

hbd-05

Bill No. CS/HBs 1617 & 1487, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Procedural & Redistricting Council offered the following:

Technical Amendment

On page 1, line 5,
remove: amending 163.3174, F.S.;

and on page 1, line 7, after the semicolon

insert: amending s. 163.3174, F.S.;

and on page 1, line 8, after the semicolon

insert: repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program;

and on page 1, line 10, after the semicolon

insert: revising requirements for the future land use element

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1 and intergovernmental coordination element with respect to
2 planning for schools;
3
4 and on page 1, lines 14-25,
5 remove: all of said lines
6
7 and insert: certain conditions; providing that the Department
8 of Community Affairs may authorize up to five local
9 governments to designate rural land stewardship areas;
10 providing requirements with respect thereto; requiring a
11 written agreement; providing requirements for comprehensive
12 plan amendments and land development regulations for such
13 designations; providing that the local government shall assign
14 transferable rural land use credits to such areas; providing
15 requirements with respect to such credits; specifying
16 incentives that should be provided to owners of land in such
17 areas; requiring reports; providing
18
19 and on page 1, line 28 through page 2, line 11,
20 remove: all of said lines
21
22 and insert: certain local government comprehensive plans
23 include a public educational facilities element; requiring
24 notice by the Department of Education; exempting certain
25 municipalities from adopting such elements; requiring a
26 report; requiring such local governments and the school board
27 to enter into an interlocal agreement and providing
28 requirements with respect thereto; providing requirements for
29 such elements; providing requirements for future land use
30 maps; specifying the process for adoption of such elements;
31 providing for arbitration; specifying the effect of a local

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1 government's failure to enter into an interlocal agreement and
2 of a school board's failure to provide certain information or
3 to enter into an interlocal agreement; creating s.

4

5 and on page 2, line 18, after the semicolon

6

7 insert: providing requirements for proportionate share
8 mitigation of public school facility impacts; providing for
9 development agreements with respect thereto; providing for
10 certain credits;

11

12 and on page 2, line 24,

13 remove: provides

14

15 and insert: providing

16

17 and on page 2, line 25,

18 remove: oversees

19

20 and insert: oversee

21

22 and on page 2, line 27,

23 remove: programs

24

25 and insert: program's

26

27 and on page 3, line 7,

28 remove: 163.3184; F.S.;

29

30 and insert: 163.3184, F.S.;

31

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1 and on page 3, line 8, after the semicolon

2

3 insert: including requirements for plan amendments relating
4 to the public educational facilities element in the process
5 for adoption of comprehensive plan amendments;

6

7 and on page 4, line 12, after the semicolon

8

9 insert: providing that plan amendments to adopt public
10 educational facilities elements and future land use map
11 amendments for school siting are not subject to the statutory
12 limits on the frequency of plan amendments;

13

14 and on page 4, line 17,

15 remove: all of said line

16

17 and insert: of development;

18

19 and on page 4, lines 20-23,

20 remove: all of said lines

21

22 and insert: of the models developed; directing the commission
23 to make recommendations to the Governor and Legislature
24 regarding statewide implementation of a uniform model and
25 other growth management issues; providing for a

26

27 and on page 4, line 25, after "implement"

28

29 insert: said

30

31 and on page 4, lines 26-30,

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1 remove: all of said lines

2

3 and insert: amending s. 163.3202, F.S.; providing legislative
4 intent regarding electric utilities and substations; providing
5 that local governments may adopt land development regulations
6 that establish standards for substations and providing effect
7 of compliance with such standards; prohibiting local
8 governments from denying a development permit for a substation
9 on specified grounds under certain conditions;

10

11 and on page 6, line 23, after "Fund;"

12

13 insert: amending s. 215.211, F.S.; advancing the date on
14 which a service charge deducted from the proceeds of the local
15 option fuel tax is eliminated; amending s. 336.021, F.S.;
16 providing for transfer of a portion of the proceeds of the
17 ninth-cent fuel tax to the Local Government Infrastructure
18 Revolving Loan Trust Fund;

19

20 and on page 7, lines 17-20,

21 remove: all of said lines

22

23 and insert: educational facilities plan; revising provisions
24 relating to certain deviation from space need standards;
25 providing for review and validation of plans and surveys by
26 the Office of Educational Facilities and approval by the State
27 Board of Education; revising requirements relating to
28 certifications necessary for expenditure of PECO funds;
29 amending s.

30

31 and on page 7, line 30, after the semicolon

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1 insert: requiring audits;
2
3 and on page 8, line 5,
4 remove: F.S.;
5
6 and insert: F.S., relating to site planning and selection;
7 providing that said section is superseded by an interlocal
8 agreement between a school board and local government and the
9 school board and local government plans under certain
10 conditions; revising site selection requirements;
11
12 and on page 8, line 8,
13 remove: requiring
14
15 and insert: revising planning requirements; requiring certain
16
17 and on page 8, line 19, after the semicolon
18
19 insert: revising requirements relating to location of
20 educational facilities;
21
22 and on page 8, line 27,
23 remove: ss. 235.218, 235.321,
24
25 and insert: s. 235.218, F.S.; revising provisions relating to
26 adoption of certain evaluation measures by the SMART Schools
27 Clearinghouse; amending ss. 235.321
28
29 and on page 8, line 29, after the semicolon
30
31 insert: revising an exception from the definition of

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1 "development" for work by certain utilities;
2
3 and on page 9, line 3, after the semicolon
4
5 insert: providing that the guidelines and standards shall be
6 increased for development in a rural area of critical economic
7 concern;
8
9 and on page 10, line 6, after the semicolon
10
11 insert: amending s. 380.06, F.S.;
12
13 and on page 10, line 13, after the semicolon
14
15 insert: revising the substantial deviation criterion relating
16 to multiuse developments of regional impact;
17
18 and on page 11, line 11,
19 remove: creating s. 570.70, F.S.;
20
21 and on page 11, line 23, after the semicolon
22
23 insert: creating s. 570.70, F.S.;
24
25 and on page 12, lines 4 and 5,
26 remove: an effective date
27
28 and insert: effective dates
29
30 and on page 13, line 12, after "163.3174"
31

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1 insert: , Florida Statutes,
2
3 and on page 13, line 20,
4 remove: agencies
5
6 and insert: agency
7
8 and on page 14, between lines 10 and 11,
9
10 insert:
11 (a) If a joint planning entity is in existence on the
12 effective date of this act which authorizes the governing
13 bodies to adopt and enforce a land use plan effective
14 throughout the joint planning area, that entity shall be the
15 agency for those local governments until such time as the
16 authority of the joint planning entity is modified by law.
17 (b) In the case of chartered counties, the planning
18 responsibility between the county and the several
19 municipalities therein shall be as stipulated in the charter.
20
21 and on page 14, lines 11-13,
22 remove: all of said lines
23
24 and insert:
25 Section 4. 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
30 and on page 16, after line 31,
31

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1 insert:

2 (h)1. An intergovernmental coordination element
3 showing relationships and stating principles and guidelines to
4 be used in the accomplishment of coordination of the adopted
5 comprehensive plan with the plans of school boards and other
6 units of local government providing services but not having
7 regulatory authority over the use of land, with the
8 comprehensive plans of adjacent municipalities, the county,
9 adjacent counties, or the region, and with the state
10 comprehensive plan, as the case may require and as such
11 adopted plans or plans in preparation may exist. This element
12 of the local comprehensive plan shall demonstrate
13 consideration of the particular effects of the local plan,
14 when adopted, upon the development of adjacent municipalities,
15 the county, adjacent counties, or the region, or upon the
16 state comprehensive plan, as the case may require.

17 a. The intergovernmental coordination element shall
18 provide for procedures to identify and implement joint
19 planning areas, especially for the purpose of annexation,
20 municipal incorporation, and joint infrastructure service
21 areas.

22 b. The intergovernmental coordination element shall
23 provide for recognition of campus master plans prepared
24 pursuant to s. 240.155.

25 c. The intergovernmental coordination element may
26 provide for a voluntary dispute resolution process as
27 established pursuant to s. 186.509 for bringing to closure in
28 a timely manner intergovernmental disputes. A local
29 government may develop and use an alternative local dispute
30 resolution process for this purpose.

31 2. The intergovernmental coordination element shall

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1 further state principles and guidelines to be used in the
2 accomplishment of coordination of the adopted comprehensive
3 plan with the plans of school boards and other units of local
4 government providing facilities and services but not having
5 regulatory authority over the use of land. In addition, the
6 intergovernmental coordination element shall describe joint
7 processes for collaborative planning and decisionmaking on
8 population projections and public school siting, the location
9 and extension of public facilities subject to concurrency, and
10 siting facilities with countywide significance, including
11 locally unwanted land uses whose nature and identity are
12 established in an agreement. Within 1 year of adopting their
13 intergovernmental coordination elements, each county, all the
14 municipalities within that county, the district school board,
15 and any unit of local government service providers in that
16 county shall establish by interlocal or other formal agreement
17 executed by all affected entities, the joint processes
18 described in this subparagraph consistent with their adopted
19 intergovernmental coordination elements.

20 3. To foster coordination between special districts
21 and local general-purpose governments as local general-purpose
22 governments implement local comprehensive plans, each
23 independent special district must submit a public facilities
24 report to the appropriate local government as required by s.
25 189.415.

26 4. The state land planning agency shall establish a
27 schedule for phased completion and transmittal of plan
28 amendments to implement subparagraphs 1., 2., and 3. from all
29 jurisdictions so as to accomplish their adoption by December
30 31, 1999. A local government may complete and transmit its
31 plan amendments to carry out these provisions prior to the

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1 scheduled date established by the state land planning agency.
2 The plan amendments are exempt from the provisions of s.
3 163.3187(1).
4
5 and on page 19, line 22,
6 remove: control
7
8 and insert: controls
9
10 and on page 20, line 16,
11 remove: and stewardship are
12
13 and insert: land stewardship area
14
15 and on page 20, line 20,
16 remove: an
17
18 and insert: and
19
20 and on page 20, line 27 and page 21, line 7,
21 remove: (1)
22
23 and insert: (1)
24
25 and on page 21, line 7,
26 remove: rural
27
28 and insert: rule
29
30 and on page 21, line 22,
31 remove: transferrable

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1 and insert: transferable
2
3 and on page 24, line 22,
4 remove: all of said line
5
6 and insert:
7 Section 5. Section 163.31776, Florida Statutes, is
8 created to read:
9
10 and on page 25, line 24,
11 remove: all of said line
12
13 and insert: they meet the criteria of paragraph (a) or are
14 exempted by
15
16 and on page 25, line 25,
17 remove: subparagraph
18
19 and insert: paragraph
20
21 and on page 26, line 10, after "in"
22
23 insert: paragraph
24
25 and on page 26, line 30,
26 remove: render
27
28 and insert: renders
29
30 and on page 27, line 6,
31 remove: Representative

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1 and insert: Representatives
2
3 and on page 28, line 24,
4 remove: ; and,
5
6 and insert: .
7
8 and on page 30, line 22,
9 remove: (4)
10
11 and insert: (5)
12
13 and on page 32, line 12,
14 remove: all of said line
15
16 and insert:
17 Section 6. Section 163.31777, Florida Statutes, is
18 created to read:
19
20 and on page 35, line 23,
21 remove: pan
22
23 and insert: plan
24
25 and on page 35, line 20, page 36, line 19, and page 37,
26 lines 10 and 23,
27 remove: (i)
28
29 and insert: 1.
30
31 and on page 35, line 25, page 36, line 26, and page 37,

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1 lines 13 and 26,

2 remove: (ii)

3

4 and insert: 2.

5

6 and on page 37, line 29,

7 remove: (iii)

8

9 and insert: 3.

10

11 and on page 38, line 1,

12 remove: (iv)

13

14 and insert: 4.

15

16 and on page 43, lines 3-6,

17 remove: all of said lines

18

19 and insert:

20 Section 9. Subsections (1) and (4) of section

21 163.3184, Florida Statutes, are amended to read:

22 163.3184 Process for adoption of comprehensive plan or
23 plan amendment.--

24

25 and on page 45, lines 1-6,

26 remove: all of said lines

27

28 and insert:

29 Section 11. Effective October 1, 2001, subsections

30 (3), (4), (6), (7), (8), and (15) and paragraph (d) of

31 subsection (16) of section 163.3184, Florida Statutes, as

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1 amended by this act, are amended to read:

2 163.3184 Process for adoption of comprehensive plan or
3 plan amendment.--

4
5 and on page 47, line 13, after "~~agency.~~"

6
7 insert:

8 If the plan or plan amendment includes or relates to the
9 public educational facilities element required by s.
10 163.31776, the state land planning agency shall submit a copy
11 to the Office of Educational Facilities of the Commissioner of
12 Education for review and comment.

13
14 and on page 52, line 29,
15 remove: the the

16
17 and insert: the

18
19 and on page 55, line 26,
20 remove: (h)

21
22 and insert: (k)

23
24 and on page 59, line 4,
25 remove: (h)

26
27 and insert: (k)

28
29 and on page 59, between lines 10 and 11,

30
31 insert:

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1 163.3191 Evaluation and appraisal of comprehensive
2 plan.--
3
4 and on page 59, line 29, after "163.3198"
5
6 insert: , Florida Statutes,
7
8 and on page 64, between lines 29 and 30,
9
10 insert:
11 163.3202 Land development regulations.--
12
13 and on page 66, line 3,
14 remove: t hat
15
16 and insert: that
17
18 and on page 66, line 22,
19 remove: (3)
20
21 and insert: (3)
22
23 and on page 67, line 1,
24 remove: (4)
25
26 and insert: (4)
27
28 and on page 71, line 30 through page 72, line 3,
29 remove: all of said lines
30
31 and insert:

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1 Section 19. Section 235.002, Florida Statutes, is
2 amended to read:

3
4 and on page 72, between lines 5 and 6,

5
6 insert:

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

15
16 and on page 104, line 22, after "235.15"

17
18 insert: , Florida Statutes,

19
20 and on page 105, line 29,

21 remove: ~~eEducational plant surveys~~

22
23 and insert: Educational plant surveys ~~survey~~

24
25 and on page 109, lines 28 and 29,

26 remove: , and that the site is consistent with the local
27 government comprehensive plan

28
29 and insert: , and that the site is consistent with the local
30 government comprehensive plan

31

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1 and on page 109, lines 30 and 31,
2 remove: all of said lines
3
4 and insert:
5 Section 29. Subsection (3) of section 235.175, Florida
6 Statutes, is amended to read:
7
8 and on page 110, lines 18-29,
9 remove: all of said lines
10
11 and on page 110, line 30, after "235.18"
12
13 insert: , Florida Statutes,
14
15 and on page 111, line 14, after "235.185"
16
17 insert: , Florida Statutes,
18
19 and on page 111, line 21,
20 remove: (2) and
21
22 and insert: (4) which
23
24 and on page 111, line 25,
25 remove: subsection (2)(a)2. and
26
27 and insert: paragraph
28
29 and on page 113, line 7,
30 remove: ~~work program~~
31

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1 and insert: ~~facilities work program that includes~~
2
3 and on page 114, line 3,
4 remove: for
5
6 and insert: of
7
8 and on page 115, line 24,
9 remove: ((6)
10
11 and insert: (6)
12
13 and on page 115, line 29,
14 remove: d.
15
16 and insert: d.
17
18 and on page 116, line 1,
19 remove: e.
20
21 and insert: e.
22
23 and on page 116, line 6,
24 remove: f.
25
26 and insert: f.
27
28 and on page 117, line 24,
29 remove: ~~4~~ 3
30
31 and insert: 4

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1
2 and on page 117, line 28,
3 remove: 4.5.
4
5 and insert: 5.
6
7 and on page 118, line 1,
8 remove: (b)
9
10 and insert: (c)~~(b)~~
11
12 and on page 118, line 5,
13 remove: (c)
14
15 and insert: (d)~~(c)~~
16
17 and on page 118, line 8,
18 remove: (d)
19
20 and insert: (e)
21
22 and on page 118, line 14,
23 remove: (e)
24
25 and insert: (f)
26
27 and on page 119, line 18, after "to"
28
29 insert: ss.
30
31 and on page 119, line 31, after "which"

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1 insert: shall
2
3 and on page 121, line 7, after "235.19"
4
5 insert: , Florida Statutes,
6
7 and on page 122, line 3,
8 remove: (~~2~~)
9
10 and insert: (~~2~~)
11
12 and on page 124, line 11, after "235.193"
13
14 insert: , Florida Statutes,
15
16 and on page 125, line 10,
17 remove: (2)
18
19 and insert: (2)
20
21 and on page 125, lines 12-16,
22 remove: all of said lines
23
24 and insert:
25 local governments meeting the criteria of s. 163.31776(3), the
26 school district, the
27
28 and on page 125, line 20,
29 remove: plan
30
31 and insert: plans

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1
2 and on page 126, line 29,
3 remove: ; and,
4
5 and insert: .
6
7 and on page 128, line 25,
8 remove: the comma
9
10 and on page 128, line 29,
11 remove: ~~educational~~
12
13 and insert: education ~~educational~~
14
15 and on page 129, line 21,
16 remove: (8)
17
18 and insert: (8)
19
20 and on page 130, line 12
21 remove: ~~plan's future land use~~
22
23 and insert: plan ~~plan's future land use policies and~~
24 ~~categories in which public schools are identified as allowable~~
25 ~~uses~~
26
27 and on page 131, line 21,
28 remove: all of said line
29
30 and insert:
31 Section 35. Section 235.194, Florida Statutes, is

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1 repealed.
2
3 and on page 136, line 10,
4 remove: paragraph
5
6 and insert: paragraphs
7
8 and on page 137, lines 12-19
9 remove: all of said lines
10
11 and on page 153, lines 4 and 5,
12 remove: said subsection
13
14 and insert: subsection (3) of section 380.0651, Florida
15 Statutes,
16
17 and on page 155, line 28, after "amended,"
18
19 insert: and
20
21 and on page 167, line 30,
22 remove: This
23
24 and insert: Except as otherwise provided herein, this
25
26
27
28
29
30
31