

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; providing that
14 an agricultural land use category shall be
15 eligible for the location of public schools in
16 a local government comprehensive plan in rural
17 counties under certain conditions; creating s.
18 163.31776, F.S.; providing legislative intent
19 and findings; requiring that certain local
20 government comprehensive plans include a public
21 educational facilities element; requiring
22 notice by the Department of Education;
23 exempting certain municipalities from adopting
24 such elements; requiring a report; requiring
25 such local governments and the school board to
26 enter into an interlocal agreement and
27 providing requirements with respect thereto;
28 providing requirements for such elements;
29 providing requirements for future land use
30 maps; specifying the process for adoption of
31 such elements; providing for arbitration;

1 specifying the effect of a local government's
2 failure to enter into an interlocal agreement
3 and of a school board's failure to provide
4 certain information or to enter into an
5 interlocal agreement; amending s. 163.3180,
6 F.S.; providing requirements with respect to
7 the public educational facilities element when
8 school concurrency is imposed by local option;
9 removing school concurrency requirements
10 relating to intergovernmental coordination and
11 exemption for certain municipalities; revising
12 requirements relating to an interlocal
13 agreement for school concurrency; amending s.
14 163.3184, F.S.; including requirements for plan
15 amendments relating to the public educational
16 facilities element in the process for adoption
17 of comprehensive plan amendments; providing
18 additional agencies to which a local government
19 must transmit a proposed comprehensive plan or
20 plan amendment; removing provisions relating to
21 transmittal of copies by the state land
22 planning agency; providing that a local
23 government may request review by the state land
24 planning agency at the time of transmittal of
25 an amendment; revising time periods with
26 respect to submission of comments to the agency
27 by other agencies, notice by the agency of its
28 intent to review, and issuance by the agency of
29 its report; providing for priority review of
30 certain amendments; clarifying language;
31 providing that the agency shall not review an

1 amendment certified as having no objections
2 received; providing for compilation and
3 transmittal by the local government of a list
4 of persons who will receive an informational
5 statement concerning the agency's notice of
6 intent to find a plan or plan amendment in
7 compliance or not in compliance; directing the
8 agency to provide a model form; revising
9 requirements relating to publication of the
10 agency's notice of intent; deleting a
11 requirement that the notice be sent to certain
12 persons; amending s. 163.3187, F.S.; providing
13 that plan amendments to adopt such elements and
14 future land use map amendments for school
15 siting are not subject to the statutory limits
16 on the frequency of plan amendments; amending
17 s. 163.3191, F.S.; conforming language;
18 amending s. 163.3202, F.S.; providing
19 legislative intent regarding electric utilities
20 and substations; providing that local
21 governments may adopt land development
22 regulations that establish standards for
23 substations and providing effect of compliance
24 with such standards; prohibiting local
25 governments from denying a development permit
26 for a substation under certain conditions;
27 amending s. 163.3244, F.S.; extending the
28 repeal date of the sustainable communities
29 demonstration project; directing the state land
30 planning agency to develop fiscal analysis
31 models for determining the costs and revenues

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

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

1 facility; providing for inclusion of an
2 alternative process for proposed facility
3 review in the required interlocal agreement;
4 conforming language; repealing s. 235.194,
5 F.S., which requires school boards to submit an
6 annual general educational facilities report to
7 local governments; amending s. 235.218, F.S.;
8 revising provisions relating to adoption of
9 certain evaluation measures by the SMART
10 Schools Clearinghouse; amending ss. 235.321 and
11 236.25, F.S.; conforming language; amending s.
12 380.04, F.S.; revising an exception from the
13 definition of "development" for work by certain
14 utilities; amending s. 380.06, F.S., relating
15 to developments of regional impact; providing
16 that the statewide guidelines and standards
17 shall be increased for development in a rural
18 area of critical economic concern; providing
19 effective dates.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 163.3174 Local planning agency.--

26 (1) The governing body of each local government,
27 individually or in combination as provided in s. 163.3171,
28 shall designate and by ordinance establish a "local planning
29 agency," unless the agency is otherwise established by law.
30 Notwithstanding any special act to the contrary, no later than
31 January 1, 2002, each local planning agency shall include a

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

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

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

31

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

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

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

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

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

1 with these school siting requirements by October 1, 1999, will
2 result in the prohibition of the local government's ability to
3 amend the local comprehensive plan, except for plan amendments
4 described in s. 163.3187(1)(b), until the school siting
5 requirements are met. Amendments ~~An amendment~~ proposed by a
6 local government for purposes of identifying the land use
7 categories in which public schools are an allowable use or for
8 adopting or amending the school siting maps pursuant to s.
9 163.31776(6) are ~~is~~ exempt from the limitation on the
10 frequency of plan amendments contained in s. 163.3187. The
11 future land use element shall include criteria which encourage
12 the location of schools proximate to urban residential areas
13 to the extent possible and shall require that the local
14 government seek to collocate public facilities, such as parks,
15 libraries, and community centers, with schools, and shall
16 include criteria which encourage using elementary schools as
17 focal points for neighborhoods to the extent possible. For
18 schools serving predominantly rural counties, defined as a
19 county with a population of less than 75,000, an agricultural
20 land use category shall be eligible for the location of public
21 school facilities if the local comprehensive plan contains
22 school siting criteria and the location is consistent with
23 such criteria.

24 (h)1. An intergovernmental coordination element
25 showing relationships and stating principles and guidelines to
26 be used in the accomplishment of coordination of the adopted
27 comprehensive plan with the plans of school boards and other
28 units of local government providing services but not having
29 regulatory authority over the use of land, with the
30 comprehensive plans of adjacent municipalities, the county,
31 adjacent counties, or the region, and with the state

1 comprehensive plan, as the case may require and as such
2 adopted plans or plans in preparation may exist. This element
3 of the local comprehensive plan shall demonstrate
4 consideration of the particular effects of the local plan,
5 when adopted, upon the development of adjacent municipalities,
6 the county, adjacent counties, or the region, or upon the
7 state comprehensive plan, as the case may require.

8 a. The intergovernmental coordination element shall
9 provide for procedures to identify and implement joint
10 planning areas, especially for the purpose of annexation,
11 municipal incorporation, and joint infrastructure service
12 areas.

13 b. The intergovernmental coordination element shall
14 provide for recognition of campus master plans prepared
15 pursuant to s. 240.155.

16 c. The intergovernmental coordination element may
17 provide for a voluntary dispute resolution process as
18 established pursuant to s. 186.509 for bringing to closure in
19 a timely manner intergovernmental disputes. A local
20 government may develop and use an alternative local dispute
21 resolution process for this purpose.

22 2. The intergovernmental coordination element shall
23 further state principles and guidelines to be used in the
24 accomplishment of coordination of the adopted comprehensive
25 plan with the plans of school boards and other units of local
26 government providing facilities and services but not having
27 regulatory authority over the use of land. In addition, the
28 intergovernmental coordination element shall describe joint
29 processes for collaborative planning and decisionmaking on
30 population projections and public school siting, the location
31 and extension of public facilities subject to concurrency, and

1 siting facilities with countywide significance, including
2 locally unwanted land uses whose nature and identity are
3 established in an agreement. Within 1 year of adopting their
4 intergovernmental coordination elements, each county, all the
5 municipalities within that county, the district school board,
6 and any unit of local government service providers in that
7 county shall establish by interlocal or other formal agreement
8 executed by all affected entities, the joint processes
9 described in this subparagraph consistent with their adopted
10 intergovernmental coordination elements.

11 3. To foster coordination between special districts
12 and local general-purpose governments as local general-purpose
13 governments implement local comprehensive plans, each
14 independent special district must submit a public facilities
15 report to the appropriate local government as required by s.
16 189.415.

17 4. The state land planning agency shall establish a
18 schedule for phased completion and transmittal of plan
19 amendments to implement subparagraphs 1., 2., and 3. from all
20 jurisdictions so as to accomplish their adoption by December
21 31, 1999. A local government may complete and transmit its
22 plan amendments to carry out these provisions prior to the
23 scheduled date established by the state land planning agency.
24 The plan amendments are exempt from the provisions of s.
25 163.3187(1).

26 5. Intergovernmental coordination between local
27 governments and the district school board shall be governed by
28 s. 163.31776 for local governments subject to the requirements
29 of said section, and compliance with said section with respect
30 to intergovernmental coordination is encouraged for local
31 governments exempt from such requirements.

1 Section 3. Section 163.31776, Florida Statutes, is
2 created to read:

3 163.31776 Public educational facilities element.--

4 (1) The intent of the Legislature is:

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

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

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

20 (2) The Legislature finds that:

21 (a) Public schools are a linchpin to the vitality of
22 our communities and play a significant role in thousands of
23 individual housing decisions which result in community growth
24 trends.

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

30 (3) A public educational facilities element shall be
31 adopted in cooperation with the applicable school district by

1 all local governments meeting the criteria identified in
2 paragraph (a). All local governments are encouraged to adopt a
3 public educational facilities element regardless of whether
4 they meet the criteria of paragraph (a) or are exempted by
5 paragraph (c). The public educational facilities elements
6 shall be transmitted no later than January 1, 2003, for those
7 local governments initially meeting the criteria in paragraph
8 (a).

9 (a) A local government must adopt a public educational
10 facilities element if the local government is located in a
11 county where:

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

16 2. The projected 5-year student growth rate is 10
17 percent or greater.

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

24 (c) Each municipality within a county described in
25 paragraph (a) shall adopt its own element or adopt a plan
26 amendment accepting the public educational facilities element
27 adopted by the county which includes the municipality's area
28 of authority as defined by s. 163.3171. However, a
29 municipality is exempt from this requirement if it does not
30 contain a public school within its jurisdiction and none is
31 scheduled in the 5-year district facilities work program of

1 the school board's education facilities plan adopted pursuant
2 to s. 235.185, and if the residents of the municipality have
3 generated less than 50 additional public school students
4 during the last 5 years. Any municipality exempt under this
5 paragraph shall notify the county and the school board of any
6 planned annexations into residential or proposed residential
7 areas or other change in conditions which would render the
8 municipality no longer eligible for exemption and shall comply
9 with the provisions of this subsection no later than 1 year
10 following a change in conditions which renders the
11 municipality no longer eligible for exemption or no later than
12 1 year following the identification of a proposed public
13 school in the school board's 5-year district facilities work
14 program in the municipality's jurisdiction.

15 (d) The Department of Education and the Department of
16 Community Affairs shall submit a report to the Governor, the
17 President of the Senate, and Speaker of the House of
18 Representatives by January 2003 that evaluates the criteria in
19 paragraph (a) and makes any recommendations for changes to the
20 criteria as needed to meet the intent of this part.

21 (4) No later than 6 months prior to the deadline for
22 transmittal of a public educational facilities element, the
23 county, the nonexempt municipalities, and the school board
24 shall enter into an interlocal agreement which establishes a
25 process to develop coordinated and consistent local government
26 public educational facilities elements and district
27 educational facilities plans, including a process:

28 (a) By which each local government and the school
29 district agree and base the local government comprehensive
30 plan and educational facilities plan on uniform projections of
31

1 the amount, type, and distribution of population growth and
2 student enrollment.

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

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

13 (d) To coordinate and provide timely formal comments
14 during the development, adoption, and amendment of each local
15 government's public educational facilities element and the
16 educational facilities plan of the school district to ensure a
17 uniform countywide school facility planning system.

18 (e) For school district participation in the review of
19 land use decisions which increase residential density and
20 which are reasonably expected to have an impact on public
21 school facility demand.

22 (f) For the resolution of disputes between the school
23 district and local governments.

24 (5) The public educational facilities element shall be
25 based on data and analysis, including the interlocal agreement
26 required by subsection (4) and the educational facilities plan
27 required by s. 235.185. All local government public
28 educational facilities elements within a county shall be
29 consistent with each other and shall address the following:
30
31

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

4 (b) The need for and strategies for the provision of
5 adequate infrastructure necessary to support proposed schools,
6 including potable water, wastewater, drainage, and
7 transportation, and the need for other actions to ensure safe
8 access to schools, including provision of sidewalks, bicycle
9 paths, turn lanes, and signalization.

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

12 (d) Location of schools proximate to residential areas
13 and use of public schools to complement patterns of
14 development, including using elementary schools as focal
15 points for neighborhoods.

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

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

19 (6) The future land use map series shall either
20 incorporate maps which are the result of a collaborative
21 process for identifying school sites and are adopted in the
22 educational facilities plan promulgated by the school board
23 pursuant to s. 235.185 showing the locations of existing
24 public schools and the general locations of improvements to
25 existing schools or construction of new schools anticipated
26 over the 5-year, 10-year, and 20-year time periods, or such
27 maps shall be data and analysis in support of the future land
28 use map series. Maps indicating general locations of future
29 schools or school improvements shall not be deemed to
30 prescribe a land use on a particular parcel of land.

31

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

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

27 (9) Nothing in this section prohibits a local
28 government from using its home rule powers to deny a
29 comprehensive plan amendment or rezoning, provided this
30 subsection shall not apply to a comprehensive plan amendment
31 or to a rezoning which is consistent with a development order

1 which has been approved by a local government pursuant to s.
2 380.06.

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

5 163.3180 Concurrency.--

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

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

31

1 1. The element shall be based on data and analyses
2 that address how uniform, districtwide level-of-service
3 standards for all schools of the same type will be achieved
4 and maintained.

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

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

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

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

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

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

30 1. Local governments and school boards imposing school
31 concurrency shall exercise authority in conjunction with each

1 other to establish jointly adequate level-of-service
2 standards, as defined in chapter 9J-5, Florida Administrative
3 Code, necessary to implement the adopted local government
4 comprehensive plan, based on data and analysis.

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

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

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

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

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

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

28 (d) Financial feasibility.--The Legislature recognizes
29 that financial feasibility is an important issue because the
30 premise of concurrency is that the public facilities will be
31 provided in order to achieve and maintain the adopted

1 level-of-service standard. This part and chapter 9J-5, Florida
2 Administrative Code, contain specific standards to determine
3 the financial feasibility of capital programs. These standards
4 were adopted to make concurrency more predictable and local
5 governments more accountable.

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

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

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

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

1 adequate school facilities will be in place or under actual
2 construction within 3 years after permit issuance.

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

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

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

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

23 ~~c. The municipality has no public schools located~~
24 ~~within its boundaries.~~

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

27 ~~2. A municipality which qualifies as having no~~
28 ~~significant impact on school attendance pursuant to the~~
29 ~~criteria of subparagraph 1. must review and determine at the~~
30 ~~time of its evaluation and appraisal report pursuant to s.~~
31 ~~163.3191 whether it continues to meet the criteria. If the~~

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

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

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

31

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

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

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

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

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

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

12 ~~5.7.~~ Establish a uniform districtwide procedure for
13 implementing school concurrency which provides for:

14 a. The evaluation of development applications for
15 compliance with school concurrency requirements;

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

19 c. The monitoring and evaluation of the school
20 concurrency system.

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

26 Section 5. Paragraph (b) of subsection (1) of section
27 163.3184, Florida Statutes, is amended, and, effective October
28 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and
29 paragraph (d) of subsection (16) of said section are amended,
30 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 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
13 AMENDMENT.--

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

1 unit of local government or government agency in the state
2 that has filed a written request with the governing body for
3 the plan or plan amendment. The local government may request a
4 review by the state land planning agency pursuant to
5 subsection (6) at the time of transmittal of an amendment.

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

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

1 (d) In cases in which a local government transmits
 2 multiple individual amendments that can be clearly and legally
 3 separated and distinguished for the purpose of determining
 4 whether to review the proposed amendment, and the state land
 5 planning agency elects to review several or a portion of the
 6 amendments and the local government chooses to immediately
 7 adopt the remaining amendments not reviewed, the amendments
 8 immediately adopted and any reviewed amendments that the local
 9 government subsequently adopts together constitute one
 10 amendment cycle in accordance with s. 163.3187(1).

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

1 proposed plan amendment. Written comments submitted by the
2 public within 30 days after notice of transmittal by the local
3 government of the proposed plan amendment will be considered
4 as if submitted by governmental agencies. All written agency
5 and public comments must be made part of the file maintained
6 under subsection (2).

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

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

21 (b) The state land planning agency may review any
22 proposed plan amendment regardless of whether a request for
23 review has been made, if the agency gives notice to the local
24 government, and any other person who has requested notice, of
25 its intention to conduct such a review within 35 30 days after
26 receipt by the state land planning agency of transmittal of
27 the complete proposed plan amendment ~~pursuant to subsection~~
28 ~~(3)~~.

29 (c) The state land planning agency shall establish by
30 rule a schedule for receipt of comments from the various
31 government agencies, as well as written public comments,

1 pursuant to subsection (4). If the state land planning agency
 2 elects to review the amendment or the agency is required to
 3 review the amendment as specified in paragraph (a), the agency
 4 shall issue a report of its objections, recommendations, and
 5 comments regarding the proposed amendment within 60 days after
 6 receipt of the complete proposed amendment by the state land
 7 planning agency. Proposed comprehensive plan amendments from
 8 small counties or rural communities for the purpose of job
 9 creation, economic development, or strengthening and
 10 diversifying the economy shall receive priority review by the
 11 state land planning agency.~~The state land planning agency~~
 12 ~~shall have 30 days to review comments from the various~~
 13 ~~government agencies along with a local government's~~
 14 ~~comprehensive plan or plan amendment. During that period, the~~
 15 ~~state land planning agency shall transmit in writing its~~
 16 ~~comments to the local government along with any objections and~~
 17 ~~any recommendations for modifications.~~When a federal, state,
 18 or regional agency has implemented a permitting program, the
 19 state land planning agency shall not require a local
 20 government to duplicate or exceed that permitting program in
 21 its comprehensive plan or to implement such a permitting
 22 program in its land development regulations. Nothing
 23 contained herein shall prohibit the state land planning agency
 24 in conducting its review of local plans or plan amendments
 25 from making objections, recommendations, and comments or
 26 making compliance determinations regarding densities and
 27 intensities consistent with the provisions of this part. In
 28 preparing its comments, the state land planning agency shall
 29 only base its considerations on written, and not oral,
 30 comments, from any source.
 31

1 (d) The state land planning agency review shall
2 identify all written communications with the agency regarding
3 the proposed plan amendment. If the state land planning agency
4 does not issue such a review, it shall identify in writing to
5 the local government all written communications received 30
6 days after transmittal. The written identification must
7 include a list of all documents received or generated by the
8 agency, which list must be of sufficient specificity to enable
9 the documents to be identified and copies requested, if
10 desired, and the name of the person to be contacted to request
11 copies of any identified document. The list of documents must
12 be made a part of the public records of the state land
13 planning agency.

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

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

1 plan amendment, other than a plan amendment proposed pursuant
 2 to s. 163.3191, shall be made in the course of a public
 3 hearing pursuant to subsection (15). The local government
 4 shall transmit the complete adopted comprehensive plan or
 5 ~~adopted~~ plan amendment to the state land planning agency as
 6 specified in the agency's procedural rules within 10 working
 7 days after adoption, including the names and addresses of
 8 persons compiled pursuant to paragraph (15)(c). The local
 9 governing body shall also transmit a copy of the adopted
 10 comprehensive plan or plan amendment to the regional planning
 11 agency and to any other unit of local government or
 12 governmental agency in the state that has filed a written
 13 request with the governing body for a copy of the plan or plan
 14 amendment.

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

26 (8) NOTICE OF INTENT.--

27 (a) Except as provided in s. 163.3187(3), the state
 28 land planning agency, upon receipt of a local government's
 29 complete adopted comprehensive plan or plan amendment, shall
 30 have 45 days for review and to determine if the plan or plan
 31 amendment is in compliance with this act, unless the amendment

1 is the result of a compliance agreement entered into under
2 subsection (16), in which case the time period for review and
3 determination shall be 30 days. If review was not conducted
4 under subsection (6), the agency's determination must be based
5 upon the plan amendment as adopted. If review was conducted
6 under subsection (6), the agency's determination of compliance
7 must be based only upon one or both of the following:

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

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

12 (b) During the time period provided for in this
13 subsection, the state land planning agency shall issue,
14 through a senior administrator or the secretary, as specified
15 in the agency's procedural rules, a notice of intent to find
16 that the plan or plan amendment is in compliance or not in
17 compliance. A notice of intent shall be issued by publication
18 in the manner provided by this paragraph and by mailing a copy
19 to the local government ~~and to persons who request notice.~~

20 ~~The required advertisement shall be no less than 2 columns~~
21 ~~wide by 10 inches long, and the headline in the advertisement~~
22 ~~shall be in a type no smaller than 12 point.~~The advertisement

23 shall ~~not~~ be placed in that portion of the newspaper where
24 legal notices ~~and classified advertisements~~ appear. The
25 advertisement shall be published in a newspaper which meets
26 the size and circulation requirements set forth in paragraph
27 (15)(e)~~(c)~~ and which has been designated in writing by the
28 affected local government at the time of transmittal of the
29 amendment. Publication by the state land planning agency of a
30 notice of intent in the newspaper designated by the local

31

1 government shall be prima facie evidence of compliance with
2 the publication requirements of this section.

3 (c) Notwithstanding the provisions of this subsection,
4 within 20 days after receipt of an accurate certification
5 submitted pursuant to paragraph (7)(b), the state land
6 planning agency shall issue a notice of intent to find the
7 plan amendment in compliance without further review.

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

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

27 (15) PUBLIC HEARINGS.--

28 (a) The procedure for transmittal of a complete
29 proposed comprehensive plan or plan amendment pursuant to
30 subsection (3) and for adoption of a comprehensive plan or
31 plan amendment pursuant to subsection (7) shall be by

1 affirmative vote of not less than a majority of the members of
2 the governing body present at the hearing. The adoption of a
3 comprehensive plan or plan amendment shall be by ordinance.
4 For the purposes of transmitting or adopting a comprehensive
5 plan or plan amendment, the notice requirements in chapters
6 125 and 166 are superseded by this subsection, except as
7 provided in this part.

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

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

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

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

1 and legibly provide all information required to receive the
2 courtesy informational statement.

3 (d) The agency shall provide a model sign-in form and
4 the format for providing the list to the agency which may be
5 used by the local government to satisfy the requirements of
6 this subsection by August 1, 2001.

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

14 (16) COMPLIANCE AGREEMENTS.--

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

31

1 Section 6. Paragraph (j) of subsection (1) of section
2 163.3187, Florida Statutes, is amended, and paragraph (k) is
3 added to said subsection, to read:

4 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

22 Section 7. Paragraph (k) of subsection (2) of section
23 163.3191, Florida Statutes, is amended to read:

24 163.3191 Evaluation and appraisal of comprehensive
25 plan.--

26 (2) The report shall present an evaluation and
27 assessment of the comprehensive plan and shall contain
28 appropriate statements to update the comprehensive plan,
29 including, but not limited to, words, maps, illustrations, or
30 other media, related to:

31

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

14 Section 8. Subsection (6) is added to section
15 163.3202, Florida Statutes, to read:

16 163.3202 Land development regulations.--

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

27 (b) Nothing in this part shall prohibit a local
28 government from adopting land development regulations which
29 establish reasonable standards for setbacks, buffering,
30 landscaping, and other such site conditions which ensure
31 consistency with the local comprehensive plan for a substation

1 that will be operated by an electric utility. Compliance with
2 any such adopted standards creates a presumption that a
3 substation is compatible with adjacent land uses and is
4 consistent with the local comprehensive plan.

5 (c) If an electric utility demonstrates by competent
6 substantial evidence that it meets all criteria for approval
7 of an application for a development permit for the location,
8 construction, and operation of a substation, the local
9 government may not deny the application unless the
10 preponderance of the evidence, applying a strict scrutiny
11 standard of review, demonstrates that the application does not
12 meet the requirements of the local comprehensive plan or
13 applicable land development regulations.

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

16 163.3244 Sustainable communities demonstration
17 project.--

18 (9) This section shall stand repealed on June 30, 2002
19 ~~2001~~, and shall be reviewed by the Legislature prior to that
20 date.

21 Section 10. Development of a uniform fiscal impact
22 analysis model for evaluating the cost of infrastructure to
23 support development.--

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

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

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

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

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

30
31

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

4 3. Make changes to the models during the testing
5 period as needed.

6 4. Report to the Governor and the Legislature with
7 implementation recommendations.

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

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

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

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

26 (b) The model shall be capable of estimating the
27 capital, operating, and maintenance expenses and revenues for
28 infrastructure needs created by new development based on the
29 type, scale, and location of various land uses. For the
30 purposes of developing the model, estimated costs shall
31 include those associated with provision of school facilities,

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

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

29 (d) As part of its development of a fiscal analysis
 30 model, and as directed by the commission, the state land
 31 planning agency shall develop a format by which the local

1 government shall report to its citizens, at least annually,
2 the cumulative fiscal impact of its local planning decisions.

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

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

18 (6) No later than February 1, 2003, the commission
19 shall transmit to the Governor, the President of the Senate,
20 and the Speaker of the House of Representatives a report
21 detailing the results of the demonstration projects. The
22 commission shall report its recommendations for statewide
23 implementation of a uniform fiscal analysis model. Any
24 recommendation to implement the model must be based on the
25 commission's determination that the model is technically
26 valid, financially feasible for local government
27 implementation, and practically useful for implementation as a
28 uniform fiscal analysis model. Should the commission determine
29 that a uniform fiscal analysis model is not technically valid,
30 financially feasible for local government implementation, and
31 practically useful for implementation as a uniform fiscal

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

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

19 Section 12. Section 235.002, Florida Statutes, is
20 amended to read:

21 235.002 Intent.--

22 (1) The intent of the Legislature is:

23 ~~(a) To provide each student in the public education~~
24 ~~system the availability of an educational environment~~
25 ~~appropriate to his or her educational needs which is~~
26 ~~substantially equal to that available to any similar student,~~
27 ~~notwithstanding geographic differences and varying local~~
28 ~~economic factors, and to provide facilities for the Florida~~
29 ~~School for the Deaf and the Blind and other educational~~
30 ~~institutions and agencies as may be defined by law.~~

31

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

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

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

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

23 (e) To establish a systematic process for school
24 boards and local governments to cooperatively plan for the
25 provision of educational facilities to meet the current and
26 projected needs of the public education system population,
27 including the needs placed on the public education system as a
28 result of growth and development decisions by local
29 government.

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

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

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

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

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

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

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

25 235.061 Standards for relocatables used as classroom
26 space; inspections.--

27 (1) The Commissioner of Education shall adopt rules
28 establishing standards for relocatables intended for long-term
29 use as classroom space at a public elementary school, middle
30 school, or high school. "Long-term use" means the use of
31 relocatables at the same educational plant for a period of 4

1 years or more. These rules must be implemented by July 1,
 2 1998, and each relocatable acquired by a district school board
 3 after the effective date of the rules and intended for
 4 long-term use must comply with the standards. The rules shall
 5 require that, by July 1, 2002 ~~2001~~, relocatables that fail to
 6 meet the standards may not be used as classrooms. The
 7 standards shall protect the health, safety, and welfare of
 8 occupants by requiring compliance with the Uniform Building
 9 Code for Public Educational Facilities or other locally
 10 adopted state minimum building codes to ensure the safety and
 11 stability of construction and onsite installation; fire and
 12 moisture protection; air quality and ventilation; appropriate
 13 wind resistance; and compliance with the requirements of the
 14 Americans with Disabilities Act of 1990. If appropriate, the
 15 standards must also require relocatables to provide access to
 16 the same technologies available to similar classrooms within
 17 the main school facility and, if appropriate, to be accessible
 18 by adequate covered walkways. By July 1, 2000, the
 19 commissioner shall adopt standards for all relocatables
 20 intended for long-term use as classrooms. A relocatable that
 21 is subject to this section and does not meet the standards
 22 shall not be reported as providing satisfactory student
 23 stations in the Florida Inventory of School Houses.

24 Section 14. Section 235.15, Florida Statutes, is
 25 amended to read:

26 235.15 Educational plant survey; localized need
 27 assessment; PECO project funding.--

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

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

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

30 (b) Required need assessment criteria for district,
31 community college, and state university plant surveys.--~~Each~~

1 Educational plant surveys ~~survey completed after December 31,~~
2 ~~1997,~~ must use uniform data sources and criteria specified in
3 this paragraph. ~~Each educational plant survey completed after~~
4 ~~June 30, 1995, and before January 1, 1998, must be revised, if~~
5 ~~necessary, to comply with this paragraph.~~ Each revised
6 educational plant survey and each new educational plant survey
7 supersedes previous surveys.

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

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

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

1 not exceed the norm space and occupant design criteria
2 established by the State Requirements for Educational
3 Facilities.

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

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

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

30 (c) Review and validation.--The Office of Educational
31 Facilities of the Commissioner of Education ~~department~~ shall

1 review and validate the educational facilities plans of school
2 districts and the surveys of ~~school districts and~~ community
3 colleges and any amendments thereto for compliance with the
4 requirements of this chapter and, ~~when required by the State~~
5 ~~Constitution~~, shall recommend those in compliance for approval
6 by the State Board of Education.

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

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

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

1 as authorized in this chapter, and that the site is consistent
2 with the local government comprehensive plan.

3 Section 15. 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 16. 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 17. 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 school board's plan for provision of new schools shall meet
13 the needs of all growing communities in the district, ranging
14 from small rural communities to large urban cities. The plan
15 shall:

16 1. Consider projected student populations for the
17 5-year, 10-year, and 20-year planning periods apportioned
18 geographically at the local level. The projections shall be
19 based on information produced by the demographic, revenue, and
20 education estimating conferences pursuant to s. 216.136, where
21 available, as modified by the school district based on
22 development data and agreement with the local governments and
23 the Office of Educational Facilities of the Commissioner of
24 Education. The projections shall be apportioned geographically
25 with assistance from the local governments, using local
26 development trend data, the comprehensive plan, and the school
27 district student enrollment data.

28 2. Provide an inventory of existing school facilities.
29 Any anticipated expansions or closures of existing school
30 sites over the 5-year, 10-year, and 20-year periods shall be
31 identified. The inventory shall include an assessment of areas

1 proximate to existing schools and identification of the need
2 for improvements to infrastructure, safety, and conditions in
3 the community. The plan shall also provide a listing of major
4 repairs and renovation projects anticipated over the period of
5 the plan.

6 3. Include projections of facilities space needs,
7 which may not exceed the norm space and occupant design
8 criteria established in the State Requirements for Educational
9 Facilities.

10 4. Include information on leased, loaned, and donated
11 space and relocatables used for conducting the district's
12 instructional programs.

13 5. Describe the general location of public schools
14 proposed to be constructed over the 5-year, 10-year, and
15 20-year time periods, including a listing of the proposed
16 schools' site acreage needs and anticipated capacity and
17 including maps showing general locations. The school board's
18 identification of general locations of future school sites
19 shall be based on the school siting requirements of s.
20 163.3177(6)(a) and policies in the comprehensive plan which
21 provide guidance for appropriate locations for school sites.

22 (b) The educational facilities plan shall also include
23 a financially feasible district facilities work program for a
24 5-year period. The work program shall include:

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

28 2. A schedule of capital outlay projects necessary to
29 ensure the availability of satisfactory student stations for
30 the projected student enrollment in K-12 programs. This
31 schedule shall consider:

1 a. The locations, capacities, and planned utilization
2 rates of current educational facilities of the district. The
3 capacity of existing satisfactory facilities, as reported in
4 the Florida Inventory of School Houses, shall be compared to
5 the capital outlay full-time equivalent student enrollment as
6 determined by the department, including all enrollment used in
7 the calculation of the distribution formula under s.
8 235.435(3).

9 b. The proposed locations of planned facilities,
10 whether those locations are consistent with the comprehensive
11 plans of all affected local governments, and recommendations
12 for infrastructure and other improvements to land adjacent to
13 existing facilities. The provisions of ss. 235.19 and
14 235.193(5), (6), and (7) shall be addressed for new facilities
15 planned within the first 3 years of the work plan, as
16 appropriate.

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

19 d. Plans for multitrack scheduling, grade level
20 organization, block scheduling, or other alternatives that
21 reduce the need for additional permanent student stations.

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

27 f. The number and percentage of district students
28 planned to be educated in relocatable facilities during each
29 year of the tentative district facilities work program. For
30 future needs determination, student capacity shall not be
31 assigned to any relocatable classroom that is scheduled for

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

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

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

31

1 3. The projected cost for each project identified in
2 the ~~tentative~~ district facilities work program. For proposed
3 projects for new student stations, a schedule shall be
4 prepared comparing the planned cost and square footage for
5 each new student station, by elementary, middle, and high
6 school levels, to the low, average, and high cost of
7 facilities constructed throughout the state during the most
8 recent fiscal year for which data is available from the
9 Department of Education.

10 4. A schedule of projected ~~estimated~~ capital outlay
11 revenues from all sources ~~each currently approved source which~~
12 ~~is~~ estimated to be available to fully fund ~~for expenditure on~~
13 the projects included in the ~~tentative~~ district facilities
14 5-year work program. Revenue sources may include, but are not
15 limited to, projections of:

16 a. Ad valorem tax base, assessment ratio, and millage
17 rate.

18 b. State revenue distributions.

19 c. Revenue and debt service obligations from current
20 and proposed bond issues.

21 d. Any other revenue sources available to fund
22 facility needs of the district, including effort index grants,
23 SIT Program awards, and Classrooms First funds.

24 e. The 0.5-cent sales surtax and the local government
25 infrastructure sales surtax, if levied.

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

29 ~~6. A schedule of options for the generation of~~
30 ~~additional revenues by the district for expenditure on~~
31 ~~projects identified in the tentative district facilities work~~

1 ~~program which are not funded under subparagraph 5. Additional~~
2 ~~anticipated revenues may include effort index grants, SIT~~
3 ~~Program awards, and Classrooms First funds.~~

4 ~~(c)(b)~~ ~~To the extent available,~~The tentative district
5 educational facilities plan work program shall be based on
6 information produced by the demographic, revenue, and
7 education estimating conferences pursuant to s. 216.136 to the
8 extent available, and based on agreement pursuant to
9 subparagraph (a)1.

10 ~~(d)(c)~~ Provision shall be made for public comment
11 concerning the tentative district educational facilities plan
12 work program.

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

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

1 shall be resolved pursuant to the interlocal agreement
 2 required by ss. 163.31776(4) and 235.193(2). The process for
 3 the submittal and review shall be detailed in the interlocal
 4 agreement required pursuant to ss. 163.31776(4) and
 5 235.193(2). Where the school board and the local government
 6 have not entered into an interlocal agreement pursuant to ss.
 7 163.31776(4) and 235.193(2), the school board and the local
 8 government must determine a mutually acceptable process for
 9 submittal and review of the tentative district educational
 10 facilities plan. Disputes between the school board and the
 11 local government, in instances where the school board and the
 12 local government have not entered into an interlocal agreement
 13 pursuant to ss. 163.31776(4) and 235.193(2), shall be
 14 addressed pursuant to s. 163.3181.

15 (4)(3) ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
 16 ~~WORK PROGRAM~~.--Annually, the district school board shall
 17 consider and adopt the tentative district educational
 18 facilities plan ~~work program~~ completed pursuant to subsection
 19 (2). Upon giving proper ~~public~~ notice to the public and local
 20 governments and opportunity for public comment, the district
 21 school board may amend the plan program to revise the priority
 22 of projects, to add or delete projects, to reflect the impact
 23 of change orders, or to reflect the approval of new revenue
 24 sources which may become available. The adopted district
 25 educational facilities plan ~~work program~~ shall include a
 26 5-year facilities work program which shall:

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

29 (b) Set forth the proposed commitments and planned
 30 expenditures of the district to address the educational
 31 facilities needs of its students and to adequately provide for

1 the maintenance of the educational plant and ancillary
2 facilities.

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

11 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to~~
12 ~~the adopted district facilities work program covering the~~
13 ~~5-year work program, the district school board shall adopt~~
14 ~~annually a 10-year and a 20-year work program which include~~
15 ~~the information set forth in subsection (2), but based upon~~
16 ~~enrollment projections and facility needs for the 10-year and~~
17 ~~20-year periods. It is recognized that the projections in the~~
18 ~~10-year and 20-year timeframes are tentative and should be~~
19 ~~used only for general planning purposes.~~

20 Section 18. Section 235.188, Florida Statutes, is
21 amended to read:

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

1 Section 19. Section 235.19, Florida Statutes, is
2 amended to read:

3 235.19 Site planning and selection.--

4 (1) If the school board and local government have
5 entered into an interlocal agreement pursuant to ss.
6 163.31776(4) and 235.193(2) and have developed a process to
7 ensure consistency between the local government comprehensive
8 plan and the school district educational facilities plan and a
9 method to coordinate decisionmaking and approval activities
10 relating to school planning and site selection, the provisions
11 of this section are superseded by the interlocal agreement and
12 the plans of the local government and the school board.

13 ~~(2)(1)~~ Before acquiring property for sites, each board
14 shall determine the location of proposed educational centers
15 or campuses ~~for the board~~. In making this determination, the
16 board shall consider existing and anticipated site needs and
17 the most economical and practicable locations of sites. The
18 board shall coordinate with the long-range or comprehensive
19 plans of local, regional, and state governmental agencies to
20 assure the consistency ~~compatibility~~ of such plans ~~with site~~
21 ~~planning~~. Boards are encouraged to locate schools proximate to
22 urban residential areas to the extent possible, and shall seek
23 to collocate schools with other public facilities, such as
24 parks, libraries, and community centers, to the extent
25 possible, and to encourage using elementary schools as focal
26 points for neighborhoods.

27 ~~(3)(2)~~ Each new site selected must be adequate in size
28 to meet the educational needs of the students to be served on
29 that site by the original educational facility or future
30 expansions of the facility through renovation or the addition
31 of relocatables. ~~The Commissioner of Education shall prescribe~~

1 ~~by rule recommended sizes for new sites according to~~
2 ~~categories of students to be housed and other appropriate~~
3 ~~factors determined by the commissioner. Less than recommended~~
4 ~~site sizes are allowed if the board, by a two-thirds majority,~~
5 ~~recommends such a site and finds that it can provide an~~
6 ~~appropriate and equitable educational program on the site.~~

7 (4)~~(3)~~ Sites recommended for purchase, or purchased,
8 in accordance with chapter 230 or chapter 240 must meet
9 standards prescribed therein and such supplementary standards
10 as the school board ~~commissioner~~ prescribes to promote the
11 educational interests of the students. Each site must be well
12 drained and either suitable for outdoor educational purposes
13 as appropriate for the educational program or collocated with
14 facilities to serve this purpose. As provided in s. 333.03,
15 the site must not be located within any path of flight
16 approach of any airport. Insofar as is practicable, the site
17 must not adjoin a right-of-way of any railroad or through
18 highway and must not be adjacent to any factory or other
19 property from which noise, odors, or other disturbances, or at
20 which conditions, would be likely to interfere with the
21 educational program.

22 (5)~~(4)~~ It shall be the responsibility of the board to
23 provide adequate notice to appropriate municipal, county,
24 regional, and state governmental agencies for requested
25 traffic control and safety devices so they can be installed
26 and operating prior to the first day of classes or to satisfy
27 itself that every reasonable effort has been made in
28 sufficient time to secure the installation and operation of
29 such necessary devices prior to the first day of classes. It
30 shall also be the responsibility of the board to review

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1 annually traffic control and safety device needs and to
2 request all necessary changes indicated by such review.
3 (6)~~(5)~~ Each board may request county and municipal
4 governments to construct and maintain sidewalks and bicycle
5 trails within a 2-mile radius of each educational facility
6 within the jurisdiction of the local government. When a board
7 discovers or is aware of an existing hazard on or near a
8 public sidewalk, street, or highway within a 2-mile radius of
9 a school site and the hazard endangers the life or threatens
10 the health or safety of students who walk, ride bicycles, or
11 are transported regularly between their homes and the school
12 in which they are enrolled, the board shall, within 24 hours
13 after discovering or becoming aware of the hazard, excluding
14 Saturdays, Sundays, and legal holidays, report such hazard to
15 the governmental entity within the jurisdiction of which the
16 hazard is located. Within 5 days after receiving notification
17 by the board, excluding Saturdays, Sundays, and legal
18 holidays, the governmental entity shall investigate the
19 hazardous condition and either correct it or provide such
20 precautions as are practicable to safeguard students until the
21 hazard can be permanently corrected. However, if the
22 governmental entity that has jurisdiction determines upon
23 investigation that it is impracticable to correct the hazard,
24 or if the entity determines that the reported condition does
25 not endanger the life or threaten the health or safety of
26 students, the entity shall, within 5 days after notification
27 by the board, excluding Saturdays, Sundays, and legal
28 holidays, inform the board in writing of its reasons for not
29 correcting the condition. The governmental entity, to the
30 extent allowed by law, shall indemnify the board from any
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1 liability with respect to accidents or injuries, if any,
2 arising out of the hazardous condition.

3 Section 20. Section 235.193, Florida Statutes, is
4 amended to read:

5 235.193 Coordination of planning with local governing
6 bodies.--

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

29 (2) No later than 6 months prior to the transmittal of
30 a public educational facilities element by general purpose
31 local governments meeting the criteria of s. 163.31776(3), the

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

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

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

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

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

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

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

1
 2 Any school board that has entered into an interlocal agreement
 3 for the purpose of adopting public school concurrency prior to
 4 the effective date of this act is not required to amend the
 5 interlocal agreement to conform to this subsection if the
 6 comprehensive plan amendment adopting public school
 7 concurrency is ultimately determined to be in compliance.

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

21 (4)(2) A school board and the local governing body
 22 must share and coordinate information related to existing and
 23 planned public school facilities; proposals for development,
 24 redevelopment, or additional development; and infrastructure
 25 required to support the public school facilities, concurrent
 26 with proposed development. A school board shall use
 27 information produced by the demographic, revenue, and
 28 education estimating conferences pursuant to s. 216.136
 29 ~~Department of Education enrollment projections~~ when preparing
 30 the ~~5-year~~ district educational facilities plan work program
 31 pursuant to s. 235.185 ~~in,~~ and a school board shall

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

18 ~~(5)(3)~~ (5)(3) The location of public educational facilities
 19 shall be consistent with the comprehensive plan of the
 20 appropriate local governing body developed under part II of
 21 chapter 163 and consistent with the plan's implementing land
 22 development regulations, ~~to the extent that the regulations~~
 23 ~~are not in conflict with or the subject regulated is not~~
 24 ~~specifically addressed by this chapter or the State Uniform~~
 25 ~~Building Code, unless mutually agreed by the local government~~
 26 ~~and the board.~~

27 ~~(6)(4)~~ (6)(4) To improve coordination relative to potential
 28 educational facility sites, a board shall provide written
 29 notice to the local government that has regulatory authority
 30 over the use of the land at least 120 ~~60~~ days prior to
 31 acquiring or leasing property that may be used for a new

1 public educational facility. The local government, upon
 2 receipt of this notice, shall notify the board within 45 days
 3 if the site proposed for acquisition or lease is consistent
 4 with the land use categories and policies of the local
 5 government's comprehensive plan. This preliminary notice does
 6 not constitute the local government's determination of
 7 consistency pursuant to subsection(7)(5).

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

26 (8)(6) A local governing body may not deny the site
 27 applicant based on adequacy of the site plan as it relates
 28 solely to the needs of the school. If the site is consistent
 29 with the comprehensive plan ~~plan's future land use policies~~
 30 ~~and categories in which public schools are identified as~~
 31 ~~allowable uses~~, the local government may not deny the

1 application but it may impose reasonable development standards
 2 and conditions in accordance with s. 235.34(1) and consider
 3 the site plan and its adequacy as it relates to environmental
 4 concerns, health, safety and welfare, and effects on adjacent
 5 property. Standards and conditions may not be imposed which
 6 conflict with those established in this chapter or the State
 7 Uniform Building Code, unless mutually agreed.

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

14 (10)~~(8)~~ Existing schools shall be considered
 15 consistent with the applicable local government comprehensive
 16 plan adopted under part II of chapter 163. ~~The collocation of~~
 17 ~~a new proposed public educational facility with an existing~~
 18 ~~public educational facility, or the expansion of an existing~~
 19 ~~public educational facility is not inconsistent with the local~~
 20 ~~comprehensive plan, if the site is consistent with the~~
 21 ~~comprehensive plan's future land use policies and categories~~
 22 ~~in which public schools are identified as allowable uses, and~~
 23 ~~levels of service adopted by the local government for any~~
 24 ~~facilities affected by the proposed location for the new~~
 25 ~~facility are maintained.~~ If a board submits an application to
 26 expand an existing school site, the local governing body may
 27 impose reasonable development standards and conditions on the
 28 expansion only, and in a manner consistent with s. 235.34(1).
 29 Standards and conditions may not be imposed which conflict
 30 with those established in this chapter or the State Uniform
 31

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

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

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

10 Section 21. Section 235.194, Florida Statutes, is
11 repealed.

12 Section 22. Section 235.218, Florida Statutes, is
13 amended to read:

14 235.218 School district educational facilities plan
15 ~~work program~~ performance and productivity standards;
16 development; measurement; application.--

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

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

25 (b) Efficient finance and administration.

26 (c) Optimal school and classroom size and utilization
27 rate.

28 (d) Safety.

29 (e) Core facility space needs and cost-effective
30 capacity improvements that consider demographic projections,
31

1 land use patterns, and collocation and shared use with other
2 public facilities.

3 (f) Level of district local effort.

4 (2) The clearinghouse shall establish annual
5 performance objectives and standards that can be used to
6 evaluate district performance and productivity.

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

14 Section 23. Section 235.321, Florida Statutes, is
15 amended to read:

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

27 Section 24. Paragraph (d) of subsection (5) of section
28 236.25, Florida Statutes, is amended to read:

29 236.25 District school tax.--

30 (5)

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

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

22 Section 25. Section 380.04, Florida Statutes, is
23 amended to read:

24 380.04 Definition of development.--

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

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

1 (a) A reconstruction, alteration of the size, or
2 material change in the external appearance of a structure on
3 land.

4 (b) A change in the intensity of use of land, such as
5 an increase in the number of dwelling units in a structure or
6 on land or a material increase in the number of businesses,
7 manufacturing establishments, offices, or dwelling units in a
8 structure or on land.

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

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

14 (e) Demolition of a structure.

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

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

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

21 (a) Work by a highway or road agency or railroad
22 company for the maintenance or improvement of a road or
23 railroad track, if the work is carried out on land within the
24 boundaries of the right-of-way.

25 (b) Work by any utility and other persons engaged in
26 the distribution or transmission of gas, electricity, or
27 water, for the purpose of inspecting, repairing, renewing, or
28 constructing on established rights-of-way any sewers, mains,
29 pipes, cables, utility tunnels, power lines, towers, poles,
30 tracks, or the like.

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1 (c) Work for the maintenance, renewal, improvement, or
2 alteration of any structure, if the work affects only the
3 interior or the color of the structure or the decoration of
4 the exterior of the structure.

5 (d) The use of any structure or land devoted to
6 dwelling uses for any purpose customarily incidental to
7 enjoyment of the dwelling.

8 (e) The use of any land for the purpose of growing
9 plants, crops, trees, and other agricultural or forestry
10 products; raising livestock; or for other agricultural
11 purposes.

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

15 (g) A change in the ownership or form of ownership of
16 any parcel or structure.

17 (h) The creation or termination of rights of access,
18 riparian rights, easements, covenants concerning development
19 of land, or other rights in land.

20 (4) "Development," as designated in an ordinance,
21 rule, or development permit includes all other development
22 customarily associated with it unless otherwise specified.
23 When appropriate to the context, "development" refers to the
24 act of developing or to the result of development. Reference
25 to any specific operation is not intended to mean that the
26 operation or activity, when part of other operations or
27 activities, is not development. Reference to particular
28 operations is not intended to limit the generality of
29 subsection (1).

30 Section 26. Paragraph (e) of subsection (2) of section
31 380.06, Florida Statutes, is amended to read:

1 380.06 Developments of regional impact.--

2 (2) STATEWIDE GUIDELINES AND STANDARDS.--

3 (e) With respect to residential, hotel, motel, office,
4 and retail developments, the applicable guidelines and
5 standards shall be increased by 50 percent in urban central
6 business districts and regional activity centers of
7 jurisdictions whose local comprehensive plans are in
8 compliance with part II of chapter 163. With respect to
9 multiuse developments, the applicable guidelines and standards
10 shall be increased by 100 percent in urban central business
11 districts and regional activity centers of jurisdictions whose
12 local comprehensive plans are in compliance with part II of
13 chapter 163, if one land use of the multiuse development is
14 residential and amounts to not less than 35 percent of the
15 jurisdiction's applicable residential threshold. With respect
16 to resort or convention hotel developments, the applicable
17 guidelines and standards shall be increased by 150 percent in
18 urban central business districts and regional activity centers
19 of jurisdictions whose local comprehensive plans are in
20 compliance with part II of chapter 163 and where the increase
21 is specifically for a proposed resort or convention hotel
22 located in a county with a population greater than 500,000 and
23 the local government specifically designates that the proposed
24 resort or convention hotel development will serve an existing
25 convention center of more than 250,000 gross square feet built
26 prior to July 1, 1992. The applicable guidelines and standards
27 shall be increased by 200 percent for development in any area
28 designated by the Governor as a rural area of critical
29 economic concern pursuant to s. 288.0656 during the
30 effectiveness of the designation.~~The Administration~~
31 ~~Commission, upon the recommendation of the state land planning~~

1 ~~agency, shall implement this paragraph by rule no later than~~
2 ~~December 1, 1993. The increased guidelines and standards~~
3 ~~authorized by this paragraph shall not be implemented until~~
4 ~~the effectiveness of the rule which, among other things, shall~~
5 ~~set forth the pertinent characteristics of urban central~~
6 ~~business districts and regional activity centers.~~

7 Section 27. Except as otherwise provided herein, this
8 act shall take effect upon becoming a law.

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