

By Representative Dockery

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3177, F.S.; providing legislative intent
4 and findings; requiring that a local government
5 comprehensive plan include a public educational
6 facilities element; providing that the state
7 land planning agency shall establish a schedule
8 for adoption of such elements; exempting
9 certain municipalities from adopting such
10 elements; requiring local governments and the
11 school board to enter into an interlocal
12 agreement and providing requirements with
13 respect thereto; providing requirements for
14 such elements; providing requirements for
15 future land use maps; specifying the process
16 for adoption of such elements; specifying the
17 effect of a local government's failure to
18 transmit such element according to the adopted
19 schedule; requiring that local governments
20 consider the adequacy of public school
21 facilities when considering certain
22 comprehensive plan amendment and rezoning
23 applications; providing duties of the school
24 board; requiring denial of such applications
25 under certain conditions; amending s. 163.3180,
26 F.S.; providing requirements with respect to
27 the public educational facilities element when
28 school concurrency is imposed by local option;
29 amending ss. 163.3187 and 163.3191, F.S.;
30 conforming language; creating s. 163.3198,
31 F.S.; directing the state land planning agency

1 to develop fiscal analysis models for
2 determining the costs and revenues of proposed
3 development; creating a commission to oversee
4 such development; providing for field tests of
5 the models developed; providing for approval of
6 a uniform model by the commission and
7 submission of a report and recommendations to
8 the Governor and Legislature; amending s.
9 235.002, F.S.; revising legislative intent and
10 findings with respect to educational
11 facilities; amending s. 235.15, F.S.; removing
12 specific need assessment criteria for a school
13 district's educational plant survey and
14 providing that the survey shall be submitted as
15 part of the district's educational facilities
16 plan; providing that such surveys are deemed to
17 meet state constitutional requirements, subject
18 to State Board of Education approval; amending
19 s. 235.175, F.S.; providing legislative purpose
20 with respect to the district educational
21 facilities plans; amending s. 235.18, F.S.;
22 conforming language; amending s. 235.185, F.S.;
23 providing definitions; providing requirements
24 for preparation of an annual tentative
25 educational facilities plan by each school
26 district; providing requirements for long-range
27 planning; providing requirements for the
28 district's facilities work program; providing
29 for submittal of the tentative plan to local
30 governments for review and comment; providing
31 for annual adoption of the plan; providing for

1 execution of the plan; amending s. 235.188,
2 F.S.; conforming language; amending s. 235.19,
3 F.S.; removing a requirement that the
4 Commissioner of Education prescribe recommended
5 sizes for new educational facility sites;
6 amending s. 235.193, F.S.; requiring school
7 districts and local governments to enter into
8 an interlocal agreement and providing
9 requirements with respect thereto; specifying
10 effect of failure to enter into the interlocal
11 agreement; requiring the school board to
12 provide a local government certain information
13 when it is considering certain comprehensive
14 plan amendment or rezoning applications;
15 revising requirements relating to school board
16 responsibilities in planning with local
17 governments; revising a notice requirement
18 regarding proposed use of property for an
19 educational facility; providing for inclusion
20 of an alternative process for proposed facility
21 review in the required interlocal agreement;
22 repealing s. 235.194, F.S., which requires
23 school boards to submit an annual general
24 educational facilities report to local
25 governments; amending ss. 235.218, 235.321, and
26 236.25, F.S.; conforming language; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Paragraph (k) is added to subsection (6) of
2 section 163.3177, Florida Statutes, and subsection (12) of
3 said section is amended, to read:

4 163.3177 Required and optional elements of
5 comprehensive plan; studies and surveys.--

6 (6) In addition to the requirements of subsections
7 (1)-(5), the comprehensive plan shall include the following
8 elements:

9 (k)1. A public educational facilities element.

10 2. The intent of the Legislature is:

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

19 b. To encourage the use of innovative designs,
20 construction techniques, and financing mechanisms in building
21 educational facilities for the purpose of reducing costs,
22 creating a more satisfactory educational environment suited to
23 the community in which the school is located, and reducing the
24 amount of time necessary for design, permitting, and
25 construction to fill unmet needs.

26 c. To provide a systematic mechanism whereby
27 educational facilities construction plans can meet the current
28 and projected needs of the public education system population
29 as quickly as possible by building sound educational
30 environments, and to provide a sound base for planning for
31 educational facilities needs.

1 d. To provide proper legislative support for as wide a
2 range of fiscally sound financing methodologies as possible
3 for the delivery of, and where appropriate, the construction,
4 operation, and maintenance of, educational facilities.

5 e. To establish a systematic process of sharing
6 information between school boards and local governments on
7 community growth and development trends in order to forecast
8 future enrollment and school needs.

9 f. To establish a systematic process for school boards
10 and local governments to cooperatively plan for the provision
11 of educational facilities to meet the current and projected
12 needs of the public education system population, including the
13 needs placed on the public education system as a result of
14 growth and development decisions by local government.

15 g. To establish a systematic process for local
16 governments and school boards to cooperatively identify and
17 meet the infrastructure needs of public schools to assure
18 healthy school environments and safe student access.

19 h. To integrate school construction and maintenance
20 planning and budgeting into the community's overall
21 comprehensive plans for new growth in the community and to
22 promote and further plans for revitalization of existing
23 communities.

24 3. The Legislature finds and declares that:

25 a. Public schools are a lynchpin to the vitality of
26 communities and play an unrivaled role in thousands of
27 individual housing decisions that result in community growth
28 trends.

29 b. Growth and development issues transcend the
30 boundaries and responsibilities of individual units of
31 government, and often no single unit of government can plan or

1 implement policies to deal with these issues without affecting
2 other units of government.

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

6 d. 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 4. A public educational facilities element shall be
12 adopted in cooperation with the applicable school district by
13 all local governments pursuant to a schedule adopted by the
14 state land planning agency. The initial counties and
15 municipalities in the schedule shall be those with the
16 greatest unmet demand for public school facilities, and they
17 shall transmit their public educational facilities element no
18 later than January 1, 2003. Municipalities shall adopt an
19 element unless the jurisdiction does not currently include a
20 public school or none is scheduled within the educational
21 facilities plan pursuant to s. 235.185. Any municipality
22 exempt under this subparagraph shall comply with the
23 provisions of this paragraph no later than 1 year following
24 the identification of a proposed public school in the school
25 board's 5-year district facilities work program in the
26 municipality's jurisdiction.

27 5. No later than 6 months prior to the deadline for
28 transmittal of a public educational facilities element, the
29 county and the participating municipalities shall enter into
30 an interlocal agreement with the school board which
31 establishes a process:

- 1 a. By which each local government and the school
2 district agree and base their plans on consistent projections
3 of the amount, type, and distribution of population growth and
4 student enrollment.
- 5 b. To coordinate and share information relating to
6 existing and planned public school facilities and local
7 government plans for development and redevelopment.
- 8 c. To coordinate the development, adoption, and
9 amendment of each local government's public educational
10 facilities element with the plan of the school district to
11 ensure a uniform countywide planning system.
- 12 d. To ensure coordination between the school district
13 and local governments during the preparation of the
14 educational facilities plan pursuant to s. 235.185. In
15 addition, the interlocal agreement shall establish procedures
16 for formal comment by local governments on the tentative
17 district educational facilities plan.
- 18 e. For the selection of proposed school sites which
19 ensures the early involvement of the local government, and for
20 school permitting.
- 21 f. To identify and ensure the provision of potable
22 water, wastewater, drainage, and transportation needed for
23 school facilities and other actions needed to assure safe
24 access to schools, and a process for funding those needs.
- 25 g. To identify opportunities for public schools to
26 serve as emergency shelters.
- 27 h. For school district participation in the review of
28 residential development applications and particularly for
29 review of the adequacy of school facilities when considering
30 applications for comprehensive plan amendments and rezonings
31 which would increase residential density. The interlocal

1 agreement shall also address the process for determining
2 proportionate share mitigation pursuant to subsection (12).
3 i. For the resolution of disputes between the school
4 district and local governments.
5 6. The public educational facilities element shall be
6 based on data and analysis, including the interlocal agreement
7 required by paragraph (h), and the educational facilities
8 plan, and shall address the following:
9 a. The need for and strategies to address improvements
10 to infrastructure, safety, and community conditions in areas
11 proximate to existing public schools.
12 b. The provision of adequate infrastructure necessary
13 to support proposed schools.
14 c. Opportunities to collocate other public facilities
15 such as parks, libraries, and community centers with public
16 schools.
17 d. Opportunities to locate public schools proximate to
18 residential areas and for public schools to complement
19 patterns of development, including using elementary schools as
20 focal points for neighborhoods.
21 e. Opportunities for public schools to serve as
22 emergency shelters.
23 f. The process for consideration of the existing
24 capacity of public schools when considering approval of
25 comprehensive plan amendments and rezonings which would
26 increase potential residential development.
27 7. The future land use map series shall include maps
28 from the educational facilities plan showing the locations of
29 existing public schools and the general locations of those
30 anticipated over the 5-year, 10-year, and 20-year time
31 periods.

1 8. The process for adoption of a public educational
2 facilities element shall be as provided in s. 163.3184. The
3 state land planning agency shall submit a copy of the proposed
4 public educational facilities elements pursuant to the
5 procedures outlined in s. 163.3184(4) to the Department of
6 Education and the SMART Schools Clearinghouse for review and
7 comment.

8 9. The failure by a local government to comply with
9 the requirement to transmit a public educational facilities
10 element pursuant to the schedule established by the state land
11 planning agency shall result in the prohibition of the local
12 government's ability to amend the local comprehensive plan
13 until the public educational facilities element is adopted. If
14 a local government fails to comply with the requirements of
15 this paragraph to transmit a public educational facilities
16 element by the required date, or if the Administration
17 Commission finds that the public educational facilities
18 element is not in compliance with the requirements of this
19 paragraph, the local government shall be subject to sanctions
20 imposed by the Administration Commission pursuant to s.
21 163.3184(11). The failure of a local government to enter into
22 the interlocal agreement shall not subject another local
23 government to sanctions. Any local government transmitting a
24 public school facilities element prior to the effective date
25 of this act shall not be required to amend the element or any
26 interlocal agreement to conform with the provisions of this
27 paragraph.

28 (12) Local governments shall consider the adequacy of
29 public school facilities and program requirements when
30 considering applications for comprehensive plan amendments and
31 rezonings which seek to raise residential densities over

1 currently allowable levels and which are reasonably expected
2 to have an impact on public school facility demand. The school
3 board shall provide the local government a school capacity
4 report based on the district educational facilities plan
5 adopted by the school board pursuant to s. 235.185 which
6 provides information and analysis on the capacity and
7 enrollment of affected schools, expected additional students
8 from the amendment or rezoning, programmed and fiscally
9 feasible new facilities or improvements to affected schools
10 identified in the educational facilities plan of the school
11 board and the expected date of availability of such facilities
12 or improvements, and available reasonable options for
13 providing school facilities to students if the rezoning or
14 comprehensive plan amendment is approved. Once an interlocal
15 agreement is adopted pursuant to paragraph (6)(k), the report
16 shall be consistent with the interlocal agreement and this
17 subsection. The local government shall deny the comprehensive
18 plan or rezoning amendment request if the school facility and
19 program capacity are not and will not be reasonably available
20 within the timeframe of expected school impacts. However, the
21 application for a rezoning may be approved if the applicant
22 provides mitigation proportionate to the demand for
23 educational facilities created by the development which is
24 acceptable to the school board and is consistent with the
25 school board's 5-year district facilities work program.~~A~~
26 ~~public school facilities element adopted to implement a school~~
27 ~~concurrency program shall meet the requirements of this~~
28 ~~subsection.~~
29 ~~(a) A public school facilities element shall be based~~
30 ~~upon data and analyses that address, among other items, how~~
31 ~~level-of-service standards will be achieved and maintained.~~

1 ~~Such data and analyses must include, at a minimum, such items~~
2 ~~as: the 5-year school district facilities work program adopted~~
3 ~~pursuant to s. 235.185; the educational plant survey and an~~
4 ~~existing educational and ancillary plant map or map series;~~
5 ~~information on existing development and development~~
6 ~~anticipated for the next 5 years and the long-term planning~~
7 ~~period; an analysis of problems and opportunities for existing~~
8 ~~schools and schools anticipated in the future; an analysis of~~
9 ~~opportunities to collocate future schools with other public~~
10 ~~facilities such as parks, libraries, and community centers; an~~
11 ~~analysis of the need for supporting public facilities for~~
12 ~~existing and future schools; an analysis of opportunities to~~
13 ~~locate schools to serve as community focal points; projected~~
14 ~~future population and associated demographics, including~~
15 ~~development patterns year by year for the upcoming 5-year and~~
16 ~~long-term planning periods; and anticipated educational and~~
17 ~~ancillary plants with land area requirements.~~

18 ~~(b) The element shall contain one or more goals which~~
19 ~~establish the long-term end toward which public school~~
20 ~~programs and activities are ultimately directed.~~

21 ~~(c) The element shall contain one or more objectives~~
22 ~~for each goal, setting specific, measurable, intermediate ends~~
23 ~~that are achievable and mark progress toward the goal.~~

24 ~~(d) The element shall contain one or more policies for~~
25 ~~each objective which establish the way in which programs and~~
26 ~~activities will be conducted to achieve an identified goal.~~

27 ~~(e) The objectives and policies shall address items~~
28 ~~such as: the procedure for an annual update process; the~~
29 ~~procedure for school site selection; the procedure for school~~
30 ~~permitting; provision of supporting infrastructure; location~~
31 ~~of future school sites so they serve as community focal~~

1 ~~points; measures to ensure compatibility of school sites and~~
2 ~~surrounding land uses; coordination with adjacent local~~
3 ~~governments and the school district on emergency preparedness~~
4 ~~issues; and coordination with the future land use element.~~

5 ~~(f) The element shall include one or more future~~
6 ~~conditions maps which depict the anticipated location of~~
7 ~~educational and ancillary plants. The maps will of necessity~~
8 ~~be general for the long-term planning period and more specific~~
9 ~~for the 5-year period.~~

10 Section 2. Paragraphs (a) and (g) of subsection (13)
11 of section 163.3180, Florida Statutes, are amended to read:

12 163.3180 Concurrency.--

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

30 (a) Public educational ~~school~~ facilities element.--A
31 local government shall adopt and transmit to the state land

1 planning agency a plan or plan amendment which includes a
2 public educational ~~school~~ facilities element which is
3 consistent with the requirements of s. 163.3177(6)(k)~~(12)~~and
4 which is determined to be in compliance as defined in s.
5 163.3184(1)(b). Any local government transmitting a public
6 school facilities element prior to the effective date of this
7 act shall not be required to amend the element or any
8 interlocal agreement to conform with the provisions of s.
9 163.3177(6)(k).All local government public educational ~~school~~
10 facilities plan elements within a county must be consistent
11 with each other as well as the requirements of this part. In
12 addition to those requirements identified in s.
13 163.3177(6)(k), a public educational facilities element for
14 the purpose of establishing school concurrency shall be
15 consistent with the requirements of this paragraph. The
16 element shall be based upon data and analyses that address how
17 level-of-service standards will be achieved and maintained.
18 Such data and analyses must include, at a minimum, the
19 district educational facilities plan adopted pursuant to s.
20 235.185, and information on existing development and
21 development anticipated for the next 5 years and the long-term
22 planning period. The element shall include one or more future
23 conditions maps which depict the anticipated location of
24 educational and ancillary plants. The maps will of necessity
25 be general for the long-term planning period and more specific
26 for the 5-year period.

27 (g) Interlocal agreement for school concurrency.--When
28 establishing concurrency requirements for public schools, a
29 local government must enter into an interlocal agreement which
30 satisfies the requirements in s. 163.3177(6)(h)1. and 2. and
31 the requirements of this subsection. The interlocal agreement

1 shall acknowledge both the school board's constitutional and
2 statutory obligations to provide a uniform system of free
3 public schools on a countywide basis, and the land use
4 authority of local governments, including their authority to
5 approve or deny comprehensive plan amendments and development
6 orders. The interlocal agreement shall be submitted to the
7 state land planning agency by the local government as a part
8 of the compliance review, along with the other necessary
9 amendments to the comprehensive plan required by this part.

10 In addition to the requirements of s. 163.3177(6)(h), the
11 interlocal agreement shall meet the following requirements:

12 1. Establish the mechanisms for coordinating the
13 development, adoption, and amendment of each local
14 government's public educational ~~school~~ facilities element with
15 each other and the plans of the school board to ensure a
16 uniform districtwide school concurrency system.

17 2. Establish a process by which each local government
18 and the school board shall agree and base their plans on
19 consistent projections of the amount, type, and distribution
20 of population growth and coordinate and share information
21 relating to existing and planned public school facilities
22 projections and proposals for development and redevelopment,
23 and infrastructure required to support public school
24 facilities.

25 3. Establish a process for the development of siting
26 criteria which encourages the location of public schools
27 proximate to urban residential areas to the extent possible
28 and seeks to collocate schools with other public facilities
29 such as parks, libraries, and community centers to the extent
30 possible.

31

- 1 4. Specify uniform, districtwide level-of-service
2 standards for public schools of the same type and the process
3 for modifying the adopted levels-of-service standards.
- 4 5. Establish a process for the preparation, amendment,
5 and joint approval by each local government and the school
6 board of a public school capital facilities program which is
7 financially feasible, and a process and schedule for
8 incorporation of the public school capital facilities program
9 into the local government comprehensive plans on an annual
10 basis.
- 11 6. Define the geographic application of school
12 concurrency. If school concurrency is to be applied on a less
13 than districtwide basis in the form of concurrency service
14 areas, the agreement shall establish criteria and standards
15 for the establishment and modification of school concurrency
16 service areas. The agreement shall also establish a process
17 and schedule for the mandatory incorporation of the school
18 concurrency service areas and the criteria and standards for
19 establishment of the service areas into the local government
20 comprehensive plans. The agreement shall ensure maximum
21 utilization of school capacity, taking into account
22 transportation costs and court-approved desegregation plans,
23 as well as other factors. The agreement shall also ensure the
24 achievement and maintenance of the adopted level-of-service
25 standards for the geographic area of application throughout
26 the 5 years covered by the public school capital facilities
27 plan and thereafter by adding a new fifth year during the
28 annual update.
- 29 7. Establish a uniform districtwide procedure for
30 implementing school concurrency which provides for:
31

1 a. The evaluation of development applications for
2 compliance with school concurrency requirements;

3 b. An opportunity for the school board to review and
4 comment on the effect of comprehensive plan amendments and
5 rezonings on the public school facilities plan; and

6 c. The monitoring and evaluation of the school
7 concurrency system.

8 8. Include provisions relating to termination,
9 suspension, and amendment of the agreement. The agreement
10 shall provide that if the agreement is terminated or
11 suspended, the application of school concurrency shall be
12 terminated or suspended.

13 Section 3. Paragraph (j) of subsection (1) of section
14 163.3187, Florida Statutes, is amended to read:

15 163.3187 Amendment of adopted comprehensive plan.--

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

19 (j) Any comprehensive plan amendment to establish
20 public school concurrency pursuant to s. 163.3180(13),
21 including, but not limited to, adoption of a public
22 educational school facilities element and adoption of
23 amendments to the capital improvements element and
24 intergovernmental coordination element. In order to ensure the
25 consistency of local government public school facilities
26 elements within a county, such elements shall be prepared and
27 adopted on a similar time schedule.

28 Section 4. Paragraph (k) of subsection (2) of section
29 163.3191, Florida Statutes, is amended to read:

30 163.3191 Evaluation and appraisal of comprehensive
31 plan.--

1 (2) The report shall present an evaluation and
2 assessment of the comprehensive plan and shall contain
3 appropriate statements to update the comprehensive plan,
4 including, but not limited to, words, maps, illustrations, or
5 other media, related to:

6 (k) The coordination of the comprehensive plan with
7 existing public schools and those identified in the applicable
8 educational 5-year school district facilities plan work
9 ~~program~~ adopted pursuant to s. 235.185. The assessment shall
10 address, where relevant, the success or failure of the
11 coordination of the future land use map and associated planned
12 residential development with public schools and their
13 capacities, as well as the joint decisionmaking processes
14 engaged in by the local government and the school board in
15 regard to establishing appropriate population projections and
16 the planning and siting of public school facilities. If the
17 issues are not relevant, the local government shall
18 demonstrate that they are not relevant.

19 Section 5. Section 163.3198, Florida Statutes, is
20 created to read:

21 163.3198 Development of uniform fiscal analysis model
22 for evaluating the true cost of development.--

23 (1) The Legislature finds that the quality and
24 efficiency of growth in Florida could benefit greatly by the
25 adoption of a uniform fiscal analysis model that could be used
26 by local governments to determine the costs and benefits of
27 new development. To facilitate informed decisionmaking and
28 accountability by local government, the analysis model would
29 itemize and calculate the costs and fiscal impacts of proposed
30 development, as well as the anticipated revenues and benefits
31 associated with the project. The resulting analysis would

1 provide local government decisionmakers with a clearer
2 understanding of the fiscal impact of the new development on
3 the community and its resources.

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

20 (b) Each member may receive per diem and travel
21 expenses as provided in s. 112.061 while carrying out the
22 official business of the commission.

23 (c) The commission is assigned, for administrative
24 purposes, to the Department of Community Affairs.

25 (d) The commission shall meet at the call of the chair
26 and shall be dissolved upon the submittal of the report and
27 recommendations required by subsection (7).

28 (3)(a) The state land planning agency shall develop
29 one or more fiscal analysis models for determining the
30 estimated costs and revenues of proposed development. The
31 model shall be a tool for local government decisionmaking and

1 shall not constitute an automatic threshold for approval or
2 disapproval of new development, and shall apply to all public
3 and private projects and all land use categories. The model or
4 models selected for field testing shall be approved by the
5 commission.

6 (b) The model shall be capable of estimating the
7 capital, operating, and maintenance expenses and revenues for
8 new development based on the type, scale, and location of
9 various land uses. Estimated costs shall include those
10 associated with impacts directly resulting from the proposed
11 project with respect to public school facilities,
12 transportation facilities, and water supply. Estimated costs
13 may also include, but not be limited to, other infrastructure
14 required by concurrency such as sewer, stormwater, and solid
15 waste services and telecommunications. Estimated revenues
16 shall include all revenues attributable to the proposed
17 development. The model shall be developed with capabilities of
18 estimating economic impacts and benefits not captured by the
19 estimated revenues and costs that may be attributed to new
20 development, including, but not limited to, affordable
21 housing.

22 (c) The model shall be capable of identifying
23 infrastructure deficits or backlogs.

24 (d) As part of its development of a fiscal analysis
25 model, the state land planning agency shall develop a report
26 by which local governments shall disclose, at least annually,
27 the cumulative fiscal impact of their local planning
28 decisions.

29 (4) The state land planning agency shall field test
30 one or more fiscal analysis models to evaluate their technical
31 validity and practical usefulness. The field tests shall be

1 conducted as demonstration projects in at least six regionally
2 diverse local government jurisdictions. The commission shall
3 provide selection recommendations to the state land planning
4 agency regarding the local governments to be used for the
5 field tests.

6 (5) Data, findings, and feedback from the field tests
7 shall be presented to the commission periodically, but no
8 later than 6 months following the initiation of each
9 demonstration project. Based on the feedback provided by the
10 state land planning agency and the local government partner of
11 a demonstration project, the commission may require the state
12 land planning agency to adjust or modify one or more models
13 and conduct additional field testing if necessary.

14 (6) Upon completion of the demonstration projects, the
15 commission shall approve a uniform fiscal analysis model.

16 (7) No later than February 1, 2003, the commission
17 shall transmit to the Governor, the President of the Senate,
18 and the Speaker of the House of Representatives a report
19 detailing the results of the demonstration projects and
20 recommending a uniform fiscal analysis model for statewide
21 implementation. The report shall also include recommendations
22 for amendment to any existing growth management laws and
23 policies which may no longer be relevant or effective, and
24 recommendations for incentives to local governments to
25 encourage identification of areas in which infrastructure
26 development should be encouraged.

27 Section 6. Section 235.002, Florida Statutes, is
28 amended to read:

29 235.002 Intent.--

30 (1) The intent of the Legislature is:

31

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

9 (b) To encourage the use of innovative designs,
10 construction techniques, and financing mechanisms in building
11 educational facilities for the purpose of reducing costs,
12 creating a more satisfactory educational environment suited to
13 the community in which the educational facility is located,
14 and reducing the amount of time necessary for design,
15 permitting, and construction to fill unmet needs.

16 (c) To provide a systematic mechanism whereby
17 educational facilities construction plans can meet the current
18 and projected needs of the public education system population
19 as quickly as possible by building uniform, sound educational
20 environments and to provide a sound base for planning for
21 educational facilities needs.

22 (d) To provide proper legislative support for as wide
23 a range of fiscally sound financing methodologies as possible
24 for the delivery of educational facilities and, where
25 appropriate, for their construction, operation, and
26 maintenance.

27 (e) To establish a systematic process of sharing
28 information between school boards and local governments on
29 community growth and development trends in order to forecast
30 future enrollment and school needs.

31

1 (f) To establish a systematic process for school
2 boards and local governments to cooperatively plan for the
3 provision of educational facilities to meet the current and
4 projected needs of the public education system population,
5 including the needs placed on the public education system as a
6 result of growth and development decisions by local
7 government.

8 (g) To establish a systematic process for local
9 governments and school boards to cooperatively identify and
10 meet the infrastructure needs of public schools to assure
11 healthy school environments and safe student access.

12 (h) To integrate school construction and maintenance
13 planning and budgeting into the community's overall
14 comprehensive plans for new growth in the community and to
15 promote and further plans for revitalization of existing
16 communities.

17 (2) The Legislature finds and declares that:

18 (a) Public schools are a lynchpin to the vitality of
19 communities and play an unrivaled role in thousands of
20 individual housing decisions that result in community growth
21 trends.

22 (b)~~(a)~~ Growth and development issues transcend the
23 boundaries and responsibilities of individual units of
24 government, and often no single unit of government can plan or
25 implement policies to deal with these issues without affecting
26 other units of government.

27 (c)~~(b)~~ The effective and efficient provision of public
28 educational facilities and services is essential to preserving
29 and enhancing the quality of life of the people of this state.

30 (d)~~(c)~~ The provision of educational facilities often
31 impacts community infrastructure and services. Assuring

1 coordinated and cooperative provision of such facilities and
2 associated infrastructure and services is in the best interest
3 of the state.

4 Section 7. Paragraphs (b) and (c) of subsection (1) of
5 section 235.15, Florida Statutes, are amended to read:

6 235.15 Educational plant survey; localized need
7 assessment; PECO project funding.--

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

25 (b) Required need assessment criteria for district,
26 community college, and state university plant surveys.--Each
27 educational plant survey completed after December 31, 1997,
28 must use uniform data sources and criteria specified in this
29 paragraph. Each educational plant survey completed after June
30 30, 1995, and before January 1, 1998, must be revised, if
31 necessary, to comply with this paragraph. Each revised

1 educational plant survey and each new educational plant survey
2 supersedes previous surveys.

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

1 ~~counting at actual capacity. Relocatables may not be~~
2 ~~perpetually added to the work program and continually extended~~
3 ~~for purposes of circumventing the intent of this section. All~~
4 ~~remaining relocatable classrooms, including those owned,~~
5 ~~lease-purchased, or leased by the school district, shall be~~
6 ~~counted at actual student capacity. The educational plant~~
7 ~~survey shall identify the number of relocatable student~~
8 ~~stations scheduled for replacement during the 5-year survey~~
9 ~~period and the total dollar amount needed for that~~
10 ~~replacement. All district educational plant surveys revised~~
11 ~~after July 1, 1998, shall include information on leased space~~
12 ~~used for conducting the district's instructional program, in~~
13 ~~accordance with the recommendations of the department's report~~
14 ~~authorized in s. 235.056. A definition of satisfactory~~
15 ~~relocatable classrooms shall be established by rule of the~~
16 ~~department.~~

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

30 3. Each community college's survey must reflect the
31 capacity of existing facilities as specified in the inventory

1 maintained by the Division of Community Colleges. Projections
2 of facility space needs must comply with standards for
3 determining space needs as specified by rule of the State
4 Board of Education. The 5-year projection of capital outlay
5 student enrollment must be consistent with the annual report
6 of capital outlay full-time student enrollment prepared by the
7 Division of Community Colleges.

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

17 5. The educational plant survey of a school district,
18 community college, or state university may include space needs
19 that deviate from approved standards for determining space
20 needs if the deviation is justified by the district or
21 institution and approved by the department or the Board of
22 Regents, as appropriate, as necessary for the delivery of an
23 approved educational program.

24 (c) Review and validation.--The department shall
25 review and validate the surveys of school districts and
26 community colleges and any amendments thereto for compliance
27 with the requirements of this chapter and, when required by
28 the State Constitution, shall recommend those in compliance
29 for approval by the State Board of Education. The surveys
30 contained within the district educational facilities plan
31 under s. 235.185 are deemed to meet the requirements of the

1 State Constitution, subject to approval by the State Board of
2 Education.

3 Section 8. Subsections (3) and (4) of section 235.175,
4 Florida Statutes, are amended to read:

5 235.175 SMART schools; Classrooms First; legislative
6 purpose.--

7 (3) SCHOOL DISTRICT EDUCATIONAL FACILITIES PLAN WORK
8 ~~PROGRAMS~~--It is the purpose of the Legislature to create s.
9 235.185, requiring each school district annually to adopt an
10 educational a district facilities plan that provides an
11 integrated long-range facilities plan, including the survey of
12 projected needs and the 5-year work program. The purpose of
13 the educational district facilities plan work program is to
14 keep the school board, local governments, and the public fully
15 informed as to whether the district is using sound policies
16 and practices that meet the essential needs of students and
17 that warrant public confidence in district operations. The
18 educational district facilities plan work program will be
19 monitored by the SMART Schools Clearinghouse, which will also
20 apply performance standards pursuant to s. 235.218.

21 (4) SMART SCHOOLS CLEARINGHOUSE.--It is the purpose of
22 the Legislature to create s. 235.217, establishing the SMART
23 Schools Clearinghouse to assist the school districts in
24 building SMART schools utilizing functional and frugal
25 practices. The SMART Schools Clearinghouse must review
26 district educational facilities plans work programs and
27 projects and identify districts qualified for incentive
28 funding available through School Infrastructure Thrift Program
29 awards; identify opportunities to maximize design and
30 construction savings; develop school district educational
31 facilities plan work program performance standards; and

1 provide for review and recommendations to the Governor, the
2 Legislature, and the State Board of Education.

3 Section 9. Section 235.18, Florida Statutes, is
4 amended to read:

5 235.18 Annual capital outlay budget.--Each board,
6 including the Board of Regents, shall, each year, adopt a
7 capital outlay budget for the ensuing year in order that the
8 capital outlay needs of the board for the entire year may be
9 well understood by the public. This capital outlay budget
10 shall be a part of the annual budget and shall be based upon
11 and in harmony with the educational plant and ancillary
12 facilities plan. This budget shall designate the proposed
13 capital outlay expenditures by project for the year from all
14 fund sources. The board may not expend any funds on any
15 project not included in the budget, as amended. Each district
16 school board must prepare its tentative district educational
17 facilities plan ~~work program~~ as required by s. 235.185 before
18 adopting the capital outlay budget.

19 Section 10. Section 235.185, Florida Statutes, is
20 amended to read:

21 235.185 School district educational facilities plan
22 ~~work program~~; definitions; preparation, adoption, and
23 amendment; long-term work programs.--

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

25 (a) "Adopted educational ~~district~~ facilities plan ~~work~~
26 ~~program~~" means the comprehensive planning document ~~5-year work~~
27 ~~program~~ adopted annually by the district school board as
28 provided in subsection(4) which contains the educational
29 plant survey required under the State Constitution~~(3)~~.

30 (b) "~~Tentative~~ District facilities work program" means
31 the 5-year listing of capital outlay projects adopted by the

1 district school board as provided in paragraph (2)(b) as part
2 of the district educational facilities plan which are
3 required:

4 1. To properly repair and maintain the educational
5 plant and ancillary facilities of the district.

6 2. To provide an adequate number of satisfactory
7 student stations for the projected student enrollment of the
8 district in K-12 programs in accordance with the goal in s.
9 235.062.

10 (c) "Tentative educational facilities plan" means the
11 comprehensive planning document prepared annually by the
12 district school board and submitted to the SMART Schools
13 Clearinghouse, the Department of Education, and the affected
14 general purpose local governments.

15 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
16 FACILITIES PLAN;WORK PROGRAM.--

17 (a) Annually, prior to the adoption of the district
18 school budget, each school board shall prepare a tentative
19 district educational facilities plan ~~work program~~ that
20 includes long-range planning for facilities needs over 5-year,
21 10-year, and 20-year periods. The long-range plan shall be
22 developed in coordination with the general purpose local
23 governments and, to the extent possible, be consistent with
24 the local government comprehensive plans. The long-range plan
25 shall:

26 1. Consider projected student populations apportioned
27 geographically at the local level. The projections shall be
28 based on information produced by the demographic, revenue, and
29 education estimating conferences pursuant to s. 216.136, where
30 available, as modified by the school district based on
31 development data and agreement with the local governments and

1 the Department of Education. The projections shall be
2 apportioned geographically with assistance from the local
3 governments, using their development trend data and the school
4 district student enrollment data.

5 2. Provide an inventory of existing public school
6 facilities. Any anticipated expansions or closures of existing
7 school sites over the 5-year, 10-year, and 20-year periods
8 shall be identified. The inventory shall include an assessment
9 of areas proximate to existing schools and identification of
10 the need for improvements to infrastructure, safety, and
11 conditions in the community. The plan shall also provide an
12 indication of major repair and renovation projects planned to
13 maintain educational facilities.

14 3. Include projections of facilities space needs,
15 which may not exceed the norm space and occupant design
16 criteria established in the State Requirements for Educational
17 Facilities.

18 4. Include information on leased, loaned, and donated
19 space and relocatables used for conducting the school
20 districts' instructional programs.

21 5. Describe the general location of public schools
22 proposed to be constructed over the 5-year, 10-year, and
23 20-year time periods, including a listing of the proposed
24 schools' site acreage needs and anticipated capacity and maps
25 showing general locations. The listing shall include an
26 assessment of areas proximate to existing schools and
27 identification of the need for improvements to infrastructure,
28 safety, and conditions in the community.

29 (b) The educational facilities plan shall include the
30 district facilities 5-year work program. The work program
31 shall include:

1 1. A schedule of major repair and renovation projects
2 necessary to maintain the educational facilities ~~plant~~ and
3 ancillary facilities of the district.

4 2. A schedule of capital outlay projects necessary to
5 ensure the availability of satisfactory student stations for
6 the projected student enrollment in K-12 programs. This
7 schedule shall consider:

8 a. The locations, capacities, and planned utilization
9 rates of current educational facilities of the district.

10 b. The proposed locations of planned facilities and
11 whether those locations are consistent with the comprehensive
12 plans and land use plans of all affected local governments.

13 The schedule shall also consider needs for infrastructure and
14 other improvements to land adjacent to existing facilities.
15 The provisions of s. 235.19 shall be addressed for new
16 facilities planned within the first 3 years of the work
17 program, as appropriate.

18 c. Plans for the use and location of relocatable
19 facilities, leased facilities, and charter school facilities.

20 d. The identification of options deemed reasonable and
21 approved by the school board ~~Plans for multitrack scheduling,~~
22 ~~grade level organization, block scheduling, or other~~
23 ~~alternatives~~ that reduce the need for additional permanent
24 student stations.

25 e. Information concerning average class size and
26 utilization rate by grade level within the district that will
27 result if the ~~tentative~~ district facilities work program is
28 fully implemented. ~~The average shall not include exceptional~~
29 ~~student education classes or prekindergarten classes.~~

30 f. The number and percentage of district students
31 planned to be educated in relocatable facilities during each

1 year of the ~~tentative~~ district facilities work program. For
2 future needs determination, student capacity shall not be
3 assigned to any relocatable classroom that is scheduled for
4 elimination or replacement with a permanent educational
5 facility in the adopted district educational facilities plan
6 and in the district facilities work program adopted under this
7 section. Those relocatables clearly identified and scheduled
8 for replacement in a school board adopted, financially
9 feasible, 5-year district facilities work program shall be
10 counted at zero capacity at the time the work program is
11 adopted and approved by the school board. However, if the
12 district facilities work program is changed or altered and the
13 relocatables are not replaced as scheduled in the work
14 program, they must then be reentered into the system for
15 counting at actual capacity. Relocatables may not be
16 perpetually added to the work program and continually extended
17 for purposes of circumventing the intent of this section. All
18 remaining relocatable classrooms, including those owned,
19 lease-purchased, or leased by the school district, shall be
20 counted at actual student capacity. The district facilities
21 work program shall identify the number of relocatable student
22 stations scheduled for replacement during the 5-year survey
23 period and the total dollar amount needed for that
24 replacement.

25 g. Plans for the closure of any school, including
26 plans for disposition of the facility or usage of facility
27 space, and anticipated revenues.

28 3. The projected cost for each project identified in
29 the ~~tentative~~ district facilities work program. For proposed
30 projects for new student stations, a schedule shall be
31 prepared comparing the planned cost and square footage for

1 each new student station, by elementary, middle, and high
2 school levels, to the low, average, and high cost of
3 facilities constructed throughout the state during the most
4 recent fiscal year for which data is available from the
5 Department of Education.

6 4. A schedule of estimated capital outlay revenues
7 from each currently approved source which is estimated to be
8 available for expenditure on the projects included in the
9 ~~tentative~~ district facilities work program.

10 5. A schedule indicating which projects included in
11 the ~~tentative~~ district facilities work program will be funded
12 from current revenues projected in subparagraph 4.

13 6. A schedule of options for the generation of
14 additional revenues by the district for expenditure on
15 projects identified in the ~~tentative~~ district facilities work
16 program which are not funded under subparagraph 5. Additional
17 anticipated revenues may include effort index grants, SIT
18 Program awards, and Classrooms First funds.

19 ~~(c)(b)~~ To the extent available, the tentative district
20 educational facilities plan work program shall be based on
21 information produced by the demographic, revenue, and
22 education estimating conferences pursuant to s. 216.136.

23 ~~(d)(c)~~ Provision shall be made for public comment
24 concerning the tentative district educational facilities plan
25 work program.

26 (e) The district school board shall coordinate with
27 each affected local government to promote consistency between
28 the tentative district educational facilities plan and the
29 local government comprehensive plans and land use plans of the
30 affected local governments during the development of the
31 tentative district educational facilities plan.

1 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL
2 FACILITIES PLAN TO THE LOCAL GOVERNMENT.--The district school
3 board shall submit a copy of its tentative district
4 educational facilities plan to all affected local governments
5 prior to adoption by the board. The affected local governments
6 shall review the district educational facilities plan and
7 comment to the district school board on the consistency of the
8 plan with the local comprehensive plan and whether a
9 comprehensive plan amendment is necessary. The process for the
10 submittal and review shall be detailed in the interlocal
11 agreement required pursuant to s. 235.193(2).

12 (4)~~(3)~~ ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
13 ~~WORK PROGRAM.--~~Annually, the district school board shall
14 consider and adopt the tentative district educational
15 facilities plan ~~work program~~ completed pursuant to subsection
16 (2). Upon giving proper public notice and opportunity for
17 public comment, the district school board may amend the plan
18 ~~program~~ to revise the priority of projects, to add or delete
19 projects, to reflect the impact of change orders, or to
20 reflect the approval of new revenue sources which may become
21 available. The adopted district educational facilities plan
22 ~~work program~~ shall:

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

25 (b) Set forth the proposed commitments and planned
26 expenditures of the district to address the educational
27 facilities needs of its students and to adequately provide for
28 the maintenance of the educational plant and ancillary
29 facilities.

30 (5)~~(4)~~ EXECUTION OF ADOPTED DISTRICT EDUCATIONAL
31 FACILITIES PLAN ~~WORK PROGRAM.--~~The first year of the adopted

1 district educational facilities plan work program shall
2 constitute the capital outlay budget required in s. 235.18.
3 The adopted district facilities work program shall include the
4 information required in paragraph (2)(b)~~subparagraphs~~
5 ~~(2)(a)1., 2., and 3.~~, based upon projects actually funded in
6 the program.

7 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to~~
8 ~~the adopted district facilities work program covering the~~
9 ~~5-year work program, the district school board shall adopt~~
10 ~~annually a 10-year and a 20-year work program which include~~
11 ~~the information set forth in subsection (2), but based upon~~
12 ~~enrollment projections and facility needs for the 10-year and~~
13 ~~20-year periods. It is recognized that the projections in the~~
14 ~~10-year and 20-year timeframes are tentative and should be~~
15 ~~used only for general planning purposes.~~

16 Section 11. Section 235.188, Florida Statutes, is
17 amended to read:

18 235.188 Full bonding required to participate in
19 programs.--Any district with unused bonding capacity in its
20 Capital Outlay and Debt Service Trust Fund allocation that
21 certifies in its district educational facilities plan work
22 program that it will not be able to meet all of its need for
23 new student stations within existing revenues must fully bond
24 its Capital Outlay and Debt Service Trust Fund allocation
25 before it may participate in Classrooms First, the School
26 Infrastructure Thrift (SIT) Program, or the Effort Index
27 Grants Program.

28 Section 12. Subsections (2) and (3) of section 235.19,
29 Florida Statutes, are amended to read:

30 235.19 Site planning and selection.--
31

1 (2) Each new site selected must be adequate in size to
2 meet the educational needs of the students to be served on
3 that site by the original educational facility or future
4 expansions of the facility through renovation or the addition
5 of relocatables. ~~The Commissioner of Education shall prescribe~~
6 ~~by rule recommended sizes for new sites according to~~
7 ~~categories of students to be housed and other appropriate~~
8 ~~factors determined by the commissioner. Less than recommended~~
9 ~~site sizes are allowed if the board, by a two-thirds majority,~~
10 ~~recommends such a site and finds that it can provide an~~
11 ~~appropriate and equitable educational program on the site.~~

12 (3) Sites recommended for purchase, or purchased, in
13 accordance with chapter 230 or chapter 240 must meet standards
14 prescribed therein and such supplementary standards as the
15 school board ~~commissioner~~ prescribes to promote the
16 educational interests of the students. Each site must be well
17 drained and suitable for outdoor educational purposes as
18 appropriate for the educational program. As provided in s.
19 333.03, the site must not be located within any path of flight
20 approach of any airport. Insofar as is practicable, the site
21 must not adjoin a right-of-way of any railroad or through
22 highway and must not be adjacent to any factory or other
23 property from which noise, odors, or other disturbances, or at
24 which conditions, would be likely to interfere with the
25 educational program.

26 Section 13. Section 235.193, Florida Statutes, is
27 amended to read:

28 235.193 Coordination of planning with local governing
29 bodies.--

30 (1) It is the policy of this state to require the
31 coordination of planning between boards and local governing

1 bodies to ensure that plans for the construction and opening
2 of public educational facilities are facilitated and
3 coordinated in time and place with plans for residential
4 development, concurrently with other necessary services. Such
5 planning shall include the integration of the educational
6 facilities plan ~~plant survey~~ and applicable policies and
7 procedures of a board with the local comprehensive plan and
8 land development regulations of local governing bodies. The
9 planning must include the consideration of allowing students
10 to attend the school located nearest their homes when a new
11 housing development is constructed near a county boundary and
12 it is more feasible to transport the students a short distance
13 to an existing facility in an adjacent county than to
14 construct a new facility or transport students longer
15 distances in their county of residence. The planning must also
16 consider the effects of the location of public education
17 facilities, including the feasibility of keeping central city
18 facilities viable, in order to encourage central city
19 redevelopment and the efficient use of infrastructure and to
20 discourage uncontrolled urban sprawl.

21 (2) No later than 6 months prior to the deadline
22 established by the state land planning agency pursuant to s.
23 163.3177(6)(k) for the transmittal of a public educational
24 facilities element by a general purpose local government, the
25 school district, the county, and the participating
26 municipalities shall enter into an interlocal agreement which
27 establishes a process:

28 (a) By which each local government and the school
29 district agree and base their plans on consistent projections
30 of the amount, type, and distribution of population growth and
31 student enrollment.

1 (b) To coordinate and share information relating to
2 existing and planned public school facilities and local
3 government plans for development and redevelopment.

4 (c) To coordinate the development, adoption, and
5 amendment of each local government's public educational
6 facilities element with the plan of the school district to
7 ensure a uniform countywide planning system.

8 (d) To ensure coordination between the school district
9 and local governments during the preparation of the
10 educational facilities plan pursuant to s. 235.185. In
11 addition, the interlocal agreement shall establish procedures
12 for formal comment by local governments on the tentative
13 district educational facilities plan.

14 (e) For the selection of proposed school sites which
15 ensures the early involvement of the local government, and for
16 school permitting.

17 (f) To identify and ensure the provision of potable
18 water, wastewater, drainage, and transportation needed for
19 school facilities and other actions needed to assure safe
20 access to schools, and a process for funding those needs.

21 (g) To identify opportunities for public schools to
22 serve as emergency shelters.

23 (h) For school district participation in the review of
24 residential development applications and particularly for
25 review of the adequacy of school facilities when considering
26 applications for comprehensive plan amendments and rezonings
27 which would increase residential density. The interlocal
28 agreement shall also address the process for determining
29 proportionate share mitigation pursuant to s. 163.3177(12).

30 (i) For the resolution of disputes between the school
31 district and local governments.

1 (3) Failure to enter into an interlocal agreement
2 shall result in the withholding of funds for school
3 construction available pursuant to ss. 235.187, 235.216,
4 235.2195, and 235.42.

5 (4) The school board shall provide the local
6 government a school capacity report when the local government
7 notifies the school board that it is considering applications
8 for comprehensive plan amendments and rezonings which seek to
9 raise residential densities over the currently allowable
10 levels. The report shall provide information and analysis on
11 the capacity and enrollment of affected schools, expected
12 additional students from the amendment or rezoning, programmed
13 and fiscally feasible new facilities or improvements to
14 affected schools identified in the educational facilities plan
15 of the school board and the expected date of availability of
16 such facilities or improvements, and available reasonable
17 options for providing school facilities to students if the
18 rezoning or comprehensive plan amendment is approved.

19 (5)~~(2)~~ A school board and the local governing body
20 must share and coordinate information related to existing and
21 planned public school facilities; proposals for development,
22 redevelopment, or additional development; and infrastructure
23 required to support the public school facilities, concurrent
24 with proposed development. A school board shall use
25 information produced by the demographic, revenue, and
26 education estimating conferences pursuant to s. 216.136
27 ~~Department of Education enrollment projections~~ when preparing
28 ~~the 5-year district educational facilities plan work program~~
29 ~~pursuant to s. 235.185 in, and a school board shall~~
30 ~~affirmatively demonstrate in the educational facilities report~~
31 ~~consideration of local governments' population projections to~~

1 ensure that the educational facilities plan ~~5-year work~~
2 ~~program~~ not only reflects enrollment projections but also
3 considers applicable municipal and county growth and
4 development projections. The school board may modify the
5 information produced by the estimating conferences, with the
6 approval of the local governments and the Department of
7 Education. The projections shall be apportioned geographically
8 with assistance from the local governments, using their
9 development trend data and the school district student
10 enrollment data. A school board is precluded from siting a new
11 school in a jurisdiction where the school board has failed to
12 provide the annual educational facilities plan ~~report~~ for the
13 prior year required pursuant to s. 235.185 ~~235.194~~ unless the
14 failure is corrected.

15 (6)~~(3)~~ The location of public educational facilities
16 shall be consistent with the comprehensive plan of the
17 appropriate local governing body developed under part II of
18 chapter 163 and the plan's implementing land development
19 regulations, to the extent that the regulations are not in
20 conflict with or the subject regulated is not specifically
21 addressed by this chapter or the State Uniform Building Code,
22 unless mutually agreed by the local government and the board.

23 (7)~~(4)~~ To improve coordination relative to potential
24 educational facility sites, a board shall provide written
25 notice to the local government that has regulatory authority
26 over the use of the land at least 120 ~~60~~ days prior to
27 acquiring or leasing property that may be used for a new
28 public educational facility. The local government, upon
29 receipt of this notice, shall notify the board within 45 days
30 if the site proposed for acquisition or lease is consistent
31 with the land use categories and policies of the local

1 government's comprehensive plan. This preliminary notice does
2 not constitute the local government's determination of
3 consistency pursuant to subsection (8)~~(5)~~.

4 (8)~~(5)~~ As early in the design phase as feasible, but
5 at least before commencing construction of a new public
6 educational facility, the local governing body that regulates
7 the use of land shall determine, in writing within 90 days
8 after receiving the necessary information and a school board's
9 request for a determination, whether a proposed public
10 educational facility is consistent with the local
11 comprehensive plan and local land development regulations, to
12 the extent that the regulations are not in conflict with or
13 the subject regulated is not specifically addressed by this
14 chapter or the State Uniform Building Code, unless mutually
15 agreed. If the determination is affirmative, school
16 construction may proceed and further local government
17 approvals are not required, except as provided in this
18 section. Failure of the local governing body to make a
19 determination in writing within 90 days after a school board's
20 request for a determination of consistency shall be considered
21 an approval of the school board's application.

22 (9)~~(6)~~ A local governing body may not deny the site
23 applicant based on adequacy of the site plan as it relates
24 solely to the needs of the school. If the site is consistent
25 with the comprehensive plan's future land use policies and
26 categories in which public schools are identified as allowable
27 uses, the local government may not deny the application but it
28 may impose reasonable development standards and conditions in
29 accordance with s. 235.34(1) and consider the site plan and
30 its adequacy as it relates to environmental concerns, health,
31 safety and welfare, and effects on adjacent property.

1 Standards and conditions may not be imposed which conflict
2 with those established in this chapter or the State Uniform
3 Building Code, unless mutually agreed.

4 (10)~~(7)~~ This section does not prohibit a local
5 governing body and district school board from agreeing and
6 establishing an alternative process for reviewing a proposed
7 educational facility and site plan, and offsite impacts
8 pursuant to an interlocal agreement adopted in accordance with
9 s. 235.193.

10 (11)~~(8)~~ Existing schools shall be considered
11 consistent with the applicable local government comprehensive
12 plan adopted under part II of chapter 163. The collocation of
13 a new proposed public educational facility with an existing
14 public educational facility, or the expansion of an existing
15 public educational facility is not inconsistent with the local
16 comprehensive plan, if the site is consistent with the
17 comprehensive plan's future land use policies and categories
18 in which public schools are identified as allowable uses, and
19 levels of service adopted by the local government for any
20 facilities affected by the proposed location for the new
21 facility are maintained. If a board submits an application to
22 expand an existing school site, the local governing body may
23 impose reasonable development standards and conditions on the
24 expansion only, and in a manner consistent with s. 235.34(1).
25 Standards and conditions may not be imposed which conflict
26 with those established in this chapter or the State Uniform
27 Building Code, unless mutually agreed. Local government review
28 or approval is not required for:

29 (a) The placement of temporary or portable classroom
30 facilities; or
31

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

6 Section 14. Section 235.194, Florida Statutes, is
7 repealed.

8 Section 15. Section 235.218, Florida Statutes, is
9 amended to read:

10 235.218 School district educational facilities plan
11 ~~work program~~ performance and productivity standards;
12 development; measurement; application.--

13 (1) The SMART Schools Clearinghouse shall develop and
14 adopt measures for evaluating the performance and productivity
15 of school district educational facilities plans ~~work programs~~.
16 The measures may be both quantitative and qualitative and
17 must, to the maximum extent practical, assess those factors
18 that are within the districts' control. The measures must, at
19 a minimum, assess performance in the following areas:

20 (a) Frugal production of high-quality projects.

21 (b) Efficient finance and administration.

22 (c) Optimal school and classroom size and utilization
23 rate.

24 (d) Safety.

25 (e) Core facility space needs and cost-effective
26 capacity improvements that consider demographic projections.

27 (f) Level of district local effort.

28 (2) The clearinghouse shall establish annual
29 performance objectives and standards that can be used to
30 evaluate district performance and productivity.

31

1 (3) The clearinghouse shall conduct ongoing
2 evaluations of district educational facilities plan ~~program~~
3 performance and productivity, using the measures adopted under
4 this section. If, using these measures, the clearinghouse
5 finds that a district failed to perform satisfactorily, the
6 clearinghouse must recommend to the district school board
7 actions to be taken to improve the district's performance.

8 Section 16. Section 235.321, Florida Statutes, is
9 amended to read:

10 235.321 Changes in construction requirements after
11 award of contract.--The board may, at its option and by
12 written policy duly adopted and entered in its official
13 minutes, authorize the superintendent or president or other
14 designated individual to approve change orders in the name of
15 the board for preestablished amounts. Approvals shall be for
16 the purpose of expediting the work in progress and shall be
17 reported to the board and entered in its official minutes. For
18 accountability, the school district shall monitor and report
19 the impact of change orders on its district educational
20 facilities plan ~~work program~~ pursuant to s. 235.185.

21 Section 17. Paragraph (d) of subsection (5) of section
22 236.25, Florida Statutes, is amended to read:

23 236.25 District school tax.--

24 (5)

25 (d) Notwithstanding any other provision of this
26 subsection, if through its adopted educational facilities plan
27 ~~work program~~ a district has clearly identified the need for an
28 ancillary plant, has provided opportunity for public input as
29 to the relative value of the ancillary plant versus an
30 educational plant, and has obtained public approval, the
31 district may use revenue generated by the millage levy

1 authorized by subsection (2) for the construction, renovation,
2 remodeling, maintenance, or repair of an ancillary plant.

3
4 A district that violates these expenditure restrictions shall
5 have an equal dollar reduction in funds appropriated to the
6 district under s. 236.081 in the fiscal year following the
7 audit citation. The expenditure restrictions do not apply to
8 any school district that certifies to the Commissioner of
9 Education that all of the district's instructional space needs
10 for the next 5 years can be met from capital outlay sources
11 that the district reasonably expects to receive during the
12 next 5 years or from alternative scheduling or construction,
13 leasing, rezoning, or technological methodologies that exhibit
14 sound management.

15 Section 18. This act shall take effect upon becoming a
16 law.

17
18 *****

19 HOUSE SUMMARY

20
21 Requires that a local government comprehensive plan
22 include a public educational facilities element and
23 provides requirements with respect thereto. Requires that
24 local governments consider the adequacy of public school
25 facilities when considering certain comprehensive plan
26 amendment and rezoning applications. Directs the state
27 land planning agency to develop fiscal analysis models
28 for determining the costs and revenues of proposed
29 development, under the supervision of a commission.
30 Provides for field testing and submission of an approved
31 uniform model to the Governor and Legislature. Provides
requirements for preparation of an annual educational
facilities plan by each school district, to include the
educational plant survey, a long-range planning
component, and the district's 5-year facilities work
program.

See bill for details.