exemption or no later than  
20 1 year following the identification of a proposed public  
21 school in the school board's 5-year district facilities work  
22 program in the municipality's jurisdiction.

23           (d) The Department of Education and the Department of  
24 Community Affairs shall submit a report to the Governor, the  
25 President of the Senate, and Speaker of the House of  
26 Representatives by January 2003 that evaluates the criteria in  
27 paragraph (a) and makes any recommendations for changes to the  
28 criteria as needed to meet the intent of this part.

29           (4) No later than 6 months prior to the deadline for  
30 transmittal of a public educational facilities element, the  
31 county, the nonexempt municipalities, and the school board

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1 shall enter into an interlocal agreement which establishes a  
2 process to develop coordinated and consistent local government  
3 public educational facilities elements and district  
4 educational facilities plans, including a process:

5 (a) By which each local government and the school  
6 district agree and base the local government comprehensive  
7 plan and educational facilities plan on uniform projections of  
8 the amount, type, and distribution of population growth and  
9 student enrollment.

10 (b) To coordinate and share information relating to  
11 existing and planned public school facilities and local  
12 government plans for development and redevelopment.

13 (c) To ensure that school siting decisions by the  
14 school board are consistent with the local comprehensive plan,  
15 including appropriate circumstances and criteria under which a  
16 school district may request an amendment to the comprehensive  
17 plan for school siting, and to provide for early involvement  
18 by the local government as the school board identifies  
19 potential school sites.

20 (d) To coordinate and provide timely formal comments  
21 during the development, adoption, and amendment of each local  
22 government's public educational facilities element and the  
23 educational facilities plan of the school district to ensure a  
24 uniform countywide school facility planning system.

25 (e) For school district participation in the review of  
26 land use decisions which increase residential density and  
27 which are reasonably expected to have an impact on public  
28 school facility demand.

29 (f) For the resolution of disputes between the school  
30 district and local governments.

31 (5) The public educational facilities element shall be

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1 based on data and analysis, including the interlocal agreement  
2 required by subsection (4) and the educational facilities plan  
3 required by s. 235.185. All local government public  
4 educational facilities elements within a county shall be  
5 consistent with each other and shall address the following:

6 (a) The need for and strategies and commitments to  
7 address improvements to infrastructure, safety, and community  
8 conditions in areas proximate to existing public schools.

9 (b) The need for and strategies for the provision of  
10 adequate infrastructure necessary to support proposed schools,  
11 including potable water, wastewater, drainage, and  
12 transportation, and the need for other actions to ensure safe  
13 access to schools, including provision of sidewalks, bicycle  
14 paths, turn lanes, and signalization.

15 (c) Collocation of other public facilities such as  
16 parks, libraries, and community centers with public schools.

17 (d) Location of schools proximate to residential areas  
18 and use of public schools to complement patterns of  
19 development, including using elementary schools as focal  
20 points for neighborhoods.

21 (e) Use of public schools as emergency shelters.

22 (f) Consideration of the existing and planned capacity  
23 of public schools when reviewing land use decisions.

24 (6) The future land use map series shall either  
25 incorporate maps which are the result of a collaborative  
26 process for identifying school sites and are adopted in the  
27 educational facilities plan promulgated by the school board  
28 pursuant to s. 235.185 showing the locations of existing  
29 public schools and the general locations of improvements to  
30 existing schools or construction of new schools anticipated  
31 over the 5-year, 10-year, and 20-year time periods, or such

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1 maps shall be data and analysis in support of the future land  
2 use map series. Maps indicating general locations of future  
3 schools or school improvements shall not be deemed to  
4 prescribe a land use on a particular parcel of land.

5 (7) The process for adoption of a public educational  
6 facilities element shall be as provided in s. 163.3184. The  
7 state land planning agency shall submit a copy of the proposed  
8 public school facilities element pursuant to the procedures  
9 outlined in s. 163.3184(4) to the Office of Educational  
10 Facilities of the Commissioner of Education for review and  
11 comment.

12 (8) The interlocal agreement must be entered into by  
13 the county, the school board, and the nonexempt municipalities  
14 within the county. If such parties cannot reach agreement,  
15 the matter shall be resolved by binding arbitration through  
16 the regional planning council. The failure of such parties to  
17 enter into an interlocal agreement within 60 days after  
18 referral to binding arbitration shall result in the  
19 prohibition of the local governments' ability to amend the  
20 local comprehensive plan until the dispute is resolved. The  
21 failure of a school board to provide the required plans or  
22 information or to enter into the interlocal agreement under  
23 this subsection shall subject the school board to sanctions  
24 pursuant to s. 235.193(3). Any local government that has  
25 executed an interlocal agreement to implement school  
26 concurrency pursuant to the requirements of s. 163.3180 prior  
27 to the effective date of this section shall not be required to  
28 amend the public school element or any interlocal agreement to  
29 conform with the provisions of this section, if such amendment  
30 is ultimately determined to be in compliance.

31 (9) Nothing in this section prohibits a local

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1 government from using its home rule powers to deny a  
2 comprehensive plan amendment or rezoning.

3 Section 4. Subsection (13) of section 163.3180,  
4 Florida Statutes, is amended to read:

5 163.3180 Concurrency.--

6 (13) School concurrency, if imposed by local option,  
7 shall be established on a districtwide basis and shall include  
8 all public schools in the district and all portions of the  
9 district, whether located in a municipality or an  
10 unincorporated area. The application of school concurrency to  
11 development shall be based upon the adopted comprehensive  
12 plan, as amended. All local governments within a county,  
13 except as provided in s. 163.31776(3)(c)~~paragraph (f)~~, shall  
14 adopt and transmit to the state land planning agency the  
15 necessary plan amendments, along with the interlocal  
16 agreement, for a compliance review pursuant to s. 163.3184(7)  
17 and (8). School concurrency shall not become effective in a  
18 county until all local governments, except as provided in s.  
19 163.31776(3)(c)~~paragraph (f)~~, have adopted the necessary plan  
20 amendments, which together with the interlocal agreement, are  
21 determined to be in compliance with the requirements of this  
22 part. The minimum requirements for school concurrency are the  
23 following:

24 (a) Public educational school facilities element.--A  
25 local government that elects to adopt public school  
26 concurrency shall adopt ~~and transmit to the state land~~  
27 ~~planning agency~~ a plan or plan amendment which includes a  
28 public educational school facilities element which is  
29 consistent with the requirements of s. 163.31776(5)  
30 ~~163.3177(12)~~ and which is consistent with the following:

- 31 1. The element shall be based on data and analyses

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1 that address how uniform, districtwide level-of-service  
2 standards for all schools of the same type will be achieved  
3 and maintained.

4 2. The element shall establish specific, measurable,  
5 intermediate ends that are achievable and mark progress toward  
6 the goal of school concurrency.

7 3. The element shall establish the way in which  
8 programs and activities will be conducted to achieve an  
9 identified goal.

10 4. The element shall address the procedure for an  
11 annual update process.

12 5. All local government public educational facilities  
13 elements which adopt public school concurrency within a county  
14 must be consistent with each other as well as the requirements  
15 of this part. Any local government that has executed an  
16 interlocal agreement for the purpose of implementing public  
17 school concurrency prior to the effective date of this section  
18 shall not be required to amend the public school facilities  
19 element or any interlocal agreement to conform with the  
20 provisions of s. 163.31776 if such element is ultimately  
21 determined to be in compliance as defined in s.

22 ~~163.3184(1)(b). All local government public school facilities~~  
23 ~~plan elements within a county must be consistent with each~~  
24 ~~other as well as the requirements of this part.~~

25 (b) Level-of-service standards.--The Legislature  
26 recognizes that an essential requirement for a concurrency  
27 management system is the level of service at which a public  
28 facility is expected to operate.

29 1. Local governments and school boards imposing school  
30 concurrency shall exercise authority in conjunction with each  
31 other to establish jointly adequate level-of-service

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1 standards, as defined in chapter 9J-5, Florida Administrative  
2 Code, necessary to implement the adopted local government  
3 comprehensive plan, based on data and analysis.

4         2. Public school level-of-service standards shall be  
5 included and adopted into the capital improvements element of  
6 the local comprehensive plan and shall apply districtwide to  
7 all schools of the same type. Types of schools may include  
8 elementary, middle, and high schools as well as special  
9 purpose facilities such as magnet schools.

10         3. Local governments and school boards shall have the  
11 option to utilize tiered level-of-service standards to allow  
12 time to achieve an adequate and desirable level of service as  
13 circumstances warrant.

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

24         1. In order to balance competing interests, preserve  
25 the constitutional concept of uniformity, and avoid disruption  
26 of existing educational and growth management processes, local  
27 governments are encouraged to apply school concurrency to  
28 development on a districtwide basis so that a concurrency  
29 determination for a specific development will be based upon  
30 the availability of school capacity districtwide.

31         2. For local governments applying school concurrency

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

17 3. Where school capacity is available on a  
18 districtwide basis but school concurrency is applied on a less  
19 than districtwide basis in the form of concurrency service  
20 areas, if the adopted level-of-service standard cannot be met  
21 in a particular service area as applied to an application for  
22 a development permit and if the needed capacity for the  
23 particular service area is available in one or more contiguous  
24 service areas, as adopted by the local government, then the  
25 development order shall be issued and mitigation measures  
26 shall not be exacted.

27 (d) Financial feasibility.--The Legislature recognizes  
28 that financial feasibility is an important issue because the  
29 premise of concurrency is that the public facilities will be  
30 provided in order to achieve and maintain the adopted  
31 level-of-service standard. This part and chapter 9J-5, Florida



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1 Administrative Code, contain specific standards to determine  
2 the financial feasibility of capital programs. These standards  
3 were adopted to make concurrency more predictable and local  
4 governments more accountable.

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

15         2. Such amendments shall demonstrate that the public  
16 school capital facilities program meets all of the financial  
17 feasibility standards of this part and chapter 9J-5, Florida  
18 Administrative Code, that apply to capital programs which  
19 provide the basis for mandatory concurrency on other public  
20 facilities and services.

21         3. When the financial feasibility of a public school  
22 capital facilities program is evaluated by the state land  
23 planning agency for purposes of a compliance determination,  
24 the evaluation shall be based upon the service areas selected  
25 by the local governments and school board.

26         (e) Availability standard.--Consistent with the public  
27 welfare, a local government may not deny a development permit  
28 authorizing residential development for failure to achieve and  
29 maintain the level-of-service standard for public school  
30 capacity in a local option school concurrency system where  
31 adequate school facilities will be in place or under actual

1 construction within 3 years after permit issuance.  
2 ~~(f) Intergovernmental coordination.--~~  
3 ~~1. When establishing concurrency requirements for~~  
4 ~~public schools, a local government shall satisfy the~~  
5 ~~requirements for intergovernmental coordination set forth in~~  
6 ~~s. 163.3177(6)(h)1. and 2., except that a municipality is not~~  
7 ~~required to be a signatory to the interlocal agreement~~  
8 ~~required by s. 163.3177(6)(h)2. as a prerequisite for~~  
9 ~~imposition of school concurrency, and as a nonsignatory, shall~~  
10 ~~not participate in the adopted local school concurrency~~  
11 ~~system, if the municipality meets all of the following~~  
12 ~~criteria for having no significant impact on school~~  
13 ~~attendance:~~  
14 ~~a. The municipality has issued development orders for~~  
15 ~~fewer than 50 residential dwelling units during the preceding~~  
16 ~~5 years, or the municipality has generated fewer than 25~~  
17 ~~additional public school students during the preceding 5~~  
18 ~~years.~~  
19 ~~b. The municipality has not annexed new land during~~  
20 ~~the preceding 5 years in land use categories which permit~~  
21 ~~residential uses that will affect school attendance rates.~~  
22 ~~c. The municipality has no public schools located~~  
23 ~~within its boundaries.~~  
24 ~~d. At least 80 percent of the developable land within~~  
25 ~~the boundaries of the municipality has been built upon.~~  
26 ~~2. A municipality which qualifies as having no~~  
27 ~~significant impact on school attendance pursuant to the~~  
28 ~~criteria of subparagraph 1. must review and determine at the~~  
29 ~~time of its evaluation and appraisal report pursuant to s.~~  
30 ~~163.3191 whether it continues to meet the criteria. If the~~  
31 ~~municipality determines that it no longer meets the criteria,~~

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1 ~~it must adopt appropriate school concurrency goals,~~  
 2 ~~objectives, and policies in its plan amendments based on the~~  
 3 ~~evaluation and appraisal report, and enter into the existing~~  
 4 ~~interlocal agreement required by s. 163.3177(6)(h)2., in order~~  
 5 ~~to fully participate in the school concurrency system. If~~  
 6 ~~such a municipality fails to do so, it will be subject to the~~  
 7 ~~enforcement provisions of s. 163.3191.~~

8       (f)(g) Interlocal agreement for school  
 9 concurrency.--When establishing concurrency requirements for  
 10 public schools, a local government must enter into an  
 11 interlocal agreement which satisfies the requirements in s.  
 12 163.31776(4)~~163.3177(6)(h)1. and 2.~~and the requirements of  
 13 this subsection. The interlocal agreement shall acknowledge  
 14 both the school board's constitutional and statutory  
 15 obligations to provide a uniform system of free public schools  
 16 on a countywide basis, and the land use authority of local  
 17 governments, including their authority to approve or deny  
 18 comprehensive plan amendments and development orders. The  
 19 interlocal agreement shall be submitted to the state land  
 20 planning agency by the local government as a part of the  
 21 compliance review, along with the other necessary amendments  
 22 to the comprehensive plan required by this part. In addition  
 23 to the requirements of s. 163.31776(4)~~163.3177(6)(h)~~, the  
 24 interlocal agreement shall meet the following requirements:

25       1. Establish the mechanisms for coordinating the  
 26 development, adoption, and amendment of each local  
 27 government's public school facilities element with each other  
 28 and the plans of the school board to ensure a uniform  
 29 districtwide school concurrency system.

30       ~~2. Establish a process by which each local government~~  
 31 ~~and the school board shall agree and base their plans on~~

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1 ~~consistent projections of the amount, type, and distribution~~  
2 ~~of population growth and coordinate and share information~~  
3 ~~relating to existing and planned public school facilities~~  
4 ~~projections and proposals for development and redevelopment,~~  
5 ~~and infrastructure required to support public school~~  
6 ~~facilities.~~

7 ~~3. Establish a process for the development of siting~~  
8 ~~criteria which encourages the location of public schools~~  
9 ~~proximate to urban residential areas to the extent possible~~  
10 ~~and seeks to collocate schools with other public facilities~~  
11 ~~such as parks, libraries, and community centers to the extent~~  
12 ~~possible.~~

13 ~~2.4.~~ Specify uniform, districtwide level-of-service  
14 standards for public schools of the same type and the process  
15 for modifying the adopted levels-of-service standards.

16 ~~3.5.~~ Establish a process for the preparation,  
17 amendment, and joint approval by each local government and the  
18 school board of a public school capital facilities program  
19 which is financially feasible, and a process and schedule for  
20 incorporation of the public school capital facilities program  
21 into the local government comprehensive plans on an annual  
22 basis.

23 ~~4.6.~~ Define the geographic application of school  
24 concurrency. If school concurrency is to be applied on a less  
25 than districtwide basis in the form of concurrency service  
26 areas, the agreement shall establish criteria and standards  
27 for the establishment and modification of school concurrency  
28 service areas. The agreement shall also establish a process  
29 and schedule for the mandatory incorporation of the school  
30 concurrency service areas and the criteria and standards for  
31 establishment of the service areas into the local government

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1 comprehensive plans. The agreement shall ensure maximum  
2 utilization of school capacity, taking into account  
3 transportation costs and court-approved desegregation plans,  
4 as well as other factors. The agreement shall also ensure the  
5 achievement and maintenance of the adopted level-of-service  
6 standards for the geographic area of application throughout  
7 the 5 years covered by the public school capital facilities  
8 plan and thereafter by adding a new fifth year during the  
9 annual update.

10 ~~5.7.~~ Establish a uniform districtwide procedure for  
11 implementing school concurrency which provides for:

12 a. The evaluation of development applications for  
13 compliance with school concurrency requirements;

14 b. An opportunity for the school board to review and  
15 comment on the effect of comprehensive plan amendments and  
16 rezonings on the public school facilities plan; and

17 c. The monitoring and evaluation of the school  
18 concurrency system.

19 ~~6.8.~~ Include provisions relating to termination,  
20 suspension, and amendment of the agreement. The agreement  
21 shall provide that if the agreement is terminated or  
22 suspended, the application of school concurrency shall be  
23 terminated or suspended.

24 Section 5. Paragraph (b) of subsection (1) of section  
25 163.3184, Florida Statutes, is amended, and, effective October  
26 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and  
27 paragraph (d) of subsection (16) of said section are amended,  
28 to read:

29 163.3184 Process for adoption of comprehensive plan or  
30 plan amendment.--

31 (1) DEFINITIONS.--As used in this section:

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1 (b) "In compliance" means consistent with the  
2 requirements of ss. 163.3177, 163.31776, 163.3178, 163.3180,  
3 163.3191, and 163.3245, with the state comprehensive plan,  
4 with the appropriate strategic regional policy plan, and with  
5 chapter 9J-5, Florida Administrative Code, where such rule is  
6 not inconsistent with this part and with the principles for  
7 guiding development in designated areas of critical state  
8 concern.

9 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
10 AMENDMENT.--

11 (a) Each local governing body shall transmit the  
12 complete proposed comprehensive plan or plan amendment to the  
13 state land planning agency, the appropriate regional planning  
14 council and water management district, the Department of  
15 Environmental Protection, the Department of State, and the  
16 Department of Transportation, and, in the case of municipal  
17 plans, to the appropriate county, and, in the case of county  
18 plans, to the Fish and Wildlife Conservation Commission and  
19 the Department of Agriculture and Consumer Services,  
20 immediately following a public hearing pursuant to subsection  
21 (15) as specified in the state land planning agency's  
22 procedural rules. If the plan or plan amendment includes or  
23 relates to the public educational facilities element required  
24 by s. 163.31776, the state land planning agency shall submit a  
25 copy to the Office of Educational Facilities of the  
26 Commissioner of Education for review and comment. The local  
27 governing body shall also transmit a copy of the complete  
28 proposed comprehensive plan or plan amendment to any other  
29 unit of local government or government agency in the state  
30 that has filed a written request with the governing body for  
31 the plan or plan amendment. The local government may request a

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1 review by the state land planning agency pursuant to  
2 subsection (6) at the time of transmittal of an amendment.

3 (b) A local governing body shall not transmit portions  
4 of a plan or plan amendment unless it has previously provided  
5 to all state agencies designated by the state land planning  
6 agency a complete copy of its adopted comprehensive plan  
7 pursuant to subsection (7) and as specified in the agency's  
8 procedural rules. In the case of comprehensive plan  
9 amendments, the local governing body shall transmit to the  
10 state land planning agency, the appropriate regional planning  
11 council and water management district, the Department of  
12 Environmental Protection, the Department of State, and the  
13 Department of Transportation, and, in the case of municipal  
14 plans, to the appropriate county, and, in the case of county  
15 plans, to the Fish and Wildlife Conservation Commission and  
16 the Department of Agriculture and Consumer Services, the  
17 materials specified in the state land planning agency's  
18 procedural rules and, in cases in which the plan amendment is  
19 a result of an evaluation and appraisal report adopted  
20 pursuant to s. 163.3191, a copy of the evaluation and  
21 appraisal report. Local governing bodies shall consolidate all  
22 proposed plan amendments into a single submission for each of  
23 the two plan amendment adoption dates during the calendar year  
24 pursuant to s. 163.3187.

25 (c) A local government may adopt a proposed plan  
26 amendment previously transmitted pursuant to this subsection,  
27 unless review is requested or otherwise initiated pursuant to  
28 subsection (6).

29 (d) In cases in which a local government transmits  
30 multiple individual amendments that can be clearly and legally  
31 separated and distinguished for the purpose of determining

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1 whether to review the proposed amendment, and the state land  
2 planning agency elects to review several or a portion of the  
3 amendments and the local government chooses to immediately  
4 adopt the remaining amendments not reviewed, the amendments  
5 immediately adopted and any reviewed amendments that the local  
6 government subsequently adopts together constitute one  
7 amendment cycle in accordance with s. 163.3187(1).

8 (4) INTERGOVERNMENTAL REVIEW.--~~if review of a proposed~~  
9 ~~comprehensive plan amendment is requested or otherwise~~  
10 ~~initiated pursuant to subsection (6), the state land planning~~  
11 ~~agency within 5 working days of determining that such a review~~  
12 ~~will be conducted shall transmit a copy of the proposed plan~~  
13 ~~amendment to various government agencies, as appropriate, for~~  
14 ~~response or comment, including, but not limited to, the~~  
15 ~~Department of Environmental Protection, the Department of~~  
16 ~~Transportation, the water management district, and the~~  
17 ~~regional planning council, and, in the case of municipal~~  
18 ~~plans, to the county land planning agency.~~The These  
19 governmental agencies specified in paragraph (3)(a) shall  
20 provide comments to the state land planning agency within 30  
21 days after receipt by the state land planning agency of the  
22 complete proposed plan amendment. The appropriate regional  
23 planning council shall also provide its written comments to  
24 the state land planning agency within 30 days after receipt by  
25 the state land planning agency of the complete proposed plan  
26 amendment and shall specify any objections, recommendations  
27 for modifications, and comments of any other regional agencies  
28 to which the regional planning council may have referred the  
29 proposed plan amendment. Written comments submitted by the  
30 public within 30 days after notice of transmittal by the local  
31 government of the proposed plan amendment will be considered



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1 as if submitted by governmental agencies. All written agency  
2 and public comments must be made part of the file maintained  
3 under subsection (2).

4 (6) STATE LAND PLANNING AGENCY REVIEW.--

5 (a) The state land planning agency shall review a  
6 proposed plan amendment upon request of a regional planning  
7 council, affected person, or local government transmitting the  
8 plan amendment. The request from the regional planning council  
9 or affected person must be if the request is received within  
10 30 days after transmittal of the proposed plan amendment  
11 pursuant to subsection (3). ~~The agency shall issue a report of~~  
12 ~~its objections, recommendations, and comments regarding the~~  
13 ~~proposed plan amendment.~~A regional planning council or  
14 affected person requesting a review shall do so by submitting  
15 a written request to the agency with a notice of the request  
16 to the local government and any other person who has requested  
17 notice.

18 (b) The state land planning agency may review any  
19 proposed plan amendment regardless of whether a request for  
20 review has been made, if the agency gives notice to the local  
21 government, and any other person who has requested notice, of  
22 its intention to conduct such a review within 35 30 days after  
23 receipt by the stateland planning agency of transmittal of  
24 the complete proposed plan amendment pursuant to subsection  
25 (3).

26 (c) The state land planning agency shall establish by  
27 rule a schedule for receipt of comments from the various  
28 government agencies, as well as written public comments,  
29 pursuant to subsection (4). If the state land planning agency  
30 elects to review the amendment or the agency is required to  
31 review the amendment as specified in paragraph (a), the agency

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1 shall issue a report of its objections, recommendations, and  
2 comments regarding the proposed amendment within 60 days after  
3 receipt of the complete proposed amendment by the state land  
4 planning agency. Proposed comprehensive plan amendments from  
5 small counties or rural communities for the purpose of job  
6 creation, economic development, or strengthening and  
7 diversifying the economy shall receive priority review by the  
8 state land planning agency.~~The state land planning agency~~  
9 ~~shall have 30 days to review comments from the various~~  
10 ~~government agencies along with a local government's~~  
11 ~~comprehensive plan or plan amendment. During that period, the~~  
12 ~~state land planning agency shall transmit in writing its~~  
13 ~~comments to the local government along with any objections and~~  
14 ~~any recommendations for modifications.~~When a federal, state,  
15 or regional agency has implemented a permitting program, the  
16 state land planning agency shall not require a local  
17 government to duplicate or exceed that permitting program in  
18 its comprehensive plan or to implement such a permitting  
19 program in its land development regulations. Nothing  
20 contained herein shall prohibit the state land planning agency  
21 in conducting its review of local plans or plan amendments  
22 from making objections, recommendations, and comments or  
23 making compliance determinations regarding densities and  
24 intensities consistent with the provisions of this part. In  
25 preparing its comments, the state land planning agency shall  
26 only base its considerations on written, and not oral,  
27 comments, from any source.

28 (d) The state land planning agency review shall  
29 identify all written communications with the agency regarding  
30 the proposed plan amendment. If the state land planning agency  
31 does not issue such a review, it shall identify in writing to

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1 the local government all written communications received 30  
2 days after transmittal. The written identification must  
3 include a list of all documents received or generated by the  
4 agency, which list must be of sufficient specificity to enable  
5 the documents to be identified and copies requested, if  
6 desired, and the name of the person to be contacted to request  
7 copies of any identified document. The list of documents must  
8 be made a part of the public records of the state land  
9 planning agency.

10 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF  
11 PLAN OR AMENDMENTS AND TRANSMITTAL.--

12 (a) The local government shall review the written  
13 comments submitted to it by the state land planning agency,  
14 and any other person, agency, or government. Any comments,  
15 recommendations, or objections and any reply to them shall be  
16 public documents, a part of the permanent record in the  
17 matter, and admissible in any proceeding in which the  
18 comprehensive plan or plan amendment may be at issue. The  
19 local government, upon receipt of written comments from the  
20 state land planning agency, shall have 120 days to adopt or  
21 adopt with changes the proposed comprehensive plan or s.  
22 163.3191 plan amendments. In the case of comprehensive plan  
23 amendments other than those proposed pursuant to s. 163.3191,  
24 the local government shall have 60 days to adopt the  
25 amendment, adopt the amendment with changes, or determine that  
26 it will not adopt the amendment. The adoption of the proposed  
27 plan or plan amendment or the determination not to adopt a  
28 plan amendment, other than a plan amendment proposed pursuant  
29 to s. 163.3191, shall be made in the course of a public  
30 hearing pursuant to subsection (15). The local government  
31 shall transmit the complete adopted comprehensive plan or

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1 ~~adopted~~ plan amendment to the state land planning agency as  
2 specified in the agency's procedural rules within 10 working  
3 days after adoption, including the names and addresses of  
4 persons compiled pursuant to paragraph (15)(c). The local  
5 governing body shall also transmit a copy of the adopted  
6 comprehensive plan or plan amendment to the regional planning  
7 agency and to any other unit of local government or  
8 governmental agency in the state that has filed a written  
9 request with the governing body for a copy of the plan or plan  
10 amendment.

11 (b) A local government that has adopted a  
12 comprehensive plan amendment to which no timely written  
13 objection from the state land planning agency, any agency, any  
14 government, or any person has been received may submit the  
15 comprehensive plan amendment and a certification to the state  
16 land planning agency within 10 days after adoption of the  
17 comprehensive plan amendment. This certification must certify  
18 that the adopted comprehensive plan amendment did not differ  
19 from the proposed comprehensive plan amendment submitted  
20 pursuant to subsection (3), and that no timely objections were  
21 received.

22 (8) NOTICE OF INTENT.--

23 (a) Except as provided in s. 163.3187(3), the state  
24 land planning agency, upon receipt of a local government's  
25 complete adopted comprehensive plan or plan amendment, shall  
26 have 45 days for review and to determine if the plan or plan  
27 amendment is in compliance with this act, unless the amendment  
28 is the result of a compliance agreement entered into under  
29 subsection (16), in which case the time period for review and  
30 determination shall be 30 days. If review was not conducted  
31 under subsection (6), the agency's determination must be based

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1 upon the plan amendment as adopted. If review was conducted  
2 under subsection (6), the agency's determination of compliance  
3 must be based only upon one or both of the following:

4 1. The state land planning agency's written comments  
5 to the local government pursuant to subsection (6); or

6 2. Any changes made by the local government to the  
7 comprehensive plan or plan amendment as adopted.

8 (b) During the time period provided for in this  
9 subsection, the state land planning agency shall issue,  
10 through a senior administrator or the secretary, as specified  
11 in the agency's procedural rules, a notice of intent to find  
12 that the plan or plan amendment is in compliance or not in  
13 compliance. A notice of intent shall be issued by publication  
14 in the manner provided by this paragraph and by mailing a copy  
15 to the local government ~~and to persons who request notice.~~  
16 ~~The required advertisement shall be no less than 2 columns~~  
17 ~~wide by 10 inches long, and the headline in the advertisement~~  
18 ~~shall be in a type no smaller than 12 point.~~The advertisement  
19 shall ~~not~~ be placed in that portion of the newspaper where  
20 legal notices ~~and classified advertisements~~ appear. The  
21 advertisement shall be published in a newspaper which meets  
22 the size and circulation requirements set forth in paragraph  
23 (15)~~(e)(c)~~and which has been designated in writing by the  
24 affected local government at the time of transmittal of the  
25 amendment. Publication by the state land planning agency of a  
26 notice of intent in the newspaper designated by the local  
27 government shall be prima facie evidence of compliance with  
28 the publication requirements of this section.

29 (c) Notwithstanding the provisions of this subsection,  
30 within 20 days after receipt of an accurate certification  
31 submitted pursuant to paragraph (7)(b), the state land

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1 planning agency shall issue a notice of intent to find the  
2 plan amendment in compliance without further review.

3 (d) The state land planning agency shall post a copy  
4 of the notice of intent on the agency's Internet site. The  
5 agency shall, no later than the date the notice of intent is  
6 transmitted to the newspaper, mail a courtesy informational  
7 statement to the persons whose names and mailing addresses  
8 were compiled pursuant to paragraph (15)(c). The informational  
9 statement shall include the identity of the newspaper in which  
10 the notice of intent will appear, the approximate date of  
11 publication of the notice of intent, the ordinance number of  
12 the plan or plan amendment, and a statement that the  
13 informational statement is provided as a courtesy to the  
14 person and that affected persons have 21 days after the actual  
15 date of publication of the notice to file a petition. The  
16 informational statement shall be sent by regular mail and  
17 shall not affect the timeframes in subsections (9) and (10).

18 (e) A local government that has an Internet site shall  
19 post a copy of the state land planning agency's notice of  
20 intent on its Internet site within 5 days after receipt of the  
21 mailed copy of the agency's notice of intent.

22 (15) PUBLIC HEARINGS.--

23 (a) The procedure for transmittal of a complete  
24 proposed comprehensive plan or plan amendment pursuant to  
25 subsection (3) and for adoption of a comprehensive plan or  
26 plan amendment pursuant to subsection (7) shall be by  
27 affirmative vote of not less than a majority of the members of  
28 the governing body present at the hearing. The adoption of a  
29 comprehensive plan or plan amendment shall be by ordinance.  
30 For the purposes of transmitting or adopting a comprehensive  
31 plan or plan amendment, the notice requirements in chapters

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1 125 and 166 are superseded by this subsection, except as  
2 provided in this part.

3 (b) The local governing body shall hold at least two  
4 advertised public hearings on the proposed comprehensive plan  
5 or plan amendment as follows:

6 1. The first public hearing shall be held at the  
7 transmittal stage pursuant to subsection (3). It shall be  
8 held on a weekday at least 7 days after the day that the first  
9 advertisement is published.

10 2. The second public hearing shall be held at the  
11 adoption stage pursuant to subsection (7). It shall be held  
12 on a weekday at least 5 days after the day that the second  
13 advertisement is published.

14 (c) The local government shall provide a sign-in form  
15 at the transmittal hearing and at the adoption hearing for  
16 persons to provide their names and mailing addresses. The  
17 sign-in form shall state that any person providing the  
18 requested information will receive a courtesy informational  
19 statement concerning publication of the state land planning  
20 agency's notice of intent. The local government shall add to  
21 the sign-in form the name and address of any person who  
22 submits written comments concerning the proposed plan or plan  
23 amendment during the time period between the commencement of  
24 the transmittal hearing and the end of the adoption hearing.  
25 It shall be the responsibility of the person completing the  
26 form or providing written comments to accurately, completely,  
27 and legibly provide all information required to receive the  
28 courtesy informational statement.

29 (d) The agency shall provide a model sign-in form and  
30 the format for providing the list to the agency which may be  
31 used by the local government to satisfy the requirements of

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1 this subsection by August 1, 2001.

2 (e)~~(c)~~ If the proposed comprehensive plan or plan  
3 amendment changes the actual list of permitted, conditional,  
4 or prohibited uses within a future land use category or  
5 changes the actual future land use map designation of a parcel  
6 or parcels of land, the required advertisements shall be in  
7 the format prescribed by s. 125.66(4)(b)2. for a county or by  
8 s. 166.041(3)(c)2.b. for a municipality.

9 (16) COMPLIANCE AGREEMENTS.--

10 (d) A local government may adopt a plan amendment  
11 pursuant to a compliance agreement in accordance with the  
12 requirements of paragraph (15)(a). The plan amendment shall be  
13 exempt from the requirements of subsections (2) through (7).  
14 The local government shall hold a single adoption public  
15 hearing pursuant to the requirements of subparagraph (15)(b)2.  
16 and paragraph (15)(e)~~(c)~~. Within 10 working days after  
17 adoption of a plan amendment, the local government shall  
18 transmit the amendment to the state land planning agency as  
19 specified in the agency's procedural rules, and shall submit  
20 one copy to the regional planning agency and to any other unit  
21 of local government or government agency in the state that has  
22 filed a written request with the governing body for a copy of  
23 the plan amendment, and one copy to any party to the  
24 proceeding under ss. 120.569 and 120.57 granted intervenor  
25 status.

26 Section 6. Paragraph (j) of subsection (1) of section  
27 163.3187, Florida Statutes, is amended, and paragraph (k) is  
28 added to said subsection, to read:

29 163.3187 Amendment of adopted comprehensive plan.--

30 (1) Amendments to comprehensive plans adopted pursuant  
31 to this part may be made not more than two times during any



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1 calendar year, except:

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

11 (k) A comprehensive plan amendment to adopt a public  
12 educational facilities element pursuant to s. 163.31776, and  
13 future land use map amendments for school siting, may be  
14 approved without regard to statutory limits on the frequency  
15 of adoption of plan amendments.

16 Section 7. Paragraph (k) of subsection (2) of section  
17 163.3191, Florida Statutes, is amended to read:

18 163.3191 Evaluation and appraisal of comprehensive  
19 plan.--

20 (2) The report shall present an evaluation and  
21 assessment of the comprehensive plan and shall contain  
22 appropriate statements to update the comprehensive plan,  
23 including, but not limited to, words, maps, illustrations, or  
24 other media, related to:

25 (k) The coordination of the comprehensive plan with  
26 existing public schools and those identified in the applicable  
27 educational ~~5-year school district~~ facilities plan work  
28 ~~program~~ adopted pursuant to s. 235.185. The assessment shall  
29 address, where relevant, the success or failure of the  
30 coordination of the future land use map and associated planned  
31 residential development with public schools and their

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1 capacities, as well as the joint decisionmaking processes  
2 engaged in by the local government and the school board in  
3 regard to establishing appropriate population projections and  
4 the planning and siting of public school facilities. If the  
5 issues are not relevant, the local government shall  
6 demonstrate that they are not relevant.

7 Section 8. Subsection (6) is added to section  
8 163.3202, Florida Statutes, to read:

9 163.3202 Land development regulations.--

10 (6)(a) The Legislature finds that electric utilities  
11 have a statutory duty pursuant to this chapter to provide  
12 reasonably sufficient, adequate, and efficient service. The  
13 Legislature further finds that electric substations are an  
14 indispensable component of the grid system by which electric  
15 utilities deliver reliable electric service to all public and  
16 private persons as required by law. The Legislature further  
17 finds that electric utility substations are essential services  
18 for the public health, safety, and welfare and therefore are  
19 in the public interest.

20 (b) Nothing in this part shall prohibit a local  
21 government from adopting land development regulations which  
22 establish reasonable standards for setbacks, buffering,  
23 landscaping, and other such site conditions which ensure  
24 consistency with the local comprehensive plan for a substation  
25 that will be operated by an electric utility. Compliance with  
26 any such adopted standards creates a presumption that a  
27 substation is compatible with adjacent land uses and is  
28 consistent with the local comprehensive plan.

29 (c) If an electric utility demonstrates by competent  
30 substantial evidence that it meets all criteria for approval  
31 of an application for a development permit for the location,

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1 construction, and operation of a substation, the local  
2 government may not deny the application unless the  
3 preponderance of the evidence, applying a strict scrutiny  
4 standard of review, demonstrates that the application does not  
5 meet the requirements of the local comprehensive plan or  
6 applicable land development regulations.

7 Section 9. Subsection (9) of section 163.3244, Florida  
8 Statutes, is amended to read:

9 163.3244 Sustainable communities demonstration  
10 project.--

11 (9) This section shall stand repealed on June 30, 2002  
12 ~~2001~~, and shall be reviewed by the Legislature prior to that  
13 date.

14 Section 10. Development of a uniform fiscal impact  
15 analysis model for evaluating the cost of infrastructure to  
16 support development.--

17 (1) The Legislature finds that the quality of growth  
18 in Florida could benefit greatly by the adoption of a uniform  
19 fiscal impact analysis tool that could be used by local  
20 governments to determine the costs and benefits of new  
21 development. To facilitate informed decisionmaking and  
22 accountability by local governments, the analysis model would  
23 itemize and calculate the costs and fiscal impacts of  
24 infrastructure needs created by proposed development, as well  
25 as the anticipated revenues utilized for infrastructure  
26 associated with the project. It is intended that the model be  
27 a minimum base model for implementation by all local  
28 governments. Local governments shall not be required to  
29 implement the model until the Legislature approves such  
30 implementation, nor shall local governments be prevented from  
31 utilizing other fiscal or economic analysis tools before or

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1 after adoption of the uniform fiscal analysis model. The  
2 Legislature intends that the analysis will provide local  
3 government decisionmakers with a clearer understanding of the  
4 fiscal impact of the new development on the community and its  
5 resources.

6 (2)(a) To oversee the development of a fiscal analysis  
7 model by the state land planning agency, there is created a  
8 commission consisting of nine members. The Governor, the  
9 President of the Senate, and the Speaker of the House of  
10 Representatives shall each appoint three members to the  
11 commission, and the Governor shall designate one of his  
12 appointees as chair. Appointments must be made by July 1,  
13 2001, and each appointing authority shall consider ethnic and  
14 gender balance when making appointments. The members of the  
15 commission must have technical or practical expertise to bring  
16 to bear on the design or implementation of the model. The  
17 commission shall include representatives of municipalities,  
18 counties, school boards, the development community, and public  
19 interest groups.

20 (b) The commission shall have the responsibility to:

21 1. Direct the state land planning agency, and others,  
22 in developing a fiscal analysis model.

23 2. Select one or more models to test through six pilot  
24 projects conducted in six regionally diverse local government  
25 jurisdictions selected by the commission.

26 3. Make changes to the models during the testing  
27 period as needed.

28 4. Report to the Governor and the Legislature with  
29 implementation recommendations.

30 (c) Each member may receive per diem and expenses for  
31 travel, as provided in s. 112.061, Florida Statutes, while

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1 carrying out the official business of the commission.

2 (d) The commission is assigned, for administrative  
3 purposes, to the Department of Community Affairs.

4 (e) The commission shall meet at the call of the chair  
5 and shall be dissolved upon the submittal of the report and  
6 recommendations required by subsection (6).

7 (3)(a) The state land planning agency, as directed by  
8 the commission, shall develop one or more fiscal analysis  
9 models for determining the estimated costs and revenues of  
10 proposed development. The analysis provided by the model  
11 shall be a tool for government decisionmaking, shall not  
12 constitute an automatic approval or disapproval of new  
13 development, and shall apply to all public and private  
14 projects and all land use categories. The model or models  
15 selected for field testing shall be approved by the  
16 commission.

17 (b) The model shall be capable of estimating the  
18 capital, operating, and maintenance expenses and revenues for  
19 infrastructure needs created by new development based on the  
20 type, scale, and location of various land uses. For the  
21 purposes of developing the model, estimated costs shall  
22 include those associated with provision of school facilities,  
23 transportation facilities, water supply, sewer, stormwater,  
24 public safety, and solid waste services, and publicly provided  
25 telecommunications services. Estimated revenues shall include  
26 all revenues attributable to the proposed development which  
27 are utilized to construct, operate, or maintain such  
28 facilities and services. The model may be developed with  
29 capabilities of estimating other costs and benefits directly  
30 related to new development, including economic costs and  
31 benefits. The Legislature recognizes the potential

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1 limitations of such models in fairly quantifying important  
2 quality of life issues such as the intangible benefits and  
3 costs associated with development, including, but not limited  
4 to, overall impact on community character, housing costs,  
5 compatibility, and impacts on natural and historic resources,  
6 and therefore affirms its intention that the model not be used  
7 as the only determinate of the acceptability of new  
8 development. In order to develop a model for testing through  
9 pilot projects, the Legislature directs the commission to  
10 focus on the infrastructure costs expressly identified in this  
11 paragraph. The commission may authorize a local government  
12 selected to conduct a pilot project to apply the fiscal  
13 analysis model being tested to a public facility or service  
14 other than those identified in this paragraph; however,  
15 appropriately related revenues and benefits must also be  
16 considered.

17 (c) The model shall be capable of identifying  
18 infrastructure deficits or backlogs, and costs associated with  
19 addressing such needs.

20 (d) As part of its development of a fiscal analysis  
21 model, and as directed by the commission, the state land  
22 planning agency shall develop a format by which the local  
23 government shall report to its citizens, at least annually,  
24 the cumulative fiscal impact of its local planning decisions.

25 (4) One or more fiscal analysis models shall be tested  
26 in the field to evaluate their technical validity and  
27 practical usefulness and the financial feasibility of local  
28 government implementation. The field tests shall be conducted  
29 as demonstration projects in six regionally diverse local  
30 government jurisdictions.

31 (5) Data, findings, and feedback from the field tests

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1 shall be presented to the commission at least every 3 months  
2 following the initiation of each demonstration project. Based  
3 on the feedback provided by the state land planning agency and  
4 the local government partner of a demonstration project, the  
5 commission may require the state land planning agency to  
6 adjust or modify one or more models, including consideration  
7 of appropriate thresholds and exemptions, and conduct  
8 additional field testing if necessary.

9 (6) No later than February 1, 2003, the commission  
10 shall transmit to the Governor, the President of the Senate,  
11 and the Speaker of the House of Representatives a report  
12 detailing the results of the demonstration projects. The  
13 commission shall report its recommendations for statewide  
14 implementation of a uniform fiscal analysis model. Any  
15 recommendation to implement the model must be based on the  
16 commission's determination that the model is technically  
17 valid, financially feasible for local government  
18 implementation, and practically useful for implementation as a  
19 uniform fiscal analysis model. Should the commission determine  
20 that a uniform fiscal analysis model is not technically valid,  
21 financially feasible for local government implementation, and  
22 practically useful for implementation as a uniform fiscal  
23 analysis model, it shall recommend that the model or its  
24 application be modified or not implemented. The report shall  
25 also include recommendations for changes to any existing  
26 growth management laws and policies necessary to implement the  
27 model; recommendations for repealing existing growth  
28 management laws, such as concurrency, that may no longer be  
29 relevant or effective once the model is implemented;  
30 recommendations for state technical and financial assistance  
31 to help local governments in the implementation of the uniform

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1 fiscal analysis model; recommendations addressing state and  
2 local sources of additional infrastructure funding; and  
3 recommendations for incentives to local governments to  
4 encourage identification of areas in which infrastructure  
5 development will be encouraged.

6 Section 11. There is appropriated to the Department of  
7 Community Affairs from the General Revenue Fund \$500,000 to  
8 implement the requirements of this act relating to development  
9 of a uniform fiscal impact analysis model.

10 Section 12. Section 235.002, Florida Statutes, is  
11 amended to read:

12 235.002 Intent.--

13 (1) The intent of the Legislature is:

14 ~~(a) To provide each student in the public education~~  
15 ~~system the availability of an educational environment~~  
16 ~~appropriate to his or her educational needs which is~~  
17 ~~substantially equal to that available to any similar student,~~  
18 ~~notwithstanding geographic differences and varying local~~  
19 ~~economic factors, and to provide facilities for the Florida~~  
20 ~~School for the Deaf and the Blind and other educational~~  
21 ~~institutions and agencies as may be defined by law.~~

22 (a)(b) To encourage the use of innovative designs,  
23 construction techniques, and financing mechanisms in building  
24 educational facilities for the purpose of reducing costs to  
25 the taxpayer, creating a more satisfactory educational  
26 environment, and reducing the amount of time necessary for  
27 design, permitting of on-site and off-site improvements  
28 required by law, and construction to fill unmet needs.

29 (b)(c) To provide a systematic mechanism whereby  
30 educational facilities construction plans can meet the current  
31 and projected needs of the public education system population



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1 as quickly as possible by building uniform, sound educational  
2 environments and to provide a sound base for planning for  
3 educational facilities needs.

4 ~~(c)(d)~~ To provide ~~proper legislative support~~ for ~~as~~  
5 ~~wide a range of~~ fiscally sound financing methodologies for as  
6 ~~possible for the delivery of~~ educational facilities ~~and, where~~  
7 ~~appropriate, for their construction, operation, and~~  
8 ~~maintenance.~~

9 (d) To establish a systematic process of sharing  
10 information between school boards and local governments on the  
11 growth and development trends in their communities in order to  
12 forecast future enrollment and school needs.

13 (e) To establish a systematic process for school  
14 boards and local governments to cooperatively plan for the  
15 provision of educational facilities to meet the current and  
16 projected needs of the public education system population,  
17 including the needs placed on the public education system as a  
18 result of growth and development decisions by local  
19 government.

20 (f) To establish a systematic process for local  
21 governments and school boards to cooperatively identify and  
22 meet the infrastructure needs of public schools.

23 (2) The Legislature finds ~~and declares~~ that:

24 (a) Public schools are a linchpin to the vitality of  
25 our communities and play a significant role in the thousands  
26 of individual housing decisions that result in community  
27 growth trends.

28 ~~(b)(a)~~ Growth and development issues transcend the  
29 boundaries and responsibilities of individual units of  
30 government, and often no single unit of government can plan or  
31 implement policies to deal with these issues without affecting

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1 other units of government.

2 ~~(c)(b)~~ The effective and efficient provision of public  
3 educational facilities and services enhances ~~is essential to~~  
4 ~~preserving and enhancing~~ the quality of life of the people of  
5 this state.

6 ~~(d)(c)~~ The provision of educational facilities often  
7 impacts community infrastructure and services. Assuring  
8 coordinated and cooperative provision of such facilities and  
9 associated infrastructure and services is in the best interest  
10 of the state.

11 Section 13. Subsection (1) of section 235.061, Florida  
12 Statutes, is amended to read:

13 235.061 Standards for relocatables used as classroom  
14 space; inspections.--

15 (1) The Commissioner of Education shall adopt rules  
16 establishing standards for relocatables intended for long-term  
17 use as classroom space at a public elementary school, middle  
18 school, or high school. "Long-term use" means the use of  
19 relocatables at the same educational plant for a period of 4  
20 years or more. These rules must be implemented by July 1,  
21 1998, and each relocatable acquired by a district school board  
22 after the effective date of the rules and intended for  
23 long-term use must comply with the standards. The rules shall  
24 require that, by July 1, 2002 ~~2001~~, relocatables that fail to  
25 meet the standards may not be used as classrooms. The  
26 standards shall protect the health, safety, and welfare of  
27 occupants by requiring compliance with the Uniform Building  
28 Code for Public Educational Facilities or other locally  
29 adopted state minimum building codes to ensure the safety and  
30 stability of construction and onsite installation; fire and  
31 moisture protection; air quality and ventilation; appropriate

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1 wind resistance; and compliance with the requirements of the  
2 Americans with Disabilities Act of 1990. If appropriate, the  
3 standards must also require relocatables to provide access to  
4 the same technologies available to similar classrooms within  
5 the main school facility and, if appropriate, to be accessible  
6 by adequate covered walkways. By July 1, 2000, the  
7 commissioner shall adopt standards for all relocatables  
8 intended for long-term use as classrooms. A relocatable that  
9 is subject to this section and does not meet the standards  
10 shall not be reported as providing satisfactory student  
11 stations in the Florida Inventory of School Houses.

12 Section 14. Section 235.15, Florida Statutes, is  
13 amended to read:

14 235.15 Educational plant survey; localized need  
15 assessment; PECO project funding.--

16 (1) At least every 5 years, each board, including the  
17 Board of Regents, shall arrange for an educational plant  
18 survey, to aid in formulating plans for housing the  
19 educational program and student population, faculty,  
20 administrators, staff, and auxiliary and ancillary services of  
21 the district or campus, including consideration of the local  
22 comprehensive plan. The Division of Workforce Development  
23 shall document the need for additional career and adult  
24 education programs and the continuation of existing programs  
25 before facility construction or renovation related to career  
26 or adult education may be included in the educational plant  
27 survey of a school district or community college that delivers  
28 career or adult education programs. Information used by the  
29 Division of Workforce Development to establish facility needs  
30 must include, but need not be limited to, labor market data,  
31 needs analysis, and information submitted by the school

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1 district or community college.

2 (a) Survey preparation and required data.--Each survey  
3 shall be conducted by the board or an agency employed by the  
4 board. Surveys shall be reviewed and approved by the board,  
5 and a file copy shall be submitted to the Office of  
6 Educational Facilities of the Commissioner of Education. The  
7 survey report shall include at least an inventory of existing  
8 educational and ancillary plants; recommendations for existing  
9 educational and ancillary plants; recommendations for new  
10 educational or ancillary plants, including the general  
11 location of each in coordination with the land use plan;  
12 campus master plan update and detail for community colleges;  
13 the utilization of school plants based on an extended school  
14 day or year-round operation; and such other information as may  
15 be required by the rules of the State Board of Education. This  
16 report may be amended, if conditions warrant, at the request  
17 of the board or commissioner.

18 (b) Required need assessment criteria for district,  
19 community college, and state university plant surveys.--~~Each~~  
20 ~~Educational plant surveys~~ survey completed after December 31,  
21 ~~1997,~~ must use uniform data sources and criteria specified in  
22 this paragraph. ~~Each educational plant survey completed after~~  
23 ~~June 30, 1995, and before January 1, 1998, must be revised, if~~  
24 ~~necessary, to comply with this paragraph.~~ Each revised  
25 educational plant survey and each new educational plant survey  
26 supersedes previous surveys.

27 1. The school district's survey shall be a part of the  
28 district's educational facilities plan under s. 235.185. ~~Each~~  
29 ~~school district's educational plant survey must reflect the~~  
30 ~~capacity of existing satisfactory facilities as reported in~~  
31 ~~the Florida Inventory of School Houses. Projections of~~

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1 ~~facility space needs may not exceed the norm space and~~  
2 ~~occupant design criteria established by the State Requirements~~  
3 ~~for Educational Facilities. Existing and projected capital~~  
4 ~~outlay full-time equivalent student enrollment must be~~  
5 ~~consistent with data prepared by the department and must~~  
6 ~~include all enrollment used in the calculation of the~~  
7 ~~distribution formula in s. 235.435(3). All satisfactory~~  
8 ~~relocatable classrooms, including those owned,~~  
9 ~~lease-purchased, or leased by the school district, shall be~~  
10 ~~included in the school district inventory of gross capacity of~~  
11 ~~facilities and must be counted at actual student capacity for~~  
12 ~~purposes of the inventory. For future needs determination,~~  
13 ~~student capacity shall not be assigned to any relocatable~~  
14 ~~classroom that is scheduled for elimination or replacement~~  
15 ~~with a permanent educational facility in the adopted 5-year~~  
16 ~~educational plant survey and in the district facilities work~~  
17 ~~program adopted under s. 235.185. Those relocatables clearly~~  
18 ~~identified and scheduled for replacement in a school board~~  
19 ~~adopted financially feasible 5-year district facilities work~~  
20 ~~program shall be counted at zero capacity at the time the work~~  
21 ~~program is adopted and approved by the school board. However,~~  
22 ~~if the district facilities work program is changed or altered~~  
23 ~~and the relocatables are not replaced as scheduled in the work~~  
24 ~~program, they must then be reentered into the system for~~  
25 ~~counting at actual capacity. Relocatables may not be~~  
26 ~~perpetually added to the work program and continually extended~~  
27 ~~for purposes of circumventing the intent of this section. All~~  
28 ~~remaining relocatable classrooms, including those owned,~~  
29 ~~lease-purchased, or leased by the school district, shall be~~  
30 ~~counted at actual student capacity. The educational plant~~  
31 ~~survey shall identify the number of relocatable student~~

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1 ~~stations scheduled for replacement during the 5-year survey~~  
2 ~~period and the total dollar amount needed for that~~  
3 ~~replacement. All district educational plant surveys revised~~  
4 ~~after July 1, 1998, shall include information on leased space~~  
5 ~~used for conducting the district's instructional program, in~~  
6 ~~accordance with the recommendations of the department's report~~  
7 ~~authorized in s. 235.056. A definition of satisfactory~~  
8 ~~relocatable classrooms shall be established by rule of the~~  
9 ~~department.~~

10           2. Each survey of a special facility, joint-use  
11 facility, or cooperative vocational education facility must be  
12 based on capital outlay full-time equivalent student  
13 enrollment data prepared by the department for school  
14 districts, by the Division of Community Colleges for community  
15 colleges, and by the Board of Regents for state universities.  
16 A survey of space needs of a joint-use facility shall be based  
17 upon the respective space needs of the school districts,  
18 community colleges, and universities, as appropriate.  
19 Projections of a school district's facility space needs may  
20 not exceed the norm space and occupant design criteria  
21 established by the State Requirements for Educational  
22 Facilities.

23           3. Each community college's survey must reflect the  
24 capacity of existing facilities as specified in the inventory  
25 maintained by the Division of Community Colleges. Projections  
26 of facility space needs must comply with standards for  
27 determining space needs as specified by rule of the State  
28 Board of Education. The 5-year projection of capital outlay  
29 student enrollment must be consistent with the annual report  
30 of capital outlay full-time student enrollment prepared by the  
31 Division of Community Colleges.

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1           4. Each state university's survey must reflect the  
2 capacity of existing facilities as specified in the inventory  
3 maintained and validated by the Board of Regents. Projections  
4 of facility space needs must be consistent with standards for  
5 determining space needs approved by the Board of Regents. The  
6 projected capital outlay full-time equivalent student  
7 enrollment must be consistent with the 5-year planned  
8 enrollment cycle for the State University System approved by  
9 the Board of Regents.

10           5. The district educational facilities plan ~~plant~~  
11 ~~survey~~ of a school district and the educational plant survey  
12 ~~of a~~ community college, or state university may include space  
13 needs that deviate from approved standards for determining  
14 space needs if the deviation is justified by the district or  
15 institution and approved by the department or the Board of  
16 Regents, as appropriate, as necessary for the delivery of an  
17 approved educational program.

18           (c) Review and validation.--The Office of Educational  
19 Facilities of the Commissioner of Education ~~department~~ shall  
20 review and validate the educational facilities plans of school  
21 districts and the surveys of ~~school districts and~~ community  
22 colleges and any amendments thereto for compliance with the  
23 requirements of this chapter and, ~~when required by the State~~  
24 ~~Constitution~~, shall recommend those in compliance for approval  
25 by the State Board of Education.

26           (2) Only the superintendent or the college president  
27 shall certify to the Office of Educational Facilities of the  
28 Commissioner of Education ~~department~~ a project's compliance  
29 with the requirements for expenditure of PECO funds prior to  
30 release of funds.

31           (a) Upon request for release of PECO funds for

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1 planning purposes, certification must be made to the Office of  
 2 Educational Facilities of the Commissioner of Education  
 3 ~~department~~ that the need and location of the facility are in  
 4 compliance with the board-approved educational facilities plan  
 5 or survey recommendations, and that the project meets the  
 6 definition of a PECO project and the limiting criteria for  
 7 expenditures of PECO funding, and that the plan is consistent  
 8 with the local government comprehensive plan.

9 (b) Upon request for release of construction funds,  
 10 certification must be made to the Office of Educational  
 11 Facilities of the Commissioner of Education ~~department~~ that  
 12 the need and location of the facility are in compliance with  
 13 the board-approved educational facilities plan or survey  
 14 recommendations, that the project meets the definition of a  
 15 PECO project and the limiting criteria for expenditures of  
 16 PECO funding, and that the construction documents meet the  
 17 requirements of the State Uniform Building Code for  
 18 Educational Facilities Construction or other applicable codes  
 19 as authorized in this chapter, and that the site is consistent  
 20 with the local government comprehensive plan.

21 Section 15. Subsection (3) of section 235.175, Florida  
 22 Statutes, is amended to read:

23 235.175 SMART schools; Classrooms First; legislative  
 24 purpose.--

25 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN WORK  
 26 ~~PROGRAMS~~.--It is the purpose of the Legislature to create s.  
 27 235.185, requiring each school district annually to adopt an  
 28 educational a district facilities plan that provides an  
 29 integrated long-range facilities plan, including the survey of  
 30 projected needs and the 5-year work program. The purpose of  
 31 the educational district facilities plan work program is to



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1 keep the school board, local governments, and the public fully  
2 informed as to whether the district is using sound policies  
3 and practices that meet the essential needs of students and  
4 that warrant public confidence in district operations. The  
5 educational district facilities plan work program will be  
6 monitored by the SMART Schools Clearinghouse, which will also  
7 apply performance standards pursuant to s. 235.218.

8 Section 16. Section 235.18, Florida Statutes, is  
9 amended to read:

10 235.18 Annual capital outlay budget.--Each board,  
11 including the Board of Regents, shall, each year, adopt a  
12 capital outlay budget for the ensuing year in order that the  
13 capital outlay needs of the board for the entire year may be  
14 well understood by the public. This capital outlay budget  
15 shall be a part of the annual budget and shall be based upon  
16 and in harmony with the educational plant and ancillary  
17 facilities plan. This budget shall designate the proposed  
18 capital outlay expenditures by project for the year from all  
19 fund sources. The board may not expend any funds on any  
20 project not included in the budget, as amended. Each district  
21 school board must prepare its tentative district educational  
22 facilities plan work program as required by s. 235.185 before  
23 adopting the capital outlay budget.

24 Section 17. Section 235.185, Florida Statutes, is  
25 amended to read:

26 235.185 School district educational facilities plan  
27 work program; definitions; preparation, adoption, and  
28 amendment; long-term work programs.--

29 (1) DEFINITIONS.--As used in this section, ~~the term~~:

30 (a) "Adopted educational district facilities plan work  
31 program" means the comprehensive planning document ~~5-year work~~

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1 program adopted annually by the district school board as  
2 provided in subsection(4) which contains the educational  
3 plant survey(3).

4 (b) "~~Tentative~~ District facilities work program" means  
5 the 5-year listing of capital outlay projects adopted by the  
6 district school board as provided in paragraph (2)(b) as part  
7 of the district educational facilities plan which are  
8 required:

9 1. To properly repair and maintain the educational  
10 plant and ancillary facilities of the district.

11 2. To provide an adequate number of satisfactory  
12 student stations for the projected student enrollment of the  
13 district in K-12 programs in accordance with the goal in s.  
14 235.062.

15 (c) "Tentative educational facilities plan" means the  
16 comprehensive planning document prepared annually by the  
17 district school board and submitted to the Office of  
18 Educational Facilities of the Commissioner of Education and  
19 the affected general purpose local governments.

20 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
21 FACILITIES PLAN;WORK PROGRAM.--

22 (a) Annually, prior to the adoption of the district  
23 school budget, each school board shall prepare a tentative  
24 district educational facilities plan ~~work program~~ that  
25 includes long-range planning for facilities needs over 5-year,  
26 10-year, and 20-year periods. The plan shall be developed in  
27 coordination with the general purpose local governments and be  
28 consistent with the local government comprehensive plans. The  
29 school board's plan for provision of new schools shall meet  
30 the needs of all growing communities in the district, ranging  
31 from small rural communities to large urban cities. The plan

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1 shall:

2 1. Consider projected student populations for the  
3 5-year, 10-year, and 20-year planning periods apportioned  
4 geographically at the local level. The projections shall be  
5 based on information produced by the demographic, revenue, and  
6 education estimating conferences pursuant to s. 216.136, where  
7 available, as modified by the school district based on  
8 development data and agreement with the local governments and  
9 the Office of Educational Facilities of the Commissioner of  
10 Education. The projections shall be apportioned geographically  
11 with assistance from the local governments, using local  
12 development trend data, the comprehensive plan, and the school  
13 district student enrollment data.

14 2. Provide an inventory of existing school facilities.  
15 Any anticipated expansions or closures of existing school  
16 sites over the 5-year, 10-year, and 20-year periods shall be  
17 identified. The inventory shall include an assessment of areas  
18 proximate to existing schools and identification of the need  
19 for improvements to infrastructure, safety, and conditions in  
20 the community. The plan shall also provide a listing of major  
21 repairs and renovation projects anticipated over the period of  
22 the plan.

23 3. Include projections of facilities space needs,  
24 which may not exceed the norm space and occupant design  
25 criteria established in the State Requirements for Educational  
26 Facilities.

27 4. Include information on leased, loaned, and donated  
28 space and relocatables used for conducting the district's  
29 instructional programs.

30 5. Describe the general location of public schools  
31 proposed to be constructed over the 5-year, 10-year, and

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1 20-year time periods, including a listing of the proposed  
2 schools' site acreage needs and anticipated capacity and  
3 including maps showing general locations. The school board's  
4 identification of general locations of future school sites  
5 shall be based on the school siting requirements of s.  
6 163.3177(6)(a) and policies in the comprehensive plan which  
7 provide guidance for appropriate locations for school sites.

8 (b) The educational facilities plan shall also include  
9 a financially feasible district facilities work program for a  
10 5-year period. The work program shall include:

11 1. A schedule of major repair and renovation projects  
12 necessary to maintain the educational facilities plant and  
13 ancillary facilities of the district.

14 2. A schedule of capital outlay projects necessary to  
15 ensure the availability of satisfactory student stations for  
16 the projected student enrollment in K-12 programs. This  
17 schedule shall consider:

18 a. The locations, capacities, and planned utilization  
19 rates of current educational facilities of the district. The  
20 capacity of existing satisfactory facilities, as reported in  
21 the Florida Inventory of School Houses, shall be compared to  
22 the capital outlay full-time equivalent student enrollment as  
23 determined by the department, including all enrollment used in  
24 the calculation of the distribution formula under s.  
25 235.435(3).

26 b. The proposed locations of planned facilities,  
27 whether those locations are consistent with the comprehensive  
28 plans of all affected local governments, and recommendations  
29 for infrastructure and other improvements to land adjacent to  
30 existing facilities. The provisions of ss. 235.19 and  
31 235.193(5), (6), and (7) shall be addressed for new facilities

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1 planned within the first 3 years of the work plan, as  
2 appropriate.

3 c. Plans for the use and location of relocatable  
4 facilities, leased facilities, and charter school facilities.

5 d. Plans for multitrack scheduling, grade level  
6 organization, block scheduling, or other alternatives that  
7 reduce the need for additional permanent student stations.

8 e. Information concerning average class size and  
9 utilization rate by grade level within the district that will  
10 result if the tentative district facilities work program is  
11 fully implemented. ~~The average shall not include exceptional~~  
12 ~~student education classes or prekindergarten classes.~~

13 f. The number and percentage of district students  
14 planned to be educated in relocatable facilities during each  
15 year of the tentative district facilities work program. For  
16 future needs determination, student capacity shall not be  
17 assigned to any relocatable classroom that is scheduled for  
18 elimination or replacement with a permanent educational  
19 facility in the current year of the adopted district  
20 educational facilities plan and in the district facilities  
21 work program adopted under this section. Those relocatables  
22 clearly identified and scheduled for replacement in a school  
23 board adopted, financially feasible, 5-year district  
24 facilities work program shall be counted at zero capacity at  
25 the time the work program is adopted and approved by the  
26 school board. However, if the district facilities work program  
27 is changed or altered and the relocatables are not replaced as  
28 scheduled in the work program, they must then be reentered  
29 into the system for counting at actual capacity. Relocatables  
30 may not be perpetually added to the work program and  
31 continually extended for purposes of circumventing the intent

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1 of this section. All relocatable classrooms not identified and  
2 scheduled for replacement, including those owned,  
3 lease-purchased, or leased by the school district, shall be  
4 counted at actual student capacity. The district educational  
5 facilities plan shall identify the number of relocatable  
6 student stations scheduled for replacement during the 5-year  
7 survey period and the total dollar amount needed for that  
8 replacement.

9 g. Plans for the closure of any school, including  
10 plans for disposition of the facility or usage of facility  
11 space, and anticipated revenues.

12 h. Projects for which capital outlay and debt service  
13 funds accruing under s. 9(d), Art. XII of the State  
14 Constitution are to be used shall be identified separately in  
15 priority order as a project priority list within the district  
16 facilities work program.

17 3. The projected cost for each project identified in  
18 the ~~tentative~~ district facilities work program. For proposed  
19 projects for new student stations, a schedule shall be  
20 prepared comparing the planned cost and square footage for  
21 each new student station, by elementary, middle, and high  
22 school levels, to the low, average, and high cost of  
23 facilities constructed throughout the state during the most  
24 recent fiscal year for which data is available from the  
25 Department of Education.

26 4. A schedule of projected ~~estimated~~ capital outlay  
27 revenues from all sources ~~each currently approved source which~~  
28 ~~is~~ is estimated to be available to fully fund ~~for expenditure on~~  
29 the projects included in the ~~tentative~~ district facilities  
30 5-year work program. Revenue sources may include, but are not  
31 limited to, projections of:

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- 1           a. Ad valorem tax base, assessment ratio, and millage
- 2 rate.
- 3           b. State revenue distributions.
- 4           c. Revenue and debt service obligations from current
- 5 and proposed bond issues.
- 6           d. Any other revenue sources available to fund
- 7 facility needs of the district, including effort index grants,
- 8 SIT Program awards, and Classrooms First funds.
- 9           e. The 0.5-cent sales surtax and the local government
- 10 infrastructure sales surtax, if levied.
- 11           ~~5. A schedule indicating which projects included in~~
- 12 ~~the tentative district facilities work program will be funded~~
- 13 ~~from current revenues projected in subparagraph 4.~~
- 14           ~~6. A schedule of options for the generation of~~
- 15 ~~additional revenues by the district for expenditure on~~
- 16 ~~projects identified in the tentative district facilities work~~
- 17 ~~program which are not funded under subparagraph 5. Additional~~
- 18 ~~anticipated revenues may include effort index grants, SIT~~
- 19 ~~Program awards, and Classrooms First funds.~~
- 20           ~~(c)(b) To the extent available, The tentative district~~
- 21 ~~educational facilities plan work program shall be based on~~
- 22 ~~information produced by the demographic, revenue, and~~
- 23 ~~education estimating conferences pursuant to s. 216.136 to the~~
- 24 ~~extent available, and based on agreement pursuant to~~
- 25 ~~subparagraph (a)1.~~
- 26           ~~(d)(c) Provision shall be made for public comment~~
- 27 ~~concerning the tentative district educational facilities plan~~
- 28 ~~work program.~~
- 29           (e) The district school board shall coordinate with
- 30 each affected local government to ensure consistency between
- 31 the tentative district educational facilities plan and the

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1 local government comprehensive plans of the affected local  
2 governments during the development of the tentative district  
3 educational facilities plan.

4 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL  
5 FACILITIES PLAN TO THE LOCAL GOVERNMENT.--The district school  
6 board shall submit a copy of its tentative district  
7 educational facilities plan to all affected local governments  
8 prior to adoption by the board. The affected local governments  
9 shall review the tentative district educational facilities  
10 plan and comment to the district school board on the  
11 consistency of the plan with the local comprehensive plan,  
12 whether a comprehensive plan amendment will be necessary for  
13 any proposed educational facility, and whether the local  
14 government supports a necessary comprehensive plan amendment.  
15 If the local government does not support a comprehensive plan  
16 amendment for a proposed educational facility, the matter  
17 shall be resolved pursuant to the interlocal agreement  
18 required by ss. 163.31776(4) and 235.193(2). The process for  
19 the submittal and review shall be detailed in the interlocal  
20 agreement required pursuant to ss. 163.31776(4) and  
21 235.193(2). Where the school board and the local government  
22 have not entered into an interlocal agreement pursuant to ss.  
23 163.31776(4) and 235.193(2), the school board and the local  
24 government must determine a mutually acceptable process for  
25 submittal and review of the tentative district educational  
26 facilities plan. Disputes between the school board and the  
27 local government, in instances where the school board and the  
28 local government have not entered into an interlocal agreement  
29 pursuant to ss. 163.31776(4) and 235.193(2), shall be  
30 addressed pursuant to s. 163.3181.

31 (4)+3) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN



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1 ~~WORK PROGRAM~~.--Annually, the district school board shall  
 2 consider and adopt the tentative district educational  
 3 facilities plan ~~work program~~ completed pursuant to subsection  
 4 (2). Upon giving proper ~~public~~ notice to the public and local  
 5 governments and opportunity for public comment, the district  
 6 school board may amend the plan ~~program~~ to revise the priority  
 7 of projects, to add or delete projects, to reflect the impact  
 8 of change orders, or to reflect the approval of new revenue  
 9 sources which may become available. The adopted district  
 10 educational facilities plan ~~work program~~ shall include a  
 11 5-year facilities work program which shall:

12 (a) Be a complete, balanced, and financially feasible  
 13 capital outlay financial plan for the district.

14 (b) Set forth the proposed commitments and planned  
 15 expenditures of the district to address the educational  
 16 facilities needs of its students and to adequately provide for  
 17 the maintenance of the educational plant and ancillary  
 18 facilities.

19 ~~(5)(4)~~ EXECUTION OF ADOPTED DISTRICT EDUCATIONAL  
 20 FACILITIES PLAN ~~WORK PROGRAM~~.--The first year of the adopted  
 21 district educational facilities plan ~~work program~~ shall  
 22 constitute the capital outlay budget required in s. 235.18.  
 23 The adopted district facilities work program shall include the  
 24 information required in paragraph (2)(b) subparagraphs  
 25 ~~(2)(a)1., 2., and 3.~~, based upon projects actually funded in  
 26 the program.

27 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS~~.--In addition to  
 28 ~~the adopted district facilities work program covering the~~  
 29 ~~5-year work program, the district school board shall adopt~~  
 30 ~~annually a 10-year and a 20-year work program which include~~  
 31 ~~the information set forth in subsection (2), but based upon~~

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1 ~~enrollment projections and facility needs for the 10-year and~~  
2 ~~20-year periods. It is recognized that the projections in the~~  
3 ~~10-year and 20-year timeframes are tentative and should be~~  
4 ~~used only for general planning purposes.~~

5 Section 18. Section 235.188, Florida Statutes, is  
6 amended to read:

7 235.188 Full bonding required to participate in  
8 programs.--Any district with unused bonding capacity in its  
9 Capital Outlay and Debt Service Trust Fund allocation that  
10 certifies in its district educational facilities plan work  
11 program that it will not be able to meet all of its need for  
12 new student stations within existing revenues must fully bond  
13 its Capital Outlay and Debt Service Trust Fund allocation  
14 before it may participate in Classrooms First, the School  
15 Infrastructure Thrift (SIT) Program, or the Effort Index  
16 Grants Program.

17 Section 19. Section 235.19, Florida Statutes, is  
18 amended to read:

19 235.19 Site planning and selection.--

20 (1) If the school board and local government have  
21 entered into an interlocal agreement pursuant to ss.  
22 163.31776(4) and 235.193(2) and have developed a process to  
23 ensure consistency between the local government comprehensive  
24 plan and the school district educational facilities plan and a  
25 method to coordinate decisionmaking and approval activities  
26 relating to school planning and site selection, the provisions  
27 of this section are superseded by the interlocal agreement and  
28 the plans of the local government and the school board.

29 (2)(1) Before acquiring property for sites, each board  
30 shall determine the location of proposed educational centers  
31 or campuses ~~for the board~~. In making this determination, the

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1 board shall consider existing and anticipated site needs and  
2 the most economical and practicable locations of sites. The  
3 board shall coordinate with the long-range or comprehensive  
4 plans of local, regional, and state governmental agencies to  
5 assure the consistency ~~compatibility~~ of such plans ~~with site~~  
6 ~~planning~~. Boards are encouraged to locate schools proximate to  
7 urban residential areas to the extent possible, and shall seek  
8 to collocate schools with other public facilities, such as  
9 parks, libraries, and community centers, to the extent  
10 possible, and to encourage using elementary schools as focal  
11 points for neighborhoods.

12 (3)~~(2)~~ Each new site selected must be adequate in size  
13 to meet the educational needs of the students to be served on  
14 that site by the original educational facility or future  
15 expansions of the facility through renovation or the addition  
16 of relocatables. ~~The Commissioner of Education shall prescribe~~  
17 ~~by rule recommended sizes for new sites according to~~  
18 ~~categories of students to be housed and other appropriate~~  
19 ~~factors determined by the commissioner. Less than recommended~~  
20 ~~site sizes are allowed if the board, by a two-thirds majority,~~  
21 ~~recommends such a site and finds that it can provide an~~  
22 ~~appropriate and equitable educational program on the site.~~

23 (4)~~(3)~~ Sites recommended for purchase, or purchased,  
24 in accordance with chapter 230 or chapter 240 must meet  
25 standards prescribed therein and such supplementary standards  
26 as the school board commissioner prescribes to promote the  
27 educational interests of the students. Each site must be well  
28 drained and either suitable for outdoor educational purposes  
29 as appropriate for the educational program or collocated with  
30 facilities to serve this purpose. As provided in s. 333.03,  
31 the site must not be located within any path of flight

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1 approach of any airport. Insofar as is practicable, the site  
2 must not adjoin a right-of-way of any railroad or through  
3 highway and must not be adjacent to any factory or other  
4 property from which noise, odors, or other disturbances, or at  
5 which conditions, would be likely to interfere with the  
6 educational program.

7 ~~(5)(4)~~ It shall be the responsibility of the board to  
8 provide adequate notice to appropriate municipal, county,  
9 regional, and state governmental agencies for requested  
10 traffic control and safety devices so they can be installed  
11 and operating prior to the first day of classes or to satisfy  
12 itself that every reasonable effort has been made in  
13 sufficient time to secure the installation and operation of  
14 such necessary devices prior to the first day of classes. It  
15 shall also be the responsibility of the board to review  
16 annually traffic control and safety device needs and to  
17 request all necessary changes indicated by such review.

18 ~~(6)(5)~~ Each board may request county and municipal  
19 governments to construct and maintain sidewalks and bicycle  
20 trails within a 2-mile radius of each educational facility  
21 within the jurisdiction of the local government. When a board  
22 discovers or is aware of an existing hazard on or near a  
23 public sidewalk, street, or highway within a 2-mile radius of  
24 a school site and the hazard endangers the life or threatens  
25 the health or safety of students who walk, ride bicycles, or  
26 are transported regularly between their homes and the school  
27 in which they are enrolled, the board shall, within 24 hours  
28 after discovering or becoming aware of the hazard, excluding  
29 Saturdays, Sundays, and legal holidays, report such hazard to  
30 the governmental entity within the jurisdiction of which the  
31 hazard is located. Within 5 days after receiving notification

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1 by the board, excluding Saturdays, Sundays, and legal  
2 holidays, the governmental entity shall investigate the  
3 hazardous condition and either correct it or provide such  
4 precautions as are practicable to safeguard students until the  
5 hazard can be permanently corrected. However, if the  
6 governmental entity that has jurisdiction determines upon  
7 investigation that it is impracticable to correct the hazard,  
8 or if the entity determines that the reported condition does  
9 not endanger the life or threaten the health or safety of  
10 students, the entity shall, within 5 days after notification  
11 by the board, excluding Saturdays, Sundays, and legal  
12 holidays, inform the board in writing of its reasons for not  
13 correcting the condition. The governmental entity, to the  
14 extent allowed by law, shall indemnify the board from any  
15 liability with respect to accidents or injuries, if any,  
16 arising out of the hazardous condition.

17 Section 20. Section 235.193, Florida Statutes, is  
18 amended to read:

19 235.193 Coordination of planning with local governing  
20 bodies.--

21 (1) It is the policy of this state to require the  
22 coordination of planning between boards and local governing  
23 bodies to ensure that plans for the construction and opening  
24 of public educational facilities are facilitated and  
25 coordinated in time and place with plans for residential  
26 development, concurrently with other necessary services. Such  
27 planning shall include the integration of the educational  
28 facilities plan ~~plant survey~~ and applicable policies and  
29 procedures of a board with the local comprehensive plan and  
30 land development regulations of local governments ~~governing~~  
31 ~~bodies~~. The planning must include the consideration of

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1 allowing students to attend the school located nearest their  
2 homes when a new housing development is constructed near a  
3 county boundary and it is more feasible to transport the  
4 students a short distance to an existing facility in an  
5 adjacent county than to construct a new facility or transport  
6 students longer distances in their county of residence. The  
7 planning must also consider the effects of the location of  
8 public education facilities, including the feasibility of  
9 keeping central city facilities viable, in order to encourage  
10 central city redevelopment and the efficient use of  
11 infrastructure and to discourage uncontrolled urban sprawl.

12 (2) No later than 6 months prior to the transmittal of  
13 a public educational facilities element by general purpose  
14 local governments meeting the criteria of s. 163.31776(3), the  
15 school district, the county, and the nonexempt municipalities  
16 shall enter into an interlocal agreement which establishes a  
17 process to develop coordinated and consistent local government  
18 public educational facilities elements and district  
19 educational facilities plans, including a process:

20 (a) By which each local government and the school  
21 district agree and base the local government comprehensive  
22 plan and educational facilities plan on uniform projections of  
23 the amount, type, and distribution of population growth and  
24 student enrollment.

25 (b) To coordinate and share information relating to  
26 existing and planned public school facilities and local  
27 government plans for development and redevelopment.

28 (c) To ensure that school siting decisions by the  
29 school board are consistent with the local comprehensive plan,  
30 including appropriate circumstances and criteria under which a  
31 school district may request an amendment to the comprehensive

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1 plan for school siting, and for early involvement by the local  
2 government as the school board identifies potential school  
3 sites.

4 (d) To coordinate and provide formal timely comments  
5 during the development, adoption, and amendment of each local  
6 government's public educational facilities element and the  
7 educational facilities plan of the school district to ensure a  
8 uniform countywide school facility planning system.

9 (e) For school district participation in the review of  
10 land use decisions which increase residential density and  
11 which are reasonably expected to have an impact on public  
12 school facility demand.

13 (f) For the resolution of disputes between the school  
14 district and local governments.

15  
16 Any school board that has entered into an interlocal agreement  
17 for the purpose of adopting public school concurrency prior to  
18 the effective date of this act is not required to amend the  
19 interlocal agreement to conform to this subsection if the  
20 comprehensive plan amendment adopting public school  
21 concurrency is ultimately determined to be in compliance.

22 (3) Failure to enter into an interlocal agreement as  
23 required by subsection (2) shall result in the withholding of  
24 funds for school construction available pursuant to ss.  
25 235.187, 235.216, 235.2195, and 235.42, and the school  
26 district shall be prohibited from siting schools. Before the  
27 Office of Educational Facilities of the Commissioner of  
28 Education withholds any funds, the office shall provide the  
29 school board with a notice of intent to withhold funds, which  
30 the school board may dispute pursuant to chapter 120. The  
31 office shall withhold funds when a final order is issued

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1 finding that the school board has failed to enter into an  
2 interlocal agreement which meets the requirements of  
3 subsection (2).  
4 ~~(4)(2)~~ A school board and the local governing body  
5 must share and coordinate information related to existing and  
6 planned public school facilities; proposals for development,  
7 redevelopment, or additional development; and infrastructure  
8 required to support the public school facilities, concurrent  
9 with proposed development. A school board shall use  
10 information produced by the demographic, revenue, and  
11 education estimating conferences pursuant to s. 216.136  
12 ~~Department of Education enrollment projections~~ when preparing  
13 the ~~5-year~~ district educational facilities plan work program  
14 pursuant to s. 235.185 ~~in, and a school board shall~~  
15 ~~affirmatively demonstrate in the educational facilities report~~  
16 consideration of local governments' population projections to  
17 ensure that the educational facilities plan 5-year work  
18 ~~program~~ not only reflects enrollment projections but also  
19 considers applicable municipal and county growth and  
20 development projections. The school board may modify the  
21 information produced by the estimating conferences, with the  
22 approval of the local governments and the Office of  
23 Educational Facilities of the Commissioner of Education. The  
24 projections shall be apportioned geographically with  
25 assistance from the local governments using local development  
26 trend data and the school district student enrollment data.A  
27 school board is precluded from siting a new school in a  
28 jurisdiction where the school board has failed to provide the  
29 annual educational facilities plan report for the prior year  
30 required pursuant to s. 235.185 ~~235.194~~ unless the failure is  
31 corrected.



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1           ~~(5)(3)~~ The location of public educational facilities  
2 shall be consistent with the comprehensive plan of the  
3 appropriate local governing body developed under part II of  
4 chapter 163 and consistent with the plan's implementing land  
5 development regulations, ~~to the extent that the regulations~~  
6 ~~are not in conflict with or the subject regulated is not~~  
7 ~~specifically addressed by this chapter or the State Uniform~~  
8 ~~Building Code, unless mutually agreed by the local government~~  
9 ~~and the board.~~

10           ~~(6)(4)~~ To improve coordination relative to potential  
11 educational facility sites, a board shall provide written  
12 notice to the local government that has regulatory authority  
13 over the use of the land at least 120 ~~60~~ days prior to  
14 acquiring or leasing property that may be used for a new  
15 public educational facility. The local government, upon  
16 receipt of this notice, shall notify the board within 45 days  
17 if the site proposed for acquisition or lease is consistent  
18 with the land use categories and policies of the local  
19 government's comprehensive plan. This preliminary notice does  
20 not constitute the local government's determination of  
21 consistency pursuant to subsection ~~(7)(5)~~.

22           ~~(7)(5)~~ As early in the design phase as feasible, but  
23 at least before commencing construction of a new public  
24 educational facility, the local governing body that regulates  
25 the use of land shall determine, in writing within 90 days  
26 after receiving the necessary information and a school board's  
27 request for a determination, whether a proposed public  
28 educational facility is consistent with the local  
29 comprehensive plan and consistent with local land development  
30 regulations, to the extent that the regulations are not in  
31 conflict with or the subject regulated is not specifically

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1 addressed by this chapter or the State Uniform Building Code,  
2 unless mutually agreed. If the determination is affirmative,  
3 school construction may proceed and further local government  
4 approvals are not required, except as provided in this  
5 section. Failure of the local governing body to make a  
6 determination in writing within 90 days after a school board's  
7 request for a determination of consistency shall be considered  
8 an approval of the school board's application.

9 ~~(8)(6)~~ A local governing body may not deny the site  
10 applicant based on adequacy of the site plan as it relates  
11 solely to the needs of the school. If the site is consistent  
12 with the comprehensive plan ~~plan's future land use policies~~  
13 ~~and categories in which public schools are identified as~~  
14 ~~allowable uses~~, the local government may not deny the  
15 application but it may impose reasonable development standards  
16 and conditions in accordance with s. 235.34(1) and consider  
17 the site plan and its adequacy as it relates to environmental  
18 concerns, health, safety and welfare, and effects on adjacent  
19 property. Standards and conditions may not be imposed which  
20 conflict with those established in this chapter or the State  
21 Uniform Building Code, unless mutually agreed.

22 ~~(9)(7)~~ This section does not prohibit a local  
23 governing body and district school board from agreeing and  
24 establishing an alternative process for reviewing a proposed  
25 educational facility and site plan, and offsite impacts  
26 pursuant to an interlocal agreement adopted in accordance with  
27 this section.

28 ~~(10)(8)~~ Existing schools shall be considered  
29 consistent with the applicable local government comprehensive  
30 plan adopted under part II of chapter 163. ~~The collocation of~~  
31 ~~a new proposed public educational facility with an existing~~

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1 ~~public educational facility, or the expansion of an existing~~  
2 ~~public educational facility is not inconsistent with the local~~  
3 ~~comprehensive plan, if the site is consistent with the~~  
4 ~~comprehensive plan's future land use policies and categories~~  
5 ~~in which public schools are identified as allowable uses, and~~  
6 ~~levels of service adopted by the local government for any~~  
7 ~~facilities affected by the proposed location for the new~~  
8 ~~facility are maintained.~~ If a board submits an application to  
9 expand an existing school site, the local governing body may  
10 impose reasonable development standards and conditions on the  
11 expansion only, and in a manner consistent with s. 235.34(1).  
12 Standards and conditions may not be imposed which conflict  
13 with those established in this chapter or the State Uniform  
14 Building Code, unless mutually agreed. Local government review  
15 or approval is not required for:

16 (a) The placement of temporary or portable classroom  
17 facilities; or

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

23 Section 21. Section 235.194, Florida Statutes, is  
24 repealed.

25 Section 22. Section 235.218, Florida Statutes, is  
26 amended to read:

27 235.218 School district educational facilities plan  
28 ~~work program~~ performance and productivity standards;  
29 development; measurement; application.--

30 (1) The SMART Schools Clearinghouse shall develop and  
31 adopt measures for evaluating the performance and productivity

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1 of school district educational facilities plans ~~work programs~~.

2 The measures may be both quantitative and qualitative and  
3 must, to the maximum extent practical, assess those factors  
4 that are within the districts' control. The measures must, at  
5 a minimum, assess performance in the following areas:

- 6 (a) Frugal production of high-quality projects.
- 7 (b) Efficient finance and administration.
- 8 (c) Optimal school and classroom size and utilization  
9 rate.
- 10 (d) Safety.
- 11 (e) Core facility space needs and cost-effective  
12 capacity improvements that consider demographic projections,  
13 land use patterns, and collocation and shared use with other  
14 public facilities.

15 (f) Level of district local effort.  
16 (2) The clearinghouse shall establish annual  
17 performance objectives and standards that can be used to  
18 evaluate district performance and productivity.

19 (3) The clearinghouse shall conduct ongoing  
20 evaluations of district educational facilities plan ~~program~~  
21 performance and productivity, using the measures adopted under  
22 this section. If, using these measures, the clearinghouse  
23 finds that a district failed to perform satisfactorily, the  
24 clearinghouse must recommend to the district school board  
25 actions to be taken to improve the district's performance.

26 Section 23. Section 235.321, Florida Statutes, is  
27 amended to read:

28 235.321 Changes in construction requirements after  
29 award of contract.--The board may, at its option and by  
30 written policy duly adopted and entered in its official  
31 minutes, authorize the superintendent or president or other

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1 designated individual to approve change orders in the name of  
2 the board for preestablished amounts. Approvals shall be for  
3 the purpose of expediting the work in progress and shall be  
4 reported to the board and entered in its official minutes. For  
5 accountability, the school district shall monitor and report  
6 the impact of change orders on its district educational  
7 facilities plan ~~work program~~ pursuant to s. 235.185.

8 Section 24. Paragraph (d) of subsection (5) of section  
9 236.25, Florida Statutes, is amended to read:

10 236.25 District school tax.--

11 (5)

12 (d) Notwithstanding any other provision of this  
13 subsection, if through its adopted educational facilities plan  
14 ~~work program~~ a district has clearly identified the need for an  
15 ancillary plant, has provided opportunity for public input as  
16 to the relative value of the ancillary plant versus an  
17 educational plant, and has obtained public approval, the  
18 district may use revenue generated by the millage levy  
19 authorized by subsection (2) for the construction, renovation,  
20 remodeling, maintenance, or repair of an ancillary plant.

21

22 A district that violates these expenditure restrictions shall  
23 have an equal dollar reduction in funds appropriated to the  
24 district under s. 236.081 in the fiscal year following the  
25 audit citation. The expenditure restrictions do not apply to  
26 any school district that certifies to the Commissioner of  
27 Education that all of the district's instructional space needs  
28 for the next 5 years can be met from capital outlay sources  
29 that the district reasonably expects to receive during the  
30 next 5 years or from alternative scheduling or construction,  
31 leasing, rezoning, or technological methodologies that exhibit

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1 sound management.

2 Section 25. Section 380.04, Florida Statutes, is  
3 amended to read:

4 380.04 Definition of development.--

5 (1) The term "development" means the carrying out of  
6 any building activity or mining operation, the making of any  
7 material change in the use or appearance of any structure or  
8 land, or the dividing of land into three or more parcels.

9 (2) The following activities or uses shall be taken  
10 for the purposes of this chapter to involve "development," as  
11 defined in this section:

12 (a) A reconstruction, alteration of the size, or  
13 material change in the external appearance of a structure on  
14 land.

15 (b) A change in the intensity of use of land, such as  
16 an increase in the number of dwelling units in a structure or  
17 on land or a material increase in the number of businesses,  
18 manufacturing establishments, offices, or dwelling units in a  
19 structure or on land.

20 (c) Alteration of a shore or bank of a seacoast,  
21 river, stream, lake, pond, or canal, including any "coastal  
22 construction" as defined in s. 161.021.

23 (d) Commencement of drilling, except to obtain soil  
24 samples, mining, or excavation on a parcel of land.

25 (e) Demolition of a structure.

26 (f) Clearing of land as an adjunct of construction.

27 (g) Deposit of refuse, solid or liquid waste, or fill  
28 on a parcel of land.

29 (3) The following operations or uses shall not be  
30 taken for the purpose of this chapter to involve "development"  
31 as defined in this section:

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1 (a) Work by a highway or road agency or railroad  
2 company for the maintenance or improvement of a road or  
3 railroad track, if the work is carried out on land within the  
4 boundaries of the right-of-way.

5 (b) Work by any utility and other persons engaged in  
6 the distribution or transmission of gas, electricity, or  
7 water, for the purpose of inspecting, repairing, renewing, or  
8 constructing on established rights-of-way any sewers, mains,  
9 pipes, cables, utility tunnels, power lines, towers, poles,  
10 tracks, or the like.

11 (c) Work for the maintenance, renewal, improvement, or  
12 alteration of any structure, if the work affects only the  
13 interior or the color of the structure or the decoration of  
14 the exterior of the structure.

15 (d) The use of any structure or land devoted to  
16 dwelling uses for any purpose customarily incidental to  
17 enjoyment of the dwelling.

18 (e) The use of any land for the purpose of growing  
19 plants, crops, trees, and other agricultural or forestry  
20 products; raising livestock; or for other agricultural  
21 purposes.

22 (f) A change in use of land or structure from a use  
23 within a class specified in an ordinance or rule to another  
24 use in the same class.

25 (g) A change in the ownership or form of ownership of  
26 any parcel or structure.

27 (h) The creation or termination of rights of access,  
28 riparian rights, easements, covenants concerning development  
29 of land, or other rights in land.

30 (4) "Development," as designated in an ordinance,  
31 rule, or development permit includes all other development

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1 customarily associated with it unless otherwise specified.  
2 When appropriate to the context, "development" refers to the  
3 act of developing or to the result of development. Reference  
4 to any specific operation is not intended to mean that the  
5 operation or activity, when part of other operations or  
6 activities, is not development. Reference to particular  
7 operations is not intended to limit the generality of  
8 subsection (1).

9 Section 26. Paragraph (e) of subsection (2) of section  
10 380.06, Florida Statutes, is amended to read:

11 380.06 Developments of regional impact.--

12 (2) STATEWIDE GUIDELINES AND STANDARDS.--

13 (e) With respect to residential, hotel, motel, office,  
14 and retail developments, the applicable guidelines and  
15 standards shall be increased by 50 percent in urban central  
16 business districts and regional activity centers of  
17 jurisdictions whose local comprehensive plans are in  
18 compliance with part II of chapter 163. With respect to  
19 multiuse developments, the applicable guidelines and standards  
20 shall be increased by 100 percent in urban central business  
21 districts and regional activity centers of jurisdictions whose  
22 local comprehensive plans are in compliance with part II of  
23 chapter 163, if one land use of the multiuse development is  
24 residential and amounts to not less than 35 percent of the  
25 jurisdiction's applicable residential threshold. With respect  
26 to resort or convention hotel developments, the applicable  
27 guidelines and standards shall be increased by 150 percent in  
28 urban central business districts and regional activity centers  
29 of jurisdictions whose local comprehensive plans are in  
30 compliance with part II of chapter 163 and where the increase  
31 is specifically for a proposed resort or convention hotel



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1 located in a county with a population greater than 500,000 and  
2 the local government specifically designates that the proposed  
3 resort or convention hotel development will serve an existing  
4 convention center of more than 250,000 gross square feet built  
5 prior to July 1, 1992. The applicable guidelines and standards  
6 shall be increased by 200 percent for development in any area  
7 designated by the Governor as a rural area of critical  
8 economic concern pursuant to s. 288.0656 during the  
9 effectiveness of the designation.~~The Administration~~  
10 ~~Commission, upon the recommendation of the state land planning~~  
11 ~~agency, shall implement this paragraph by rule no later than~~  
12 ~~December 1, 1993. The increased guidelines and standards~~  
13 ~~authorized by this paragraph shall not be implemented until~~  
14 ~~the effectiveness of the rule which, among other things, shall~~  
15 ~~set forth the pertinent characteristics of urban central~~  
16 ~~business districts and regional activity centers.~~

17 Section 27. Short title.--Sections 570.70 and 570.71,  
18 Florida Statutes, may be cited as the "Rural and Family Lands  
19 Protection Act."

20 Section 28. Section 570.70, Florida Statutes, is  
21 created to read:

22 570.70 Legislative findings.--The Legislature finds  
23 and declares that:

24 (1) A thriving rural economy with a strong  
25 agricultural base, healthy natural environment, and viable  
26 rural communities is an essential part of Florida. Rural areas  
27 also include the largest remaining intact ecosystems and best  
28 examples of remaining wildlife habitats as well as a majority  
29 of privately owned land targeted by local, state, and federal  
30 agencies for natural resource protection.

31 (2) The growth of Florida's population can result in

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1 agricultural and rural lands being converted into residential  
2 or commercial development.

3 (3) The agricultural, rural, natural resource, and  
4 commodity values of rural lands are vital to the state's  
5 economy, productivity, rural heritage, and quality of life.

6 (4) The Legislature further recognizes the need for  
7 enhancing the ability of rural landowners to obtain economic  
8 value from their property, protecting rural character,  
9 controlling urban sprawl, and providing necessary open space  
10 for agriculture and the natural environment, and the  
11 importance of maintaining and protecting Florida's rural  
12 economy through innovative planning and development strategies  
13 in rural areas and the use of incentives that reward  
14 landowners for good stewardship of land and natural resources.

15 (5) The purpose of this act is to bring under public  
16 protection lands that serve to limit subdivision and  
17 conversion of agricultural and natural areas that provide  
18 economic, open space, water, and wildlife benefits by  
19 acquiring land or related interests in land such as perpetual,  
20 less-than-fee acquisitions, agricultural protection  
21 agreements, and resource conservation agreements and  
22 innovative planning and development strategies in rural areas.

23 Section 29. Section 570.71, Florida Statutes, is  
24 created to read:

25 570.71 Conservation easements and agreements.--

26 (1)(a) As used in this section, "department" means the  
27 Department of Agriculture and Consumer Services.

28 (b) The department, on behalf of the Board of Trustees  
29 of the Internal Improvement Trust Fund, may allocate moneys to  
30 acquire perpetual, less-than-fee interest in land, to enter  
31 into agricultural protection agreements, and to enter into

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1 resource conservation agreements for the following public  
2 purposes:  
3       1. Promotion and improvement of wildlife habitat;  
4       2. Protection and enhancement of water bodies, aquifer  
5 recharge areas, wetlands, and watersheds;  
6       3. Perpetuation of open space on lands with  
7 significant natural areas; or  
8       4. Protection of agricultural lands threatened by  
9 conversion to other uses.  
10       (2) To achieve the purposes of this act, beginning no  
11 sooner than July 1, 2002, and every year thereafter, the  
12 department may accept applications for project proposals that:  
13       (a) Purchase conservation easements, as defined in s.  
14 704.06.  
15       (b) Purchase rural lands protection easements pursuant  
16 to this act.  
17       (c) Fund resource conservation agreements pursuant to  
18 this act.  
19       (d) Fund agricultural protection agreements pursuant  
20 to this act.  
21  
22 No funds may be expended to implement this subsection prior to  
23 July 1, 2002.  
24       (3) Rural lands protection easements shall be a  
25 perpetual right or interest in agricultural land which is  
26 appropriate to retain such land in predominantly its current  
27 state and to prevent the subdivision and conversion of such  
28 land into other uses. This right or interest in property shall  
29 prohibit only the following:  
30       (a) Construction or placing of buildings, roads,  
31 billboards or other advertising, utilities, or structures,

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1 except those structures and unpaved roads necessary for the  
2 agricultural operations on the land or structures necessary  
3 for other activities allowed under the easement, and except  
4 for linear facilities described in s. 704.06(11).

5 (b) Subdivision of the property.

6 (c) Dumping or placing of trash, waste, or offensive  
7 materials.

8 (d) Activities that affect the natural hydrology of  
9 the land or that detrimentally affect water conservation,  
10 erosion control, soil conservation, or fish or wildlife  
11 habitat, except those required for environmental restoration;  
12 federal, state, or local government regulatory programs; or  
13 best management practices.

14 (4) Resource conservation agreements will be contracts  
15 for services which provide annual payments to landowners for  
16 services that actively improve habitat and water restoration  
17 or conservation on their lands over and above that which is  
18 already required by law or which provide recreational  
19 opportunities. They will be for a term of not less than 5  
20 years and not more than 10 years. Property owners will become  
21 eligible to enter into a resource conservation agreement only  
22 upon entering into a conservation easement or rural lands  
23 protection easement.

24 (5) Agricultural protection agreements shall be for  
25 terms of 30 years and will provide payments to landowners  
26 having significant natural areas on their land. Public access  
27 and public recreational opportunities may be negotiated at the  
28 request of the landowner.

29 (a) For the length of the agreement, the landowner  
30 shall agree to prohibit:

31 1. Construction or placing of buildings, roads,

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1 billboards or other advertising, utilities, or structures,  
2 except those structures and unpaved roads necessary for the  
3 agricultural operations on the land or structures necessary  
4 for other activities allowed under the easement, and except  
5 for linear facilities described in s. 704.06(11).

6 2. Subdivision of the property.

7 3. Dumping or placing of trash, waste, or offensive  
8 materials.

9 4. Activities that affect the natural hydrology of the  
10 land, or that detrimentally affect water conservation, erosion  
11 control, soil conservation, or fish or wildlife habitat.

12 (b) As part of the agricultural protection agreement,  
13 the parties shall agree that the state shall have a right to  
14 buy a conservation easement or rural land protection easement  
15 at the end of the 30-year term or prior to the landowner  
16 transferring or selling the property, whichever occurs later.  
17 If the landowner tenders the easement for the purchase and the  
18 state does not timely exercise its right to buy the easement,  
19 the landowner shall be released from the agricultural  
20 agreement. The purchase price of the easement shall be  
21 established in the agreement and shall be based on the value  
22 of the easement at the time the agreement is entered into,  
23 plus a reasonable escalator multiplied by the number of full  
24 calendar years following the date of the commencement of the  
25 agreement. The landowner may transfer or sell the property  
26 before the expiration of the 30-year term, but only if the  
27 property is sold subject to the agreement and the buyer  
28 becomes the successor in interest to the agricultural  
29 protection agreement. Upon mutual consent of the parties, a  
30 landowner may enter into a perpetual easement at any time  
31 during the term of an agricultural protection agreement.

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1           (6) Payment for conservation easements and rural land  
2 protection easements shall be a lump-sum payment at the time  
3 the easement is entered into.

4           (7) Landowners entering into an agricultural  
5 protection agreement may receive up to 50 percent of the  
6 purchase price at the time the agreement is entered into and  
7 remaining payments on the balance shall be equal annual  
8 payments over the term of the agreement.

9           (8) Payments for the resource conservation agreements  
10 shall be equal annual payments over the term of the agreement.

11           (9) Easements purchased pursuant to this act may not  
12 prevent landowners from transferring the remaining fee value  
13 with the easement.

14           (10) The department, in consultation with the  
15 Department of Environmental Protection, the water management  
16 districts, the Department of Community Affairs, and the  
17 Florida Fish and Wildlife Conservation Commission, shall adopt  
18 rules that establish an application process, a process and  
19 criteria for setting priorities for use of funds consistent  
20 with the purposes specified in subsection (1) and giving  
21 preference to ranch and timber lands managed using sustainable  
22 practices, an appraisal process, and a process for title  
23 review and compliance and approval of the rules by the Board  
24 of Trustees of the Internal Improvement Trust Fund.

25           (11) If a landowner objects to having his or her  
26 property included in any lists or maps developed to implement  
27 this act, the department shall remove the property from any  
28 such lists or maps upon receipt of the landowner's written  
29 request to do so.

30           (12) The department is authorized to use funds from  
31 the following sources to implement this act:

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- 1       (a) State funds;
- 2       (b) Federal funds;
- 3       (c) Other governmental entities;
- 4       (d) Nongovernmental organizations; or
- 5       (e) Private individuals.

6

7 Any such funds provided shall be deposited into the  
8 Conservation and Recreation Lands Program Trust Fund within  
9 the Department of Agriculture and Consumer Services and used  
10 for the purposes of this act.

11       (13) No more than 10 percent of any funds made  
12 available to implement this act shall be expended for resource  
13 conservation agreements and agricultural protection  
14 agreements.

15       (14) The department, in consultation with the  
16 Department of Environmental Protection, the Fish and Wildlife  
17 Conservation Commission, and the water management districts  
18 shall conduct a study to determine and prioritize needs for  
19 implementing the act.

20       (a) The department may contract with the Florida  
21 Natural Areas Inventory for an analysis of the geographic  
22 distribution of certain types of natural resources, or  
23 resource based land uses that have been identified for  
24 acquisition by previous conservation and recreation land  
25 acquisition programs.

26       (b) The needs assessment shall locate areas of the  
27 state where existing privately owned ranch and timber lands  
28 containing resources of the type identified in paragraph (a)  
29 can be preserved or protected through implementation of the  
30 Rural and Family Lands Protection Act.

31       (c) The department shall report its findings to the

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1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives by December 31, 2001. At a minimum,  
3 the report must include a prioritization of the types of  
4 resources to be preserved or protected, the location of  
5 privately owned ranch and timber lands containing such  
6 resources that could be preserved or protected by easements or  
7 agreements pursuant to this act, and the funding needs for the  
8 program.

9 Section 30. Except as otherwise provided herein, this  
10 act shall take effect upon becoming a law.

11  
12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:  
15 remove from the title of the bill: the entire title  
16  
17 and insert in lieu thereof:

18 A bill to be entitled  
19 An act relating to growth management; amending  
20 s. 163.3174, F.S.; requiring that local  
21 planning agencies include a representative of  
22 the district school board; repealing s.  
23 163.3177(12), F.S., which provides requirements  
24 for a public school facilities element of a  
25 local government comprehensive plan adopted to  
26 implement a school concurrency program;  
27 amending s. 163.3177, F.S.; revising  
28 requirements for the future land use element  
29 and intergovernmental coordination element with  
30 respect to planning for schools; providing that  
31 an agricultural land use category shall be



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1 eligible for the location of public schools in  
2 a local government comprehensive plan in rural  
3 counties under certain conditions; providing  
4 that the Department of Community Affairs may  
5 authorize up to five local governments to  
6 designate rural land stewardship areas;  
7 providing requirements with respect thereto;  
8 requiring a written agreement; providing  
9 requirements for comprehensive plan amendments  
10 for such designations; providing that the local  
11 government shall assign transferable rural land  
12 use credits to such areas; providing  
13 requirements with respect to such credits;  
14 specifying incentives that should be provided  
15 to owners of land in such areas; requiring  
16 reports; providing intent; creating s.  
17 163.31776, F.S.; providing legislative intent  
18 and findings; requiring that certain local  
19 government comprehensive plans include a public  
20 educational facilities element; requiring  
21 notice by the Department of Education;  
22 exempting certain municipalities from adopting  
23 such elements; requiring a report; requiring  
24 such local governments and the school board to  
25 enter into an interlocal agreement and  
26 providing requirements with respect thereto;  
27 providing requirements for such elements;  
28 providing requirements for future land use  
29 maps; specifying the process for adoption of  
30 such elements; providing for arbitration;  
31 specifying the effect of a local government's

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1 failure to enter into an interlocal agreement  
2 and of a school board's failure to provide  
3 certain information or to enter into an  
4 interlocal agreement; amending s. 163.3180,  
5 F.S.; providing requirements with respect to  
6 the public educational facilities element when  
7 school concurrency is imposed by local option;  
8 removing school concurrency requirements  
9 relating to intergovernmental coordination and  
10 exemption for certain municipalities; revising  
11 requirements relating to an interlocal  
12 agreement for school concurrency; amending s.  
13 163.3184, F.S.; including requirements for plan  
14 amendments relating to the public educational  
15 facilities element in the process for adoption  
16 of comprehensive plan amendments; providing  
17 additional agencies to which a local government  
18 must transmit a proposed comprehensive plan or  
19 plan amendment; removing provisions relating to  
20 transmittal of copies by the state land  
21 planning agency; providing that a local  
22 government may request review by the state land  
23 planning agency at the time of transmittal of  
24 an amendment; revising time periods with  
25 respect to submission of comments to the agency  
26 by other agencies, notice by the agency of its  
27 intent to review, and issuance by the agency of  
28 its report; providing for priority review of  
29 certain amendments; clarifying language;  
30 providing that the agency shall not review an  
31 amendment certified as having no objections

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1 received; providing for compilation and  
2 transmittal by the local government of a list  
3 of persons who will receive an informational  
4 statement concerning the agency's notice of  
5 intent to find a plan or plan amendment in  
6 compliance or not in compliance; directing the  
7 agency to provide a model form; revising  
8 requirements relating to publication of the  
9 agency's notice of intent; deleting a  
10 requirement that the notice be sent to certain  
11 persons; amending s. 163.3187, F.S.; providing  
12 that plan amendments to adopt such elements and  
13 future land use map amendments for school  
14 siting are not subject to the statutory limits  
15 on the frequency of plan amendments; amending  
16 s. 163.3191, F.S.; conforming language;  
17 amending s. 163.3202, F.S.; providing  
18 legislative intent regarding electric utilities  
19 and substations; providing that local  
20 governments may adopt land development  
21 regulations that establish standards for  
22 substations and providing effect of compliance  
23 with such standards; prohibiting local  
24 governments from denying a development permit  
25 for a substation under certain conditions;  
26 amending s. 163.3244, F.S.; extending the  
27 repeal date of the sustainable communities  
28 demonstration project; directing the state land  
29 planning agency to develop fiscal analysis  
30 models for determining the costs and revenues  
31 of proposed development; providing requirements

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1 with respect thereto; creating a commission to  
2 oversee such development; providing for field  
3 tests of the models developed; directing the  
4 commission to make recommendations to the  
5 Governor and Legislature regarding statewide  
6 implementation of a uniform model and other  
7 growth management issues; providing an  
8 appropriation; amending s. 235.002, F.S.;  
9 revising legislative intent and findings with  
10 respect to educational facilities; amending s.  
11 235.061, F.S.; revising the date after which  
12 relocatables that fail to meet standards may  
13 not be used as classrooms; amending s. 235.15,  
14 F.S.; removing specific need assessment  
15 criteria for a school district's educational  
16 plant survey and providing that the survey  
17 shall be part of the district's educational  
18 facilities plan; revising provisions relating  
19 to certain deviation from space need standards;  
20 providing for review and validation of such  
21 plans and community college surveys by the  
22 Office of Educational Facilities and approval  
23 by the State Board of Education; revising  
24 requirements relating to certifications  
25 necessary for expenditure of PECO funds;  
26 amending s. 235.175, F.S.; providing  
27 legislative purpose with respect to the  
28 district educational facilities plans; amending  
29 s. 235.18, F.S.; conforming language; amending  
30 s. 235.185, F.S.; providing definitions;  
31 providing requirements for preparation of an

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1 annual tentative educational facilities plan by  
2 each school district; providing requirements  
3 for the district's facilities 5-year work  
4 program; providing for submittal of the  
5 tentative plan to local governments for review  
6 and comment; providing for annual adoption of  
7 the plan; providing for execution of the plan;  
8 removing provisions relating to 10-year and  
9 20-year work programs; amending s. 235.188,  
10 F.S.; conforming language; amending s. 235.19,  
11 F.S., relating to site planning and selection;  
12 providing that said section is superseded by an  
13 interlocal agreement between a school board and  
14 local government and the school board and local  
15 government plans under certain conditions;  
16 revising site selection requirements; removing  
17 a requirement that the Commissioner of  
18 Education prescribe recommended sizes for new  
19 educational facility sites; amending s.  
20 235.193, F.S.; requiring certain school  
21 districts and local governments to enter into  
22 an interlocal agreement and providing  
23 requirements with respect thereto; specifying  
24 effect of failure to enter into the interlocal  
25 agreement; revising requirements relating to  
26 school board responsibilities in planning with  
27 local governments; revising requirements  
28 relating to location of educational facilities;  
29 revising a notice requirement regarding  
30 proposed use of property for an educational  
31 facility; providing for inclusion of an

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1 alternative process for proposed facility  
2 review in the required interlocal agreement;  
3 conforming language; repealing s. 235.194,  
4 F.S., which requires school boards to submit an  
5 annual general educational facilities report to  
6 local governments; amending s. 235.218, F.S.;  
7 revising provisions relating to adoption of  
8 certain evaluation measures by the SMART  
9 Schools Clearinghouse; amending ss. 235.321 and  
10 236.25, F.S.; conforming language; amending s.  
11 380.04, F.S.; revising an exception from the  
12 definition of "development" for work by certain  
13 utilities; amending s. 380.06, F.S., relating  
14 to developments of regional impact; providing  
15 that the statewide guidelines and standards  
16 shall be increased for development in a rural  
17 area of critical economic concern; creating the  
18 "Rural and Family Lands Protection Act";  
19 creating s. 570.70, F.S.; providing legislative  
20 findings; creating s. 570.71, F.S.; providing a  
21 definition; providing for the purchase of rural  
22 lands protection easements by the Department of  
23 Agriculture and Consumer Services; providing  
24 criteria; providing for resource conservation  
25 agreements and agricultural protection  
26 agreements; prescribing allowable land uses;  
27 providing for an application process; providing  
28 for the sale of an easement; requiring the  
29 department to adopt rules; authorizing the use  
30 of specified funds; authorizing the removal of  
31 property from lists and maps; providing for the

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deposit of funds; directing the completion of a  
needs assessment and a report; providing  
effective dates.