

By the Committee on Local Government & Veterans Affairs
and Representatives Dockery and Russell

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3174, F.S.; requiring that local
4 planning agencies include a representative of
5 the district school board; repealing s.
6 163.3177(12), F.S., which provides requirements
7 for a public school facilities element of a
8 local government comprehensive plan adopted to
9 implement a school concurrency program;
10 amending s. 163.3177, F.S.; revising
11 requirements for the future land use element
12 and intergovernmental coordination element with
13 respect to planning for schools; creating s.
14 163.31776, F.S.; providing legislative intent
15 and findings; requiring that a local government
16 comprehensive plan include a public educational
17 facilities element; providing that the state
18 land planning agency shall establish a schedule
19 for adoption of such elements; exempting
20 certain municipalities from adopting such
21 elements; requiring local governments and the
22 school board to enter into an interlocal
23 agreement and providing requirements with
24 respect thereto; providing requirements for
25 such elements; providing requirements for
26 future land use maps; specifying the process
27 for adoption of such elements; specifying the
28 effect of a local government's failure to enter
29 into an interlocal agreement or transmit such
30 element according to the adopted schedule and
31 of a school board's failure to provide certain

1 information or to enter into an interlocal
2 agreement; creating s. 163.31777, F.S.;
3 requiring that local governments consider
4 public school facilities when considering
5 certain comprehensive plan amendments and
6 rezonings; requiring that the school board
7 provide a school capacity report; requiring
8 denial of such amendments or rezoning requests
9 under certain conditions; providing
10 requirements for proportionate share mitigation
11 of public school facility impacts; providing
12 for development agreements with respect
13 thereto; providing for certain credits;
14 amending s. 163.3180, F.S.; providing
15 requirements with respect to the public
16 educational facilities element when school
17 concurrency is imposed by local option;
18 removing school concurrency requirements
19 relating to intergovernmental coordination and
20 exemption for certain municipalities; revising
21 requirements relating to an interlocal
22 agreement for school concurrency; amending s.
23 163.3184, F.S.; including requirements for plan
24 amendments relating to the public educational
25 facilities element in the process for adoption
26 of comprehensive plan amendments; amending s.
27 163.3187, F.S.; providing that plan amendments
28 to adopt such elements and future land use map
29 amendments for school siting are not subject to
30 the statutory limits on the frequency of plan
31 amendments; amending s. 163.3191, F.S.;

1 conforming language; creating s. 163.3198,
2 F.S.; directing the state land planning agency
3 to develop fiscal analysis models for
4 determining the costs and revenues of proposed
5 development; providing requirements with
6 respect thereto; creating a commission to
7 oversee such development; providing for field
8 tests of the models developed; directing the
9 commission to make recommendations to the
10 Governor and Legislature regarding statewide
11 implementation of a uniform model and other
12 growth management issues; providing an
13 appropriation; amending s. 235.002, F.S.;
14 revising legislative intent and findings with
15 respect to educational facilities; amending s.
16 235.15, F.S.; removing specific need assessment
17 criteria for a school district's educational
18 plant survey and providing that the survey
19 shall be submitted as part of the district's
20 educational facilities plan; revising
21 provisions relating to certain deviation from
22 space need standards; providing for review and
23 validation of surveys by the Office of
24 Educational Facilities; revising requirements
25 relating to certifications necessary for
26 expenditure of PECO funds; amending s. 235.175,
27 F.S.; providing legislative purpose with
28 respect to the district educational facilities
29 plans; amending s. 235.18, F.S.; conforming
30 language; amending s. 235.185, F.S.; providing
31 definitions; providing requirements for

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

1 governments; revising requirements relating to
2 location of educational facilities; revising a
3 notice requirement regarding proposed use of
4 property for an educational facility; providing
5 for inclusion of an alternative process for
6 proposed facility review in the required
7 interlocal agreement; conforming language;
8 repealing s. 235.194, F.S., which requires
9 school boards to submit an annual general
10 educational facilities report to local
11 governments; amending ss. 235.218, 235.321, and
12 236.25, F.S.; conforming language; providing an
13 effective date.
14

15 WHEREAS, it is in the best interests of the people of
16 the State of Florida to ensure sound planning for new
17 population growth in Florida, and

18 WHEREAS, Florida's population is expected to increase
19 by 50 percent from 16 million to 24 million over the next
20 three decades, and the number of school-age children is
21 projected to increase sharply around 2020 as the baby boom
22 echo generation's children reach school age, with commensurate
23 impacts to the state's public infrastructure, including our
24 public educational facilities, and

25 WHEREAS, our growth management system should fully
26 integrate the planning of public educational facilities,
27 should accurately forecast the costs associated with the
28 construction, operation, and maintenance of infrastructure,
29 and should adequately address our existing infrastructure
30 deficits, and
31

1 WHEREAS, as we respond to new growth and continue to
2 address our existing infrastructure deficits, communities
3 should make land use decisions with the knowledge of all
4 relevant expenses and revenues associated with those
5 decisions, as the future health of our state economy and the
6 livability of our communities depends on appropriately
7 addressing our infrastructure needs, NOW, THEREFORE,

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (1) of section 163.3174, Florida
12 Statutes, is amended to read:

13 163.3174 Local planning agency.--

14 (1) The governing body of each local government,
15 individually or in combination as provided in s. 163.3171,
16 shall designate and by ordinance establish a "local planning
17 agency," unless the agency is otherwise established by law.
18 Each local planning agency shall include a representative of
19 the district school board as a member.The governing body may
20 designate itself as the local planning agency pursuant to this
21 subsection, with the addition of a representative of the
22 school board. The governing body shall notify the state land
23 planning agency of the establishment of its local planning
24 agency. All local planning agencies shall provide
25 opportunities for involvement by ~~district school boards and~~
26 applicable community college boards, which may be accomplished
27 by formal representation, membership on technical advisory
28 committees, or other appropriate means. The local planning
29 agency shall prepare the comprehensive plan or plan amendment
30 after hearings to be held after public notice and shall make
31 recommendations to the governing body regarding the adoption

1 or amendment of the plan. The agency may be a local planning
2 commission, the planning department of the local government,
3 or other instrumentality, including a countywide planning
4 entity established by special act or a council of local
5 government officials created pursuant to s. 163.02, provided
6 the composition of the council is fairly representative of all
7 the governing bodies in the county or planning area; however:

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

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

17 Section 2. Subsection (12) of section 163.3177,
18 Florida Statutes, is repealed, and paragraphs (a) and (h) of
19 subsection (6) of said section are amended to read:

20 163.3177 Required and optional elements of
21 comprehensive plan; studies and surveys.--

22 (6) In addition to the requirements of subsections
23 (1)-(5), the comprehensive plan shall include the following
24 elements:

25 (a) A future land use plan element designating
26 proposed future general distribution, location, and extent of
27 the uses of land for residential uses, commercial uses,
28 industry, agriculture, recreation, conservation, education,
29 public buildings and grounds, other public facilities, and
30 other categories of the public and private uses of land. The
31 future land use plan shall include standards to be followed in

1 the control and distribution of population densities and
2 building and structure intensities. The proposed
3 distribution, location, and extent of the various categories
4 of land use shall be shown on a land use map or map series
5 which shall be supplemented by goals, policies, and measurable
6 objectives. Each land use category shall be defined in terms
7 of the types of uses included and specific standards for the
8 density or intensity of use. The future land use plan shall
9 be based upon surveys, studies, and data regarding the area,
10 including the amount of land required to accommodate
11 anticipated growth; the projected population of the area; the
12 character of undeveloped land; the availability of public
13 services; the need for redevelopment, including the renewal of
14 blighted areas and the elimination of nonconforming uses which
15 are inconsistent with the character of the community; and, in
16 rural communities, the need for job creation, capital
17 investment, and economic development that will strengthen and
18 diversify the community's economy. The future land use plan
19 may designate areas for future planned development use
20 involving combinations of types of uses for which special
21 regulations may be necessary to ensure development in accord
22 with the principles and standards of the comprehensive plan
23 and this act. In addition, for rural communities, the amount
24 of land designated for future planned industrial use shall be
25 based upon surveys and studies that reflect the need for job
26 creation, capital investment, and the necessity to strengthen
27 and diversify the local economies, and shall not be limited
28 solely by the projected population of the rural community. The
29 future land use plan of a county may also designate areas for
30 possible future municipal incorporation. The land use maps or
31 map series shall generally identify and depict historic

1 district boundaries and shall designate historically
2 significant properties meriting protection. The future land
3 use element must clearly identify the land use categories in
4 which public schools are an allowable use. When delineating
5 the land use categories in which public schools are an
6 allowable use, a local government shall include in the
7 categories sufficient land proximate to residential
8 development to meet the projected needs for schools in
9 coordination with public school boards and may establish
10 differing criteria for schools of different type or size.
11 Each local government shall include lands contiguous to
12 existing school sites, to the maximum extent possible, within
13 the land use categories in which public schools are an
14 allowable use. All comprehensive plans must comply with the
15 school siting requirements of this paragraph no later than
16 October 1, 1999. The failure by a local government to comply
17 with these school siting requirements by October 1, 1999, will
18 result in the prohibition of the local government's ability to
19 amend the local comprehensive plan, except for plan amendments
20 described in s. 163.3187(1)(b), until the school siting
21 requirements are met. Amendments ~~An amendment~~ proposed by a
22 local government for purposes of identifying the land use
23 categories in which public schools are an allowable use or for
24 adopting or amending the school siting maps pursuant to s.
25 163.31776(6) are ~~is~~ exempt from the limitation on the
26 frequency of plan amendments contained in s. 163.3187. The
27 future land use element shall include criteria which encourage
28 the location of schools proximate to urban residential areas
29 to the extent possible and shall require that the local
30 government seek to collocate public facilities, such as parks,
31 libraries, and community centers, with schools to the extent

1 possible, and shall include criteria which encourage using
2 elementary schools as focal points for neighborhoods.

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

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

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

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

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

21 3. To foster coordination between special districts
22 and local general-purpose governments as local general-purpose
23 governments implement local comprehensive plans, each
24 independent special district must submit a public facilities
25 report to the appropriate local government as required by s.
26 189.415.

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

1 plan amendments to carry out these provisions prior to the
2 scheduled date established by the state land planning agency.
3 The plan amendments are exempt from the provisions of s.
4 163.3187(1).

5 5. Intergovernmental coordination between local
6 governments and the district school board shall be governed by
7 ss. 163.31776 and 163.31777.

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

10 163.31776 Public educational facilities element.--

11 (1) The intent of the Legislature is:

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

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

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

27 (2) The Legislature finds that:

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

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

6 (3) A public educational facilities element shall be
7 adopted in cooperation with the applicable school district by
8 all local governments pursuant to a schedule established by
9 the state land planning agency so as to accomplish its
10 adoption by January 1, 2007. The initial counties and
11 municipalities in the schedule shall be those with the
12 greatest unmet demand for public school facilities, and they
13 shall transmit their public educational facilities element no
14 later than January 1, 2003. Criteria for determining the
15 greatest unmet demand for public school facilities shall be
16 established by rule by the state land planning agency. Each
17 municipality shall either adopt its own element or accept by
18 resolution or ordinance a public educational facilities
19 element adopted by the county which includes the
20 municipality's area of authority as defined by s. 163.3171;
21 however, a municipality shall be exempt from this requirement
22 if it meets all of the following criteria:

23 (a) The municipality has issued development orders for
24 fewer than 50 residential dwelling units during the preceding
25 5 years or it has generated fewer than 25 additional public
26 school students during the preceding 5 years.

27 (b) The municipality has not annexed new land during
28 the preceding 5 years in land use categories which permit
29 residential uses that may affect school attendance rates.

30 (c) The municipality has no public schools located
31 within its boundaries.

1 (d) At least 80 percent of the developable land within
2 the boundaries of the municipality has been built upon.

3 (e) The municipality has not adopted a land use
4 amendment which increases residential density for greater than
5 50 residential units.

6
7 Any municipality exempt under this subsection shall notify the
8 county and the school board of any planned annexation into
9 residential or proposed residential areas, and shall comply
10 with this subsection no later than 1 year following a change
11 in conditions which renders the municipality no longer
12 eligible for exemption, or no later than 1 year following the
13 identification of a proposed public school in the school
14 board's 5-year district facilities work program in the
15 municipality's jurisdiction.

16 (4) No later than 6 months prior to the deadline for
17 transmittal of a public educational facilities element, the
18 county, the participating municipalities, and the school board
19 shall enter into an interlocal agreement which establishes a
20 process to develop coordinated and consistent local government
21 public educational facilities elements and district
22 educational facilities plans, including a process:

23 (a) By which each local government and the school
24 district agree and base their plans on consistent projections
25 of the amount, type, and distribution of population growth and
26 student enrollment.

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

30 (c) To ensure that school siting decisions by the
31 school board are consistent with the local comprehensive plan,

1 including appropriate circumstances and criteria under which a
2 school district may request an amendment to the comprehensive
3 plan for school siting, and to provide for early involvement
4 by the local government as the school board identifies
5 potential school sites.

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

11 (e) For school district participation in the review of
12 residential development applications for comprehensive plan
13 amendments and rezonings which increase residential density
14 and which are reasonably expected to have an impact on public
15 school facility demand, pursuant to s. 163.31777. The
16 interlocal agreement shall express how the school board and
17 local governments will develop the methodology and the
18 criteria for determining if school facility capacity will not
19 be reasonably available at the time of projected school
20 impacts, including uniform, districtwide level-of-service
21 standards for all public schools of the same type and
22 availability standards for public schools. The interlocal
23 agreement shall ensure that consistent criteria and capacity
24 determination methodologies are adopted into the school
25 board's district educational facilities plan and the local
26 government's public educational facilities element. The
27 interlocal agreement shall also set forth the process and
28 uniform methodology for determining proportionate share
29 mitigation pursuant to s. 163.31777.

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

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

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

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

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

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

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

23 (f) Consideration of the existing and planned capacity
24 of public schools when reviewing comprehensive plan amendments
25 and rezonings which would increase potential residential
26 development, with the review based on uniform districtwide
27 level-of-service standards for all public schools of the same
28 type and availability standards for public schools, and the
29 financially feasible 5-year district facilities work program
30 adopted by the school board pursuant to s. 235.185.
31

1 (g) A uniform methodology for determining
2 proportionate share mitigation consistent with the
3 requirements of s. 163.31777(4) and the interlocal agreement.

4 (6) The future land use map series shall either
5 incorporate maps which are the result of a collaborative
6 process for identifying school sites and are adopted in the
7 educational facilities plan promulgated by the school board
8 pursuant to s. 235.185 showing the locations of existing
9 public schools and the general locations of improvements to
10 existing schools or construction of new schools anticipated
11 over the 5-year, 10-year, and 20-year time periods, or such
12 maps shall be data and analysis in support of the future land
13 use map series. Maps indicating general locations of future
14 schools or school improvements shall not be deemed to
15 prescribe a land use on a particular parcel of land.

16 (7) The process for adoption of a public educational
17 facilities element shall be as provided in s. 163.3184. The
18 state land planning agency shall submit a copy of the proposed
19 public school facilities element pursuant to the procedures
20 outlined in s. 163.3184(4) to the Office of Educational
21 Facilities of the Commissioner of Education for review and
22 comment.

23 (8) If a local government fails to comply with the
24 requirement to transmit a public educational facilities
25 element or to enter into an interlocal agreement with the
26 school board pursuant to the schedule established by the state
27 land planning agency, the local government is prohibited from
28 amending the local comprehensive plan until the public
29 educational facilities element is adopted. If a local
30 government fails to comply with the requirements of this
31 section to enter into the interlocal agreement or to transmit

1 a public educational facilities element by the required date,
2 or if the Administration Commission finds that the public
3 educational facilities element is not in compliance, the local
4 government shall be subject to sanctions imposed by the
5 Administration Commission pursuant to s. 163.3184(11). The
6 failure of a local government or school board to enter into
7 the interlocal agreement shall not subject another local
8 government or school board to sanctions. The failure of a
9 school board to provide the required plans or information or
10 to enter into the interlocal agreement under this section
11 shall subject the school board to sanctions pursuant to s.
12 235.193(3). Any local government transmitting a public school
13 facilities element to implement school concurrency pursuant to
14 the requirements of s. 163.3180 prior to the effective date of
15 this act shall not be required to amend the element or any
16 interlocal agreement to conform with the provisions of this
17 section, if such amendment is ultimately determined to be in
18 compliance by the state land planning agency.

19 Section 4. Section 163.31777, Florida Statutes, is
20 created to read:

21 163.31777 Plan amendments and rezonings; consideration
22 of public school capacity.--

23 (1) Local governments shall consider public school
24 facilities when reviewing comprehensive plan amendments and
25 rezonings that propose to increase residential densities and
26 which are reasonably expected to have an impact on public
27 school facility demand.

28 (2) As part of the review of such a comprehensive plan
29 amendment or rezoning, the school board shall provide the
30 local government with a school capacity report based on the
31 district educational facilities plan adopted by the school

1 board pursuant to s. 235.185, which shall provide data and
2 analysis on the capacity and enrollment of affected schools
3 based on standards established by state or federal law or
4 judicial order, projected additional enrollment attributable
5 to the density increase from the amendment or rezoning,
6 programmed and financially feasible new public school
7 facilities or improvements for affected schools identified in
8 the educational facilities plan of the school board and the
9 expected date of availability of such facilities or
10 improvements, and available reasonable options for providing
11 public school facilities to students if the rezoning or
12 comprehensive plan amendment is approved. The options shall
13 include, but not be limited to, the school board's evaluation
14 of school schedule modification, school attendance zones
15 modification, school facility modification, and creation of
16 charter schools. The report shall be consistent with the
17 interlocal agreement, the public educational facilities
18 element, and this section.

19 (3) Following the effective dates of both the
20 interlocal agreement and the public educational facilities
21 element required by s. 163.31776, the local government shall
22 deny a comprehensive plan amendment or rezoning request which
23 would increase potential residential development if the school
24 facility capacity will not be reasonably available at the time
25 of projected school impacts as determined by the process and
26 methodology established in the public educational facilities
27 element; however, the application for a comprehensive plan
28 amendment or a rezoning shall not be disapproved based on lack
29 of school capacity if the applicant executes a legally binding
30 commitment to provide mitigation proportionate to the demand
31 for public school facilities to be created by actual

1 development of the property, including, but not limited to,
2 the options described in subsection (4). The school board's
3 determination of facility capacity shall constitute competent
4 substantial evidence to support the denial of such plan
5 amendment or rezoning request.

6 (4)(a) Options for proportionate share mitigation of
7 public school facility impacts from actual development of
8 property subject to a plan amendment or rezoning that
9 increases residential density shall be established in the
10 educational facilities plan and the public educational
11 facilities element. Such options shall include execution by
12 the applicant and the local government of a binding
13 development agreement pursuant to ss. 163.3220-163.3243 which
14 shall constitute a legally binding commitment to pay
15 proportionate share mitigation for the additional residential
16 units when approved by the local government in a development
17 order and actually developed on the property, taking into
18 account residential density allowed on the property prior to
19 the plan amendment or rezoning which increased overall
20 residential density. The district school board may be a party
21 to such an agreement. As a condition of its entry into such a
22 development agreement, the local government may require the
23 landowner to agree to continuing renewal of the agreement upon
24 its expiration.

25 (b) If the educational facilities plan and the public
26 educational facilities element authorize a contribution of
27 land or payment for land acquisition, or construction or
28 expansion of a public school facility, or a portion thereof,
29 as proportionate share mitigation, the local government shall
30 credit such a contribution, construction, expansion, or
31 payment toward any other impact fee or exaction imposed by

1 local ordinance for the same need, on a dollar-for-dollar
2 basis at fair market value.

3 (c) Any proportionate share mitigation shall be
4 directed by the school board toward a school capacity
5 improvement within the affected area which is identified in
6 the financially feasible 5-year district work plan.

7 Section 5. Subsection (13) of section 163.3180,
8 Florida Statutes, is amended to read:

9 163.3180 Concurrency.--

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

28 (a) Public educational ~~school~~ facilities element.--A
29 local government that elects to adopt public school
30 concurrency shall adopt ~~and transmit to the state land~~
31 ~~planning agency~~ a plan or plan amendment which includes a

1 public educational ~~school~~ facilities element which is
2 consistent with the requirements of s. 163.31776(5)
3 ~~163.3177(12)~~ and which is consistent with the following:
4 1. The element shall be based on data and analyses
5 that address how uniform, districtwide level-of-service
6 standards for all schools of the same type will be achieved
7 and maintained.
8 2. The element shall establish specific, measurable,
9 intermediate ends that are achievable and mark progress toward
10 the goal of school concurrency.
11 3. The element shall establish the way in which
12 programs and activities will be conducted to achieve an
13 identified goal.
14 4. The element shall address the procedure for an
15 annual update process.
16 5. All local government public educational facilities
17 elements which adopt public school concurrency within a county
18 must be consistent with each other as well as the requirements
19 of this part. Any local government transmitting a public
20 school facilities element for the purpose of adopting public
21 school concurrency prior to the effective date of this act
22 shall not be required to amend the element or any interlocal
23 agreement to conform with the provisions of s. 163.31776 or s.
24 163.31777. determined to be in compliance as defined in s.
25 163.3184(1)(b). All local government public school facilities
26 plan elements within a county must be consistent with each
27 other as well as the requirements of this part.
28 (b) Level-of-service standards.--The Legislature
29 recognizes that an essential requirement for a concurrency
30 management system is the level of service at which a public
31 facility is expected to operate.

1 1. Local governments and school boards imposing school
2 concurrency shall exercise authority in conjunction with each
3 other to establish jointly adequate level-of-service
4 standards, as defined in chapter 9J-5, Florida Administrative
5 Code, necessary to implement the adopted local government
6 comprehensive plan, based on data and analysis.

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

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

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

27 1. In order to balance competing interests, preserve
28 the constitutional concept of uniformity, and avoid disruption
29 of existing educational and growth management processes, local
30 governments are encouraged to apply school concurrency to
31 development on a districtwide basis so that a concurrency

1 determination for a specific development will be based upon
2 the availability of school capacity districtwide.

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

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

30 (d) Financial feasibility.--The Legislature recognizes
31 that financial feasibility is an important issue because the

1 premise of concurrency is that the public facilities will be
2 provided in order to achieve and maintain the adopted
3 level-of-service standard. This part and chapter 9J-5, Florida
4 Administrative Code, contain specific standards to determine
5 the financial feasibility of capital programs. These standards
6 were adopted to make concurrency more predictable and local
7 governments more accountable.

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

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

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

29 (e) Availability standard.--Consistent with the public
30 welfare, a local government may not deny a development permit
31 authorizing residential development for failure to achieve and

1 maintain the level-of-service standard for public school
2 capacity in a local option school concurrency system where
3 adequate school facilities will be in place or under actual
4 construction within 3 years after permit issuance.

5 ~~(f) Intergovernmental coordination.--~~

6 ~~1. When establishing concurrency requirements for~~
7 ~~public schools, a local government shall satisfy the~~
8 ~~requirements for intergovernmental coordination set forth in~~
9 ~~s. 163.3177(6)(h)1. and 2., except that a municipality is not~~
10 ~~required to be a signatory to the interlocal agreement~~
11 ~~required by s. 163.3177(6)(h)2. as a prerequisite for~~
12 ~~imposition of school concurrency, and as a nonsignatory, shall~~
13 ~~not participate in the adopted local school concurrency~~
14 ~~system, if the municipality meets all of the following~~
15 ~~criteria for having no significant impact on school~~
16 ~~attendance:~~

17 ~~a. The municipality has issued development orders for~~
18 ~~fewer than 50 residential dwelling units during the preceding~~
19 ~~5 years, or the municipality has generated fewer than 25~~
20 ~~additional public school students during the preceding 5~~
21 ~~years.~~

22 ~~b. The municipality has not annexed new land during~~
23 ~~the preceding 5 years in land use categories which permit~~
24 ~~residential uses that will affect school attendance rates.~~

25 ~~c. The municipality has no public schools located~~
26 ~~within its boundaries.~~

27 ~~d. At least 80 percent of the developable land within~~
28 ~~the boundaries of the municipality has been built upon.~~

29 ~~2. A municipality which qualifies as having no~~
30 ~~significant impact on school attendance pursuant to the~~
31 ~~criteria of subparagraph 1. must review and determine at the~~

1 ~~time of its evaluation and appraisal report pursuant to s.~~
2 ~~163.3191 whether it continues to meet the criteria. If the~~
3 ~~municipality determines that it no longer meets the criteria,~~
4 ~~it must adopt appropriate school concurrency goals,~~
5 ~~objectives, and policies in its plan amendments based on the~~
6 ~~evaluation and appraisal report, and enter into the existing~~
7 ~~interlocal agreement required by s. 163.3177(6)(h)2., in order~~
8 ~~to fully participate in the school concurrency system. If~~
9 ~~such a municipality fails to do so, it will be subject to the~~
10 ~~enforcement provisions of s. 163.3191.~~

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

28 1. Establish the mechanisms for coordinating the
29 development, adoption, and amendment of each local
30 government's public school facilities element with each other
31

1 and the plans of the school board to ensure a uniform
2 districtwide school concurrency system.

3 ~~2. Establish a process by which each local government~~
4 ~~and the school board shall agree and base their plans on~~
5 ~~consistent projections of the amount, type, and distribution~~
6 ~~of population growth and coordinate and share information~~
7 ~~relating to existing and planned public school facilities~~
8 ~~projections and proposals for development and redevelopment,~~
9 ~~and infrastructure required to support public school~~
10 ~~facilities.~~

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

17 2.4. Specify uniform, districtwide level-of-service
18 standards for public schools of the same type and the process
19 for modifying the adopted levels-of-service standards.

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

27 4.6. Define the geographic application of school
28 concurrency. If school concurrency is to be applied on a less
29 than districtwide basis in the form of concurrency service
30 areas, the agreement shall establish criteria and standards
31 for the establishment and modification of school concurrency

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

14 ~~5.7.~~ Establish a uniform districtwide procedure for
15 implementing school concurrency which provides for:

- 16 a. The evaluation of development applications for
17 compliance with school concurrency requirements;
18 b. An opportunity for the school board to review and
19 comment on the effect of comprehensive plan amendments and
20 rezonings on the public school facilities plan; and
21 c. The monitoring and evaluation of the school
22 concurrency system.

23 ~~6.8.~~ Include provisions relating to termination,
24 suspension, and amendment of the agreement. The agreement
25 shall provide that if the agreement is terminated or
26 suspended, the application of school concurrency shall be
27 terminated or suspended.

28 Section 6. Paragraph (b) of subsection (1) and
29 subsection (4) of section 163.3184, Florida Statutes, are
30 amended to read:

31

1 163.3184 Process for adoption of comprehensive plan or
2 plan amendment.--

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

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

12 (4) INTERGOVERNMENTAL REVIEW.--If review of a proposed
13 comprehensive plan amendment is requested or otherwise
14 initiated pursuant to subsection (6), the state land planning
15 agency within 5 working days of determining that such a review
16 will be conducted shall transmit a copy of the proposed plan
17 amendment to various government agencies, as appropriate, for
18 response or comment, including, but not limited to, the
19 Department of Environmental Protection, the Department of
20 Transportation, the water management district, and the
21 regional planning council, and, in the case of municipal
22 plans, to the county land planning agency. If the plan or plan
23 amendment includes or relates to the public educational
24 facilities element required by s. 163.31776, the state land
25 planning agency shall submit a copy to the Office of
26 Educational Facilities of the Commissioner of Education for
27 review and comment. These governmental agencies shall provide
28 comments to the state land planning agency within 30 days
29 after receipt of the proposed plan amendment. The appropriate
30 regional planning council shall also provide its written
31 comments to the state land planning agency within 30 days

1 after receipt of the proposed plan amendment and shall specify
2 any objections, recommendations for modifications, and
3 comments of any other regional agencies to which the regional
4 planning council may have referred the proposed plan
5 amendment. Written comments submitted by the public within 30
6 days after notice of transmittal by the local government of
7 the proposed plan amendment will be considered as if submitted
8 by governmental agencies. All written agency and public
9 comments must be made part of the file maintained under
10 subsection (2).

11 Section 7. Paragraph (j) of subsection (1) of section
12 163.3187, Florida Statutes, is amended, and paragraph (k) is
13 added to said subsection, to read:

14 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

1 Section 8. Paragraph (k) of subsection (2) of section
2 163.3191, Florida Statutes, is amended to read:

3 163.3191 Evaluation and appraisal of comprehensive
4 plan.--

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

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

23 Section 9. Section 163.3198, Florida Statutes, is
24 created to read:

25 163.3198 Development of a uniform fiscal impact
26 analysis model for evaluating the cost of infrastructure to
27 support development.--

28 (1) The Legislature finds that the quality of growth
29 in Florida could benefit greatly by the adoption of a uniform
30 fiscal impact analysis tool that could be used by local
31 governments to determine the costs and benefits of new

1 development. To facilitate informed decisionmaking and
2 accountability by local governments, the analysis model would
3 itemize and calculate the costs and fiscal impacts of
4 infrastructure needs created by proposed development, as well
5 as the anticipated revenues utilized for infrastructure
6 associated with the project. It is intended that the model be
7 a minimum base model for implementation by all local
8 governments. Local governments shall not be required to
9 implement the model until the Legislature approves such
10 implementation, nor shall local governments be prevented from
11 utilizing other fiscal or economic analysis tools before or
12 after adoption of the uniform fiscal analysis model. The
13 Legislature intends that the analysis will provide local
14 government decisionmakers with a clearer understanding of the
15 fiscal impact of the new development on the community and its
16 resources.

17 (2)(a) To oversee the development of a fiscal analysis
18 model by the state land planning agency, there is created a
19 commission consisting of nine members. The Governor, the
20 President of the Senate, and the Speaker of the House of
21 Representatives shall each appoint three members to the
22 commission, and the Governor shall designate one of his
23 appointees as chair. Appointments must be made by July 1,
24 2001, and each appointing authority shall consider ethnic and
25 gender balance when making appointments. The members of the
26 commission must have technical or practical expertise to bring
27 to bear on the design or implementation of the model. The
28 commission shall include representatives of municipalities,
29 counties, school boards, the development community, and public
30 interest groups.

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

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

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

6 3. Make changes to the models during the testing
7 period as needed.

8 4. Report to the Governor and the Legislature with
9 implementation recommendations.

10 (c) Each member may receive per diem and expenses for
11 travel, as provided in s. 112.061, while carrying out the
12 official business of the commission.

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

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

18 (3)(a) The state land planning agency, as directed by
19 the commission, shall develop one or more fiscal analysis
20 models for determining the estimated costs and revenues of
21 proposed development. The analysis provided by the model
22 shall be a tool for government decisionmaking, shall not
23 constitute an automatic approval or disapproval of new
24 development, and shall apply to all public and private
25 projects and all land use categories. The model or models
26 selected for field testing shall be approved by the
27 commission.

28 (b) The model shall be capable of estimating the
29 capital, operating, and maintenance expenses and revenues for
30 infrastructure needs created by new development based on the
31 type, scale, and location of various land uses. For the

1 purposes of developing the model, estimated costs shall
2 include those associated with provision of school facilities,
3 transportation facilities, water supply, sewer, stormwater,
4 and solid waste services, and publicly provided
5 telecommunications services. Estimated revenues shall include
6 all revenues attributable to the proposed development which
7 are utilized to construct, operate, or maintain such
8 facilities and services. The model may be developed with
9 capabilities of estimating other costs and benefits directly
10 related to new development, including economic costs and
11 benefits. The Legislature recognizes the potential
12 limitations of such models in fairly quantifying important
13 quality of life issues such as the intangible benefits and
14 costs associated with development, including, but not limited
15 to, overall impact on community character, housing costs,
16 compatibility, and impacts on natural and historic resources,
17 and therefore affirms its intention that the model not be used
18 as the only determinate of the acceptability of new
19 development. In order to develop a model for testing through
20 pilot projects, the Legislature directs the commission to
21 focus on the infrastructure costs expressly identified in this
22 paragraph. The commission may authorize a local government
23 selected to conduct a pilot project to apply the fiscal
24 analysis model being tested to a public facility or service
25 other than those identified in this paragraph; however,
26 appropriately related revenues and benefits must also be
27 considered.

28 (c) The model shall be capable of identifying
29 infrastructure deficits or backlogs, and costs associated with
30 addressing such needs.

31

1 (d) As part of its development of a fiscal analysis
2 model, and as directed by the commission, the state land
3 planning agency shall develop a format by which the local
4 government shall report to its citizens, at least annually,
5 the cumulative fiscal impact of its local planning decisions.

6 (4) One or more fiscal analysis models shall be tested
7 in the field to evaluate their technical validity and
8 practical usefulness and the financial feasibility of local
9 government implementation. The field tests shall be conducted
10 as demonstration projects in six regionally diverse local
11 government jurisdictions.

12 (5) Data, findings, and feedback from the field tests
13 shall be presented to the commission at least every 3 months
14 following the initiation of each demonstration project. Based
15 on the feedback provided by the state land planning agency and
16 the local government partner of a demonstration project, the
17 commission may require the state land planning agency to
18 adjust or modify one or more models, including consideration
19 of appropriate thresholds and exemptions, and conduct
20 additional field testing if necessary.

21 (6) No later than February 1, 2003, the commission
22 shall transmit to the Governor, the President of the Senate,
23 and the Speaker of the House of Representatives a report
24 detailing the results of the demonstration projects. The
25 commission shall report its recommendations for statewide
26 implementation of a uniform fiscal analysis model. Any
27 recommendation to implement the model must be based on the
28 commission's determination that the model is technically
29 valid, financially feasible for local government
30 implementation, and practically useful for implementation as a
31 uniform fiscal analysis model. Should the commission determine

1 that a uniform fiscal analysis model is not technically valid,
2 financially feasible for local government implementation, and
3 practically useful for implementation as a uniform fiscal
4 analysis model, it shall recommend that the model or its
5 application be modified or not implemented. The report shall
6 also include recommendations for changes to any existing
7 growth management laws and policies necessary to implement the
8 model; recommendations for repealing existing growth
9 management laws, such as concurrency, that may no longer be
10 relevant or effective once the model is implemented;
11 recommendations for state technical and financial assistance
12 to help local governments in the implementation of the uniform
13 fiscal analysis model; recommendations addressing state and
14 local sources of additional infrastructure funding; and
15 recommendations for incentives to local governments to
16 encourage identification of areas in which infrastructure
17 development will be encouraged.

18 Section 10. There is appropriated to the Department of
19 Community Affairs from the General Revenue Fund \$500,000 to
20 implement s. 163.3198, Florida Statutes.

21 Section 11. Section 235.002, Florida Statutes, is
22 amended to read:

23 235.002 Intent.--

24 (1) The intent of the Legislature is:

25 ~~(a) To provide each student in the public education~~
26 ~~system the availability of an educational environment~~
27 ~~appropriate to his or her educational needs which is~~
28 ~~substantially equal to that available to any similar student,~~
29 ~~notwithstanding geographic differences and varying local~~
30 ~~economic factors, and to provide facilities for the Florida~~

31

1 ~~School for the Deaf and the Blind and other educational~~
2 ~~institutions and agencies as may be defined by law.~~

3 (a)~~(b)~~ To encourage the use of innovative designs,
4 construction techniques, and financing mechanisms in building
5 educational facilities for the purpose of reducing costs to
6 the taxpayer, creating a more satisfactory educational
7 environment suited to the community in which the educational
8 facility is located, and reducing the amount of time necessary
9 for design, permitting of on-site and off-site improvements
10 required by law, and construction to fill unmet needs.

11 (b)~~(c)~~ To provide a systematic mechanism whereby
12 educational facilities construction plans can meet the current
13 and projected needs of the public education system population
14 as quickly as possible by building uniform, sound educational
15 environments and to provide a sound base for planning for
16 educational facilities needs.

17 (c)~~(d)~~ To provide ~~proper legislative support for as~~
18 ~~wide a range of~~ fiscally sound financing methodologies for as
19 ~~possible for the delivery of~~ educational facilities and, where
20 appropriate, for their construction, operation, and
21 maintenance.

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

26 (e) To establish a systematic process for school
27 boards and local governments to cooperatively plan for the
28 provision of educational facilities to meet the current and
29 projected needs of the public education system population,
30 including the needs placed on the public education system as a
31

1 result of growth and development decisions by local
2 government.

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

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

7 (a) Public schools are a linchpin to the vitality of
8 our communities and play a significant role in the thousands
9 of individual housing decisions that result in community
10 growth trends.

11 (b)~~(a)~~ Growth and development issues transcend the
12 boundaries and responsibilities of individual units of
13 government, and often no single unit of government can plan or
14 implement policies to deal with these issues without affecting
15 other units of government.

16 (c)~~(b)~~ The effective and efficient provision of public
17 educational facilities and services enhances ~~is essential to~~
18 ~~preserving and enhancing~~ the quality of life of the people of
19 this state.

20 (d)~~(c)~~ The provision of educational facilities often
21 impacts community infrastructure and services. Assuring
22 coordinated and cooperative provision of such facilities and
23 associated infrastructure and services is in the best interest
24 of the state.

25 Section 12. Section 235.15, Florida Statutes, is
26 amended to read:

27 235.15 Educational plant survey; localized need
28 assessment; PECO project funding.--

29 (1) At least every 5 years, each board, including the
30 Board of Regents, shall arrange for an educational plant
31 survey, to aid in formulating plans for housing the

1 educational program and student population, faculty,
2 administrators, staff, and auxiliary and ancillary services of
3 the district or campus, including consideration of the local
4 comprehensive plan. The Division of Workforce Development
5 shall document the need for additional career and adult
6 education programs and the continuation of existing programs
7 before facility construction or renovation related to career
8 or adult education may be included in the educational plant
9 survey of a school district or community college that delivers
10 career or adult education programs. Information used by the
11 Division of Workforce Development to establish facility needs
12 must include, but need not be limited to, labor market data,
13 needs analysis, and information submitted by the school
14 district or community college.

15 (a) Survey preparation and required data.--Each survey
16 shall be conducted by the board or an agency employed by the
17 board. Surveys shall be reviewed and approved by the board,
18 and a file copy shall be submitted to the Office of
19 Educational Facilities of the Commissioner of Education. The
20 survey report shall include at least an inventory of existing
21 educational and ancillary plants; recommendations for existing
22 educational and ancillary plants; recommendations for new
23 educational or ancillary plants, including the general
24 location of each in coordination with the land use plan;
25 campus master plan update and detail for community colleges;
26 the utilization of school plants based on an extended school
27 day or year-round operation; and such other information as may
28 be required by the rules of the State Board of Education. This
29 report may be amended, if conditions warrant, at the request
30 of the board or commissioner.

31

1 (b) Required need assessment criteria for district,
2 community college, and state university plant surveys.--~~Each~~
3 Educational plant surveys ~~survey completed after December 31,~~
4 ~~1997,~~ must use uniform data sources and criteria specified in
5 this paragraph. ~~Each educational plant survey completed after~~
6 ~~June 30, 1995, and before January 1, 1998, must be revised, if~~
7 ~~necessary, to comply with this paragraph.~~ Each revised
8 educational plant survey and each new educational plant survey
9 supersedes previous surveys.

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

1 ~~identified and scheduled for replacement in a school board~~
2 ~~adopted financially feasible 5-year district facilities work~~
3 ~~program shall be counted at zero capacity at the time the work~~
4 ~~program is adopted and approved by the school board. However,~~
5 ~~if the district facilities work program is changed or altered~~
6 ~~and the relocatables are not replaced as scheduled in the work~~
7 ~~program, they must then be reentered into the system for~~
8 ~~counting at actual capacity. Relocatables may not be~~
9 ~~perpetually added to the work program and continually extended~~
10 ~~for purposes of circumventing the intent of this section. All~~
11 ~~remaining relocatable classrooms, including those owned,~~
12 ~~lease-purchased, or leased by the school district, shall be~~
13 ~~counted at actual student capacity. The educational plant~~
14 ~~survey shall identify the number of relocatable student~~
15 ~~stations scheduled for replacement during the 5-year survey~~
16 ~~period and the total dollar amount needed for that~~
17 ~~replacement. All district educational plant surveys revised~~
18 ~~after July 1, 1998, shall include information on leased space~~
19 ~~used for conducting the district's instructional program, in~~
20 ~~accordance with the recommendations of the department's report~~
21 ~~authorized in s. 235.056. A definition of satisfactory~~
22 ~~relocatable classrooms shall be established by rule of the~~
23 ~~department.~~

24 2. Each survey of a special facility, joint-use
25 facility, or cooperative vocational education facility must be
26 based on capital outlay full-time equivalent student
27 enrollment data prepared by the department for school
28 districts, by the Division of Community Colleges for community
29 colleges, and by the Board of Regents for state universities.
30 A survey of space needs of a joint-use facility shall be based
31 upon the respective space needs of the school districts,

1 community colleges, and universities, as appropriate.
2 Projections of a school district's facility space needs may
3 not exceed the norm space and occupant design criteria
4 established by the State Requirements for Educational
5 Facilities.

6 3. Each community college's survey must reflect the
7 capacity of existing facilities as specified in the inventory
8 maintained by the Division of Community Colleges. Projections
9 of facility space needs must comply with standards for
10 determining space needs as specified by rule of the State
11 Board of Education. The 5-year projection of capital outlay
12 student enrollment must be consistent with the annual report
13 of capital outlay full-time student enrollment prepared by the
14 Division of Community Colleges.

15 4. Each state university's survey must reflect the
16 capacity of existing facilities as specified in the inventory
17 maintained and validated by the Board of Regents. Projections
18 of facility space needs must be consistent with standards for
19 determining space needs approved by the Board of Regents. The
20 projected capital outlay full-time equivalent student
21 enrollment must be consistent with the 5-year planned
22 enrollment cycle for the State University System approved by
23 the Board of Regents.

24 5. The district educational facilities plan ~~plant~~
25 ~~survey~~ of a school district and the educational plant survey
26 of a community college, or state university may include space
27 needs that deviate from approved standards for determining
28 space needs if the deviation is justified by the district or
29 institution and approved by the department or the Board of
30 Regents, as appropriate, as necessary for the delivery of an
31 approved educational program.

1 (c) Review and validation.--The Office of Educational
2 Facilities of the Commissioner of Education ~~department~~ shall
3 review and validate the surveys of school districts and
4 community colleges and any amendments thereto for compliance
5 with the requirements of this chapter and, ~~when required by~~
6 ~~the State Constitution~~, shall recommend those in compliance
7 for approval by the State Board of Education.

8 (2) Only the superintendent or the college president
9 shall certify to the Office of Educational Facilities of the
10 Commissioner of Education ~~department~~ a project's compliance
11 with the requirements for expenditure of PECO funds prior to
12 release of funds.

13 (a) Upon request for release of PECO funds for
14 planning purposes, certification must be made to the Office of
15 Educational Facilities of the Commissioner of Education
16 ~~department~~ that the need and location of the facility are in
17 compliance with the board-approved survey recommendations, and
18 that the project meets the definition of a PECO project and
19 the limiting criteria for expenditures of PECO funding, and
20 that the plan is consistent with the local government
21 comprehensive plan.

22 (b) Upon request for release of construction funds,
23 certification must be made to the Office of Educational
24 Facilities of the Commissioner of Education ~~department~~ that
25 the need and location of the facility are in compliance with
26 the board-approved survey recommendations, that the project
27 meets the definition of a PECO project and the limiting
28 criteria for expenditures of PECO funding, ~~and~~ that the
29 construction documents meet the requirements of the State
30 Uniform Building Code for Educational Facilities Construction
31 or other applicable codes as authorized in this chapter, and

1 that the site is consistent with the local government
2 comprehensive plan.

3 Section 13. Subsection (3) of section 235.175, Florida
4 Statutes, is 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 Section 14. Section 235.18, Florida Statutes, is
22 amended to read:

23 235.18 Annual capital outlay budget.--Each board,
24 including the Board of Regents, shall, each year, adopt a
25 capital outlay budget for the ensuing year in order that the
26 capital outlay needs of the board for the entire year may be
27 well understood by the public. This capital outlay budget
28 shall be a part of the annual budget and shall be based upon
29 and in harmony with the educational plant and ancillary
30 facilities plan. This budget shall designate the proposed
31 capital outlay expenditures by project for the year from all

1 fund sources. The board may not expend any funds on any
2 project not included in the budget, as amended. Each district
3 school board must prepare its tentative district educational
4 facilities plan ~~work program~~ as required by s. 235.185 before
5 adopting the capital outlay budget.

6 Section 15. Section 235.185, Florida Statutes, is
7 amended to read:

8 235.185 School district educational facilities plan
9 ~~work program~~; definitions; preparation, adoption, and
10 amendment; long-term work programs.--

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

12 (a) "Adopted educational ~~district~~ facilities plan ~~work~~
13 ~~program~~" means the comprehensive planning document ~~5-year work~~
14 ~~program~~ adopted annually by the district school board as
15 provided in subsection(4) which contains the educational
16 plant survey(3).

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

22 1. To properly repair and maintain the educational
23 plant and ancillary facilities of the district.

24 2. To provide an adequate number of satisfactory
25 student stations for the projected student enrollment of the
26 district in K-12 programs in accordance with the goal in s.
27 235.062.

28 (c) "Tentative educational facilities plan" means the
29 comprehensive planning document prepared annually by the
30 district school board and submitted to the Office of
31

1 Educational Facilities of the Commissioner of Education and
2 the affected general purpose local governments.

3 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
4 FACILITIES PLAN;WORK PROGRAM.--

5 (a) Annually, prior to the adoption of the district
6 school budget, each school board shall prepare a tentative
7 district educational facilities plan ~~work program~~ that
8 includes long-range planning for facilities needs over 5-year,
9 10-year, and 20-year periods. The plan shall be developed in
10 coordination with the general purpose local governments and be
11 consistent with the local government comprehensive plans. The
12 plan shall:

13 1. Consider projected student populations apportioned
14 geographically at the local level. The projections shall be
15 based on information produced by the demographic, revenue, and
16 education estimating conferences pursuant to s. 216.136, where
17 available, as modified by the school district based on
18 development data and agreement with the local governments and
19 the Office of Educational Facilities of the Commissioner of
20 Education. The projections shall be apportioned geographically
21 with assistance from the local governments, using local
22 development trend data and the school district student
23 enrollment data.

24 2. Provide an inventory of existing school facilities.
25 Any anticipated expansions or closures of existing school
26 sites over the 5-year, 10-year, and 20-year periods shall be
27 identified. The inventory shall include an assessment of areas
28 proximate to existing schools and identification of the need
29 for improvements to infrastructure, safety, and conditions in
30 the community. The plan shall also provide a listing of major
31

- 1 repairs and renovation projects anticipated over the period of
2 the plan.
- 3 3. Include projections of facilities space needs,
4 which may not exceed the norm space and occupant design
5 criteria established in the State Requirements for Educational
6 Facilities.
- 7 4. Include information on leased, loaned, and donated
8 space and relocatables used for conducting the district's
9 instructional programs.
- 10 5. Describe the general location of public schools
11 proposed to be constructed over the 5-year, 10-year, and
12 20-year time periods, including a listing of the proposed
13 schools' site acreage needs and anticipated capacity and maps
14 showing general locations. The school board's identification
15 of general locations of future school sites shall be based on
16 the school siting requirements of s. 163.3177(6)(a) and
17 policies in the comprehensive plan which provide guidance for
18 appropriate locations for school sites.
- 19 6. Include the identification of options deemed
20 reasonable and approved by the school board that reduce the
21 need for additional permanent student stations. Such options
22 may include, but need not be limited to:
- 23 a. Acceptable capacity.
24 b. Redistricting.
25 c. Busing.
26 d. Year-round schools.
27 e. Charter schools.
- 28 7. Include the criteria and method jointly determined
29 by the local government and the school board for determining
30 the impact to public school capacity in response to a local
31 government request for a report pursuant to s. 235.193(4).

1 (b) The educational facilities plan shall also include
2 a financially feasible district facilities work program for a
3 5-year period. The work program shall include:

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

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

11 a. The locations, capacities, and planned utilization
12 rates of current educational facilities of the district. The
13 capacity of existing satisfactory facilities, as reported in
14 the Florida Inventory of School Houses, shall be compared to
15 the capital outlay full-time equivalent student enrollment as
16 determined by the department, including all enrollment used in
17 the calculation of the distribution formula under s.
18 235.435(3).

19 b. The proposed locations of planned facilities,
20 whether those locations are consistent with the comprehensive
21 plans of all affected local governments, and recommendations
22 for infrastructure and other improvements to land adjacent to
23 existing facilities. The provisions of ss. 235.19 and
24 235.193(6), (7), and (8) shall be addressed for new facilities
25 planned within the first 3 years of the work plan, as
26 appropriate.

27 c. Plans for the use and location of relocatable
28 facilities, leased facilities, and charter school facilities.

29 d. Plans for multitrack scheduling, grade level
30 organization, block scheduling, or other alternatives that
31 reduce the need for additional permanent student stations.

1 e. Information concerning average class size and
2 utilization rate by grade level within the district that will
3 result if the tentative district facilities work program is
4 fully implemented. ~~The average shall not include exceptional~~
5 ~~student education classes or prekindergarten classes.~~

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

1 survey period and the total dollar amount needed for that
2 replacement.

3 g. Plans for the closure of any school, including
4 plans for disposition of the facility or usage of facility
5 space, and anticipated revenues.

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

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

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

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

27 6. A schedule of options for the generation of
28 additional revenues by the district for expenditure on
29 projects identified in the ~~tentative~~ district facilities work
30 program which are not funded under subparagraph 5. Additional
31

1 anticipated revenues may include effort index grants, SIT
2 Program awards, and Classrooms First funds.

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

7 ~~(d)(c)~~ Provision shall be made for public comment
8 concerning the tentative district educational facilities plan
9 ~~work program~~.

10 (e) The district school board shall coordinate with
11 each affected local government to ensure consistency between
12 the tentative district educational facilities plan and the
13 local government comprehensive plans of the affected local
14 governments during the development of the tentative district
15 educational facilities plan.

16 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL
17 FACILITIES PLAN TO THE LOCAL GOVERNMENT.--The district school
18 board shall submit a copy of its tentative district
19 educational facilities plan to all affected local governments
20 prior to adoption by the board. The affected local governments
21 shall review the tentative district educational facilities
22 plan and comment to the district school board on the
23 consistency of the plan with the local comprehensive plan,
24 whether a comprehensive plan amendment will be necessary for
25 any proposed educational facility, and whether the local
26 government supports a necessary comprehensive plan amendment.
27 If the local government does not support a comprehensive plan
28 amendment for a proposed educational facility, the matter
29 shall be resolved pursuant to the interlocal agreement
30 required by ss. 163.31776(4) and 235.193(2). The process for
31 the submittal and review shall be detailed in the interlocal

1 agreement required pursuant to ss. 163.31776(4) and
2 235.193(2).

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

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

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

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

29 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.~~--In addition to
30 ~~the adopted district facilities work program covering the~~
31 ~~5-year work program,~~ the district school board shall adopt

1 ~~annually a 10-year and a 20-year work program which include~~
2 ~~the information set forth in subsection (2), but based upon~~
3 ~~enrollment projections and facility needs for the 10-year and~~
4 ~~20-year periods. It is recognized that the projections in the~~
5 ~~10-year and 20-year timeframes are tentative and should be~~
6 ~~used only for general planning purposes.~~

7 Section 16. Section 235.188, Florida Statutes, is
8 amended to read:

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

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

21 235.19 Site planning and selection.--
22 (1) If the school board and local government have
23 entered into an interlocal agreement pursuant to ss.
24 163.31776(4) and 235.193(2) and have developed a process to
25 ensure consistency between the local government comprehensive
26 plan and the school district educational facilities plan and a
27 method to coordinate decisionmaking and approval activities
28 relating to school planning and site selection, the provisions
29 of this section are superseded by the interlocal agreement and
30 the plans of the local government and the school board.

31

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

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

26 (4)~~(3)~~ Sites recommended for purchase, or purchased,
27 in accordance with chapter 230 or chapter 240 must meet
28 standards prescribed therein and such supplementary standards
29 as the school board ~~commissioner~~ prescribes to promote the
30 educational interests of the students. Each site must be well
31 drained and either suitable for outdoor educational purposes

1 as appropriate for the educational program or collocated with
2 facilities to serve this purpose. As provided in s. 333.03,
3 the site must not be located within any path of flight
4 approach of any airport. Insofar as is practicable, the site
5 must not adjoin a right-of-way of any railroad or through
6 highway and must not be adjacent to any factory or other
7 property from which noise, odors, or other disturbances, or at
8 which conditions, would be likely to interfere with the
9 educational program.

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

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

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

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

22 235.193 Coordination of planning with local governing
23 bodies.--

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

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

15 (2) No later than 6 months prior to the deadline
16 established by the state land planning agency pursuant to s.
17 163.31776(3) for the transmittal of a public educational
18 facilities element by general purpose local governments, the
19 school district, the county, and the participating
20 municipalities shall enter into an interlocal agreement which
21 establishes a process to develop coordinated and consistent
22 local government public educational facilities elements and
23 district educational facilities plans, including a process:

24 (a) By which each local government and the school
25 district agree and base their plans on consistent projections
26 of the amount, type, and distribution of population growth and
27 student enrollment.

28 (b) To coordinate and share information relating to
29 existing and planned public school facilities and local
30 government plans for development and redevelopment.

31

1 (c) To ensure that school siting decisions by the
2 school board are consistent with the local comprehensive plan,
3 including appropriate circumstances and criteria under which a
4 school district may request an amendment to the comprehensive
5 plan for school siting, and for early involvement by the local
6 government as the school board identifies potential school
7 sites.

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

13 (e) For school district participation in the review of
14 residential development applications for comprehensive plan
15 amendments and rezonings which increase residential density
16 and which are reasonably expected to have an impact on public
17 school facility demand pursuant to s. 163.31777. The
18 interlocal agreement shall express how the school board and
19 local governments will develop the methodology and the
20 criteria for determining if school facility capacity will not
21 be reasonably available at the time of projected school
22 impacts, including uniform, districtwide level-of-service
23 standards for all public schools of the same type and
24 availability standards for public schools. The interlocal
25 agreement shall ensure that consistent criteria and capacity
26 determination methodologies are adopted into the school
27 board's district educational facilities plan and the local
28 government's public educational facilities element. The
29 interlocal agreement shall also set forth the process and
30 uniform methodology for determining proportionate share
31 mitigation pursuant to s. 163.31777.

1 (f) For the resolution of disputes between the school
2 district and local governments.

3
4 Any school board that has entered into an interlocal agreement
5 for the purpose of adopting public school concurrency prior to
6 the effective date of this act is not required to amend the
7 interlocal agreement to conform to this subsection if the
8 comprehensive plan amendment adopting public school
9 concurrency is ultimately determined to be in compliance.

10 (3) Failure to enter into an interlocal agreement
11 shall result in the withholding of funds for school
12 construction available pursuant to ss. 235.187, 235.216,
13 235.2195, and 235.42, and the school district shall be
14 prohibited from siting schools. Before the Office of
15 Educational Facilities of the Commissioner of Education
16 withholds any funds, the office shall provide the school board
17 with a notice of intent to withhold funds, which the school
18 board may dispute pursuant to chapter 120. The office shall
19 withhold funds when a final order is issued finding that the
20 school board has failed to enter into an interlocal agreement
21 which meets the requirements of subsection (2).

22 (4) The school board shall provide the local
23 government a school capacity report when the local government
24 notifies the school board that it is reviewing an application
25 for a comprehensive plan amendment or a rezoning which seeks
26 to increase residential density. The report shall provide
27 data and analysis as required by s. 163.31777(2) for the local
28 government's review of such proposed plan amendment or
29 rezoning.

30 (5)~~(2)~~ A school board and the local governing body
31 must share and coordinate information related to existing and

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

27 ~~(6)(3)~~ The location of public educational facilities
28 shall be consistent with the comprehensive plan of the
29 appropriate local governing body developed under part II of
30 chapter 163 and consistent with the plan's implementing land
31 development regulations, ~~to the extent that the regulations~~

1 ~~are not in conflict with or the subject regulated is not~~
2 ~~specifically addressed by this chapter or the State Uniform~~
3 ~~Building Code, unless mutually agreed by the local government~~
4 ~~and the board.~~

5 (7)~~(4)~~ To improve coordination relative to potential
6 educational facility sites, a board shall provide written
7 notice to the local government that has regulatory authority
8 over the use of the land at least 120 ~~60~~ days prior to
9 acquiring or leasing property that may be used for a new
10 public educational facility. The local government, upon
11 receipt of this notice, shall notify the board within 45 days
12 if the site proposed for acquisition or lease is consistent
13 with the land use categories and policies of the local
14 government's comprehensive plan. This preliminary notice does
15 not constitute the local government's determination of
16 consistency pursuant to subsection (8)~~(5)~~.

17 (8)~~(5)~~ As early in the design phase as feasible, but
18 at least before commencing construction of a new public
19 educational facility, the local governing body that regulates
20 the use of land shall determine, in writing within 90 days
21 after receiving the necessary information and a school board's
22 request for a determination, whether a proposed public
23 educational facility is consistent with the local
24 comprehensive plan and consistent with local land development
25 regulations, to the extent that the regulations are not in
26 conflict with or the subject regulated is not specifically
27 addressed by this chapter or the State Uniform Building Code,
28 unless mutually agreed. If the determination is affirmative,
29 school construction may proceed and further local government
30 approvals are not required, except as provided in this
31 section. Failure of the local governing body to make a

1 determination in writing within 90 days after a school board's
2 request for a determination of consistency shall be considered
3 an approval of the school board's application.

4 (9)~~(6)~~ A local governing body may not deny the site
5 applicant based on adequacy of the site plan as it relates
6 solely to the needs of the school. If the site is consistent
7 with the comprehensive plan ~~plan's future land use policies~~
8 ~~and categories in which public schools are identified as~~
9 ~~allowable uses~~, the local government may not deny the
10 application but it may impose reasonable development standards
11 and conditions in accordance with s. 235.34(1) and consider
12 the site plan and its adequacy as it relates to environmental
13 concerns, health, safety and welfare, and effects on adjacent
14 property. Standards and conditions may not be imposed which
15 conflict with those established in this chapter or the State
16 Uniform Building Code, unless mutually agreed.

17 (10)~~(7)~~ This section does not prohibit a local
18 governing body and district school board from agreeing and
19 establishing an alternative process for reviewing a proposed
20 educational facility and site plan, and offsite impacts
21 pursuant to an interlocal agreement adopted in accordance with
22 s. 235.193.

23 (11)~~(8)~~ Existing schools shall be considered
24 consistent with the applicable local government comprehensive
25 plan adopted under part II of chapter 163. ~~The collocation of~~
26 ~~a new proposed public educational facility with an existing~~
27 ~~public educational facility, or the expansion of an existing~~
28 ~~public educational facility is not inconsistent with the local~~
29 ~~comprehensive plan, if the site is consistent with the~~
30 ~~comprehensive plan's future land use policies and categories~~
31 ~~in which public schools are identified as allowable uses, and~~

1 ~~levels of service adopted by the local government for any~~
2 ~~facilities affected by the proposed location for the new~~
3 ~~facility are maintained.~~ If a board submits an application to
4 expand an existing school site, the local governing body may
5 impose reasonable development standards and conditions on the
6 expansion only, and in a manner consistent with s. 235.34(1).
7 Standards and conditions may not be imposed which conflict
8 with those established in this chapter or the State Uniform
9 Building Code, unless mutually agreed. Local government review
10 or approval is not required for:

11 (a) The placement of temporary or portable classroom
12 facilities; or

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

18 Section 19. Section 235.194, Florida Statutes, is
19 repealed.

20 Section 20. Section 235.218, Florida Statutes, is
21 amended to read:

22 235.218 School district educational facilities plan
23 ~~work program~~ performance and productivity standards;
24 development; measurement; application.--

25 (1) The SMART Schools Clearinghouse shall develop and
26 adopt measures for evaluating the performance and productivity
27 of school district educational facilities plans ~~work programs~~.
28 The measures may be both quantitative and qualitative and
29 must, to the maximum extent practical, assess those factors
30 that are within the districts' control. The measures must, at
31 a minimum, assess performance in the following areas:

- 1 (a) Frugal production of high-quality projects.
2 (b) Efficient finance and administration.
3 (c) Optimal school and classroom size and utilization
4 rate.
5 (d) Safety.
6 (e) Core facility space needs and cost-effective
7 capacity improvements that consider demographic projections.
8 (f) Level of district local effort.
9 (2) The clearinghouse shall establish annual
10 performance objectives and standards that can be used to
11 evaluate district performance and productivity.
12 (3) The clearinghouse shall conduct ongoing
13 evaluations of district educational facilities plan program
14 performance and productivity, using the measures adopted under
15 this section. If, using these measures, the clearinghouse
16 finds that a district failed to perform satisfactorily, the
17 clearinghouse must recommend to the district school board
18 actions to be taken to improve the district's performance.
19 Section 21. Section 235.321, Florida Statutes, is
20 amended to read:
21 235.321 Changes in construction requirements after
22 award of contract.--The board may, at its option and by
23 written policy duly adopted and entered in its official
24 minutes, authorize the superintendent or president or other
25 designated individual to approve change orders in the name of
26 the board for preestablished amounts. Approvals shall be for
27 the purpose of expediting the work in progress and shall be
28 reported to the board and entered in its official minutes. For
29 accountability, the school district shall monitor and report
30 the impact of change orders on its district educational
31 facilities plan work program pursuant to s. 235.185.

1 Section 22. Paragraph (d) of subsection (5) of section
2 236.25, Florida Statutes, is amended to read:

3 236.25 District school tax.--

4 (5)

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

14
15 A district that violates these expenditure restrictions shall
16 have an equal dollar reduction in funds appropriated to the
17 district under s. 236.081 in the fiscal year following the
18 audit citation. The expenditure restrictions do not apply to
19 any school district that certifies to the Commissioner of
20 Education that all of the district's instructional space needs
21 for the next 5 years can be met from capital outlay sources
22 that the district reasonably expects to receive during the
23 next 5 years or from alternative scheduling or construction,
24 leasing, rezoning, or technological methodologies that exhibit
25 sound management.

26 Section 23. This act shall take effect upon becoming a
27 law.

28
29
30
31