

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senators Constantine and Carlton

316-1603D-01

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3174, F.S.; requiring that the
4 membership of all local planning agencies
5 include a representative of the district school
6 board; amending s. 163.3177, F.S.; revising
7 elements of comprehensive plans; requiring
8 intergovernmental coordination between local
9 governments and district school boards;
10 authorizing local governments to designate
11 certain lands as rural land stewardship areas;
12 providing requirements for amending the
13 comprehensive plan to designate such areas;
14 providing for landowners in such areas to
15 convey development rights; providing for
16 certain incentives; creating s. 163.31776,
17 F.S.; providing legislative intent and findings
18 with respect to a public educational facilities
19 element; providing a schedule for adoption;
20 providing for certain municipalities to be
21 exempt; requiring certain interlocal
22 agreements; requiring that the public
23 educational facilities element include certain
24 provisions; providing requirements for future
25 land-use maps; providing a process for adopting
26 the element; prohibiting a local government
27 that fails to adopt the required element from
28 amending its local comprehensive plan; creating
29 s. 163.31777, F.S.; requiring school boards to
30 report to the local government on school
31 capacity; requiring a local government to deny

1 a plan amendment or a request for rezoning if
2 school capacity is unavailable; authorizing
3 certain mitigation agreements; amending s.
4 163.3180, F.S.; revising provisions relating to
5 concurrency; amending s. 163.3181, F.S.;
6 providing for public notices and public
7 participation in the comprehensive planning
8 process; amending s. 163.3184, F.S.; revising
9 definitions; revising provisions governing the
10 process for adopting comprehensive plans and
11 plan amendments; amending s. 163.3187, F.S.;
12 authorizing the adoption of a public
13 educational facilities element notwithstanding
14 certain limitations; amending s. 163.3191,
15 F.S., relating to evaluation and appraisal of
16 comprehensive plans; conforming provisions to
17 changes made by the act; creating s. 163.3198,
18 F.S.; requiring the state land planning agency
19 to develop a uniform fiscal-impact-analysis
20 model for evaluating the cost of infrastructure
21 to support development; providing for
22 appointment of a committee to advise the
23 agency; requiring that the model be field
24 tested; requiring a report to the Governor and
25 the Legislature; providing an appropriation;
26 amending s. 163.3215, F.S.; providing remedies
27 for aggrieved or adversely affected parties;
28 expanding the class of persons who may seek
29 such remedies; amending s. 163.3244, F.S.;
30 providing for a livable-communities
31 certification program; providing for

1 certification criteria; eliminating state
2 review of certain local comprehensive plan
3 amendments; creating s. 163.32446, F.S.;
4 providing for a sustainable rural communities
5 demonstration program; amending s. 186.008,
6 F.S.; providing for revisions to the state
7 comprehensive plan; amending s. 186.504, F.S.;
8 adding an elected school board member to the
9 membership of each regional planning council;
10 amending s. 218.25, F.S.; prescribing
11 limitations on the use of specified funds;
12 amending s. 235.002, F.S.; revising legislative
13 intent with respect to building educational
14 facilities; amending s. 235.15, F.S.; revising
15 requirements for educational plant surveys;
16 revising requirements for review and validation
17 of such surveys; amending s. 235.175, F.S.;
18 requiring school districts to adopt education
19 facilities plans; amending s. 235.18, F.S.,
20 relating to capital outlay budgets of school
21 boards; conforming provisions to changes made
22 by the act; amending s. 235.185, F.S.;
23 requiring school district educational
24 facilities plans; providing definitions;
25 specifying projections and other information to
26 be included in the plan; providing requirements
27 for the work program; requiring district school
28 boards to submit a tentative plan to the local
29 government; providing for adopting and
30 executing the plan; amending s. 235.188, F.S.;
31 providing bonding requirements; amending s.

1 235.19, F.S.; exempting certain school boards
2 and local governments from requirements for
3 site planning; revising requirements for school
4 boards; amending s. 235.193, F.S.; requiring
5 interlocal agreements with respect to public
6 educational facilities elements and plans;
7 providing that failure to enter into such
8 agreements will result in the withholding of
9 certain funds for school construction;
10 providing requirements for preparing a district
11 education facilities work plan; repealing s.
12 235.194, F.S., relating to the general
13 educational facilities report; amending s.
14 235.218, F.S.; requiring the SMART Schools
15 Clearinghouse to adopt measures for evaluating
16 the school district educational facilities
17 plans; amending s. 235.231, F.S.; providing for
18 the school board to authorize certain change
19 orders for its district education facilities
20 plan; amending s. 236.25, F.S., relating to the
21 district school tax; conforming provisions to
22 changes made by the act; creating s. 236.255,
23 F.S.; creating the School District Guaranty
24 Program; allowing district school boards to
25 request the financial backing of the state or
26 county in the issuance of certificates of
27 participation; providing that such financial
28 backing by the state or county is optional and
29 contingent on funds set aside for that purpose;
30 amending s. 380.06, F.S.; revising provisions
31 governing developments of regional impact;

1 providing for designation of a lead regional
2 planning council; amending s. 380.0651, F.S.;
3 revising standards for determining the
4 necessity for a development-of-regional-impact
5 review; requiring specified counties to adopt a
6 service-delivery interlocal agreement with all
7 municipalities and the school district and
8 prescribing requirements for such agreements;
9 requiring the Governor to report to the
10 Legislature on using compelling state interest
11 as a standard to limit state review of
12 comprehensive plan amendments; providing an
13 appropriation; providing a legislative finding
14 that the act is a matter of great public
15 importance; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (1) of section 163.3174, Florida
20 Statutes, is amended to read:

21 163.3174 Local planning agency.--

22 (1) The governing body of each local government,
23 individually or in combination as provided in s. 163.3171,
24 shall designate and by ordinance establish a "local planning
25 agency," unless the agency is otherwise established by law.
26 All local planning agencies shall include a representative of
27 the district school board as a member of the local planning
28 agency.The governing body may designate itself as the local
29 planning agency pursuant to this subsection with the addition
30 of a school board representative. The governing body shall
31 notify the state land planning agency of the establishment of

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

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

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

26 Section 2. Paragraph (a) of subsection (4), paragraphs
27 (a), (c), and (h) of subsection (6), and subsection (11) of
28 section 163.3177, Florida Statutes, are amended to read:

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

31

1 (4)(a) Coordination of the local comprehensive plan
2 with the comprehensive plans of adjacent municipalities, the
3 county, adjacent counties, or the region; with the appropriate
4 water management district's regional water supply plans
5 adopted pursuant to s. 373.0361, or successor plans required
6 by legislative directive;with adopted rules pertaining to
7 designated areas of critical state concern; and with the state
8 comprehensive plan shall be a major objective of the local
9 comprehensive planning process. To that end, in the
10 preparation of a comprehensive plan or element thereof, and in
11 the comprehensive plan or element as adopted, the governing
12 body shall include a specific policy statement indicating the
13 relationship of the proposed development of the area to the
14 comprehensive plans of adjacent municipalities, the county,
15 adjacent counties, or the region and to the state
16 comprehensive plan, as the case may require and as such
17 adopted plans or plans in preparation may exist.

18 (6) In addition to the requirements of subsections
19 (1)-(5), the comprehensive plan shall include the following
20 elements:

21 (a) A future land use plan element designating
22 proposed future general distribution, location, and extent of
23 the uses of land for residential uses, commercial uses,
24 industry, agriculture, recreation, conservation, education,
25 public buildings and grounds, other public facilities, and
26 other categories of the public and private uses of land. The
27 future land use plan shall include standards to be followed in
28 the control and distribution of population densities and
29 building and structure intensities. The proposed
30 distribution, location, and extent of the various categories
31 of land use shall be shown on a land use map or map series

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

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

1 to the extent possible and to encourage the use of elementary
2 schools as focal points for neighborhoods.

3 (c) A general sanitary sewer, solid waste, drainage,
4 potable water, and natural groundwater aquifer recharge
5 element correlated to principles and guidelines for future
6 land use, indicating ways to provide for future potable water,
7 drainage, sanitary sewer, solid waste, and aquifer recharge
8 protection requirements for the area. The element may be a
9 detailed engineering plan including a topographic map
10 depicting areas of prime groundwater recharge. The element
11 shall describe the problems and needs and the general
12 facilities that will be required for solution of the problems
13 and needs. The element shall also include a topographic map
14 depicting any areas adopted by a regional water management
15 district as prime groundwater recharge areas for the Floridan
16 or Biscayne aquifers, pursuant to s. 373.0395. These areas
17 shall be given special consideration when the local government
18 is engaged in zoning or considering future land use for said
19 designated areas. For areas served by septic tanks, soil
20 surveys shall be provided which indicate the suitability of
21 soils for septic tanks. By October 1, 2002, the element shall
22 also include data and analysis, based upon the appropriate
23 water management district's regional water supply plan adopted
24 pursuant to s. 373.0361, which evaluates the availability of
25 potable water compared to population growth projected by the
26 future land-use plan.

27 (h)1. An intergovernmental coordination element
28 showing relationships and stating principles and guidelines to
29 be used in the accomplishment of coordination of the adopted
30 comprehensive plan with the plans of ~~school boards~~ and other
31 units of local government providing services but not having

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

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

16 b. The intergovernmental coordination element shall
17 provide for recognition of campus master plans prepared
18 pursuant to s. 240.155.

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

25 2. The intergovernmental coordination element shall
26 further state principles and guidelines to be used in the
27 accomplishment of coordination of the adopted comprehensive
28 plan with the plans of ~~school boards~~ and other units of local
29 government providing facilities and services but not having
30 regulatory authority over the use of land. In addition, the
31 intergovernmental coordination element shall describe joint

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

14 3. To foster coordination between special districts
15 and local general-purpose governments as local general-purpose
16 governments implement local comprehensive plans, each
17 independent special district must submit a public facilities
18 report to the appropriate local government as required by s.
19 189.415.

20 4. The state land planning agency shall establish a
21 schedule for phased completion and transmittal of plan
22 amendments to implement subparagraphs 1., 2., and 3. from all
23 jurisdictions so as to accomplish their adoption by December
24 31, 1999. A local government may complete and transmit its
25 plan amendments to carry out these provisions prior to the
26 scheduled date established by the state land planning agency.
27 The plan amendments are exempt from the provisions of s.
28 163.3187(1).

29 5. Intergovernmental coordination between local
30 governments and the district school board shall be governed by
31 ss. 163.31776 and 163.31777.

1 (11)(a) The Legislature recognizes the need for
2 innovative planning and development strategies which will
3 address the anticipated demands of continued urbanization of
4 Florida's coastal and other environmentally sensitive areas,
5 and which will accommodate the development of less populated
6 regions of the state which seek economic development and which
7 have suitable land and water resources to accommodate growth
8 in an environmentally acceptable manner. The Legislature
9 further recognizes the substantial advantages of innovative
10 approaches to development which may better serve to protect
11 environmentally sensitive areas, maintain the economic
12 viability of agricultural and other predominantly rural land
13 uses, and provide for the cost-efficient delivery of public
14 facilities and services.

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

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

1 Code. The implementation of those provisions must include a
2 process by which a local government may designate all or
3 portions of lands classified in the future land use element as
4 predominantly agricultural, rural, open, open-rural, or a
5 substantively equivalent land use, as a rural land stewardship
6 area within which planning and economic incentives are applied
7 to encourage the implementation of innovative and flexible
8 planning and development strategies and creative land use
9 planning techniques, pursuant to the provisions of Rule
10 9J-5.006(5)(1), Florida Administrative Code, as a means of
11 discouraging urban sprawl, protecting environmentally
12 sensitive areas, maintaining the economic viability of
13 agricultural and other predominantly rural land uses, and
14 providing for the cost-efficient delivery of public facilities
15 and services.

16 2. Pursuant to s. 163.32446, up to five local
17 governments may include in their comprehensive plans a rural
18 land stewardship area, which shall be located outside
19 municipalities and established urban-growth boundaries. The
20 plan amendment designating a rural land stewardship area must
21 provide:

22 a. Criteria for establishing receiving areas within
23 rural land stewardship areas in which innovative planning and
24 development strategies may be applied.

25 b. Guidelines and criteria for implementing innovative
26 planning and development strategies as described in this
27 subsection and Rule 9J-5.006(5)(1), Florida Administrative
28 Code, which provide for a functional mix of land uses.

29 c. A process that encourages visioning pursuant to s.
30 163.3167(11) and ensures that innovative planning and
31 development strategies comply with applicable state, regional,

1 and local plans and development regulations, including
2 amendments that are necessary to implement this program.

3 d. For the control of sprawl through growth patterns
4 based on innovative strategies and creative land use
5 techniques consistent with the provisions of this subsection
6 and Rule 9J-5.006(5)(1), Florida Administrative Code.

7 3. Owners of lands within rural lands stewardship
8 areas may convey development rights in return for the
9 assignment of transferable credits, to be known as
10 "transferable rural land use credits," which may be applied
11 solely for the purpose of implementing innovative planning and
12 development strategies and creative land use planning
13 techniques pursuant to this paragraph. The amount of credits
14 assigned must correspond to the 25-year or greater projected
15 population or projected buildout of the rural land stewardship
16 area. Transferable rural land use credits are transferable
17 solely within a rural land stewardship area and are subject to
18 the following:

19 a. Transferable rural land use credits may be assigned
20 only within rural land stewardship areas. Transferable rural
21 land use credits assigned to a parcel of land within a rural
22 land stewardship area shall cease to exist if the land is
23 removed from the rural land stewardship area.

24 b. Transferable rural land use credits may be used
25 only for innovative planning and development strategies within
26 designated receiving areas that are located on the basis of
27 criteria established within the rural land stewardship area.

28 c. Transferable rural land use credits may not
29 displace traditional density allocations assigned to a parcel
30 of land unless the credits are transferred to a designated
31 receiving area or used within a designated receiving area, in

1 which case the traditional density allocations assigned to the
2 parcel of land shall cease to exist.

3 d. Traditional density allocations assigned to a
4 parcel of land that becomes part of a rural land stewardship
5 area shall continue to be assigned to the land. Except as
6 provided in this paragraph, traditional density allocations
7 assigned to a parcel of land may not be increased or decreased
8 if the parcel remains part of the rural land stewardship area.

9 e. Transferable rural land use credits shall cease to
10 exist on a parcel of land where traditional density
11 allocations are conveyed or used.

12 f. Property within a designated receiving area may not
13 be zoned for a higher density or use unless the zoning change
14 reflects received credits or the property is removed from the
15 rural land stewardship area by plan amendment.

16 g. Transferable rural land use credits may be assigned
17 at different ratios of credits per acre according to the land
18 use remaining following the transfer of credits, with the
19 highest number of credits per acre assigned to preserve
20 environmentally valuable land.

21 h. The use or conveyance of transferable rural land
22 use credits must be recorded with the clerk of the court as an
23 action between the buyer and seller within a designated rural
24 land stewardship area.

25 4. Owners of land within rural land stewardship areas
26 should be provided incentives to enter into rural land
27 stewardship agreements with state agencies, water management
28 districts, and local governments to achieve mutually
29 agreed-upon conservation objectives. The incentives may
30 include, but are not limited to:

31 a. Acquisition of transferable mitigation credits.

1 b. Long-term permits for the consumptive use of water.
2 c. Opportunities for recreational leases and
3 ecotourism.
4 d. Payment for specified land management services.
5 e. Option agreements for sale to government, in either
6 fee or easement, upon achievement of conservation objectives.
7 ~~(d)(c)~~ It is the further intent of the Legislature
8 that local government comprehensive plans and implementing
9 land development regulations shall provide strategies to which
10 maximize the use of existing facilities and services through
11 redevelopment and urban infill development, and other
12 strategies for urban revitalization.
13 ~~(e)(d)~~ The implementation of this subsection shall be
14 subject to the provisions of this chapter, chapters 186 and
15 187, and applicable agency rules.
16 ~~(f)(e)~~ The department shall implement the provisions
17 of this subsection by rule.
18 Section 3. Section 163.31776, Florida Statutes, is
19 created to read:
20 163.31776 Public educational facilities element.--
21 (1) The intent of the Legislature is to establish a
22 systematic process for school boards and local governments to:
23 (a) Share information concerning the growth and
24 development trends in their communities in order to forecast
25 future enrollment and school needs;
26 (b) Cooperatively plan for the provision of
27 educational facilities to meet the current and projected needs
28 of the public education system population, including the needs
29 placed on the public education system as a result of growth
30 and development decisions by local government; and
31

1 (c) Cooperatively identify and meet the infrastructure
2 needs of public schools to assure healthy school environments
3 and safe school access.

4 (2) The Legislature finds that:

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

9 (b) 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 (3) A public educational facilities element shall be
15 adopted in cooperation with the applicable school district by
16 all local governments pursuant to a schedule established by
17 the state land planning agency so as to accomplish its
18 adoption by January 1, 2007.

19 (a) By January 1, 2003, a local government must
20 transmit its public educational facilities element to the
21 state land planing agency if the local government is located
22 in a county that:

23 1. Has a population of 1 million or more based on the
24 2000 United States Census;

25 2. Has a population equal to or more than 100,000 and
26 fewer than 1 million, based on the 2000 United States Census,
27 and the county has increased in population by 20 percent or
28 more between the 1990 and 2000 United States Censuses; or

29 3. Has a population of fewer than 100,000 and the
30 county population has increased by 40 percent or more between
31 the 1990 and 2000 United States Censuses.

1 (b) Each municipality shall adopt its own element or
2 accept by resolution or ordinance the public educational
3 facilities element adopted by the county which includes the
4 municipality's area of authority as defined in s. 163.3171.
5 However, a municipality is exempt from this requirement if it
6 meets all the following criteria:

7 1. The municipality has issued development orders for
8 fewer than 50 residential dwelling units during the last 5
9 years or it has generated fewer than 25 additional public
10 school students during the last 5 years;

11 2. The municipality has not annexed new land during
12 the last 5 years in land use categories that permit
13 residential uses that may affect school attendance rates;

14 3. The municipality has no public schools located
15 within its boundaries;

16 4. At least 80 percent of the developable land within
17 the boundaries of the municipality has been built upon; and

18 5. The municipality has not adopted a land use
19 amendment that increases residential density for more than 50
20 residential units.

21
22 Any municipality that is exempt shall notify the county and
23 the school board of any planned annexation into residential or
24 proposed residential areas and must comply with this
25 subsection within 1 year following a change in conditions that
26 renders the municipality no longer eligible for exemption or
27 following the identification of a proposed public school in
28 the school board's 5-year district facilities work program in
29 the municipality's jurisdiction.

30 (4) No later than 6 months prior to the deadline for
31 transmittal of a public educational facilities element, the

1 county, the participating municipalities, and the school board
2 shall enter into an interlocal agreement that establishes a
3 process for developing coordinated and consistent local
4 government public educational facilities elements and a
5 district educational facilities plan, including a process:

6 (a) By which each local government and the school
7 district agree and base their plans on consistent projections
8 of the amount, type, and distribution of population growth and
9 student enrollment;

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

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

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

25 (e) For school district participation in the review of
26 residential development applications for comprehensive plan
27 amendments and rezonings that increase residential density and
28 that are reasonably expected to have an impact on public
29 school facility demand pursuant to s. 163.31777. The
30 interlocal agreement must specify how the school board and
31 local governments will develop the methodology and criteria

1 for determining whether school facility capacity will be
2 readily available at the time of projected school impacts, and
3 must specify uniform, districtwide level-of-service standards
4 for all public schools of the same type and availability
5 standards for public schools. The interlocal agreement must
6 ensure that consistent criteria and capacity-determination
7 methodologies are adopted into the school board's district
8 educational facilities plan and the local government's public
9 educational facilities element. The interlocal agreement must
10 also set forth the process and uniform methodology for
11 determining proportionate-share mitigation pursuant to s.
12 163.31777; and

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

15 (5) The public educational facilities element must be
16 based on data and analysis, including the interlocal agreement
17 required by subsection (4), and on the educational facilities
18 plan required by s. 235.185. Each local government public
19 educational facilities element within a county must be
20 consistent with the other elements and must address:

21 (a) The need for, strategies for, and commitments to
22 addressing improvements to infrastructure, safety, and
23 community conditions in areas proximate to existing public
24 schools.

25 (b) The need for and strategies for providing adequate
26 infrastructure necessary to support proposed schools,
27 including potable water, wastewater, drainage, solid waste,
28 transportation, and means by which to assure safe access to
29 schools, including sidewalks, bicycle paths, turn lanes, and
30 signalization.

31

1 (c) Colocation of other public facilities, such as
2 parks, libraries, and community centers, in proximity to
3 public schools.

4 (d) Location of schools proximate to residential areas
5 and to complement patterns of development, including using
6 elementary schools as focal points for neighborhoods.

7 (e) Use of public schools to serve as emergency
8 shelters.

9 (f) Consideration of the existing and planned capacity
10 of public schools when reviewing comprehensive plan amendments
11 and rezonings that are likely to increase potential
12 residential development, with the review to be based on
13 uniform, districtwide level-of-service standards for all
14 public schools of the same type, availability standards for
15 public schools, and the financially feasible 5-year district
16 facilities work program adopted by the school board pursuant
17 to s. 235.185.

18 (g) A uniform methodology for determining
19 proportionate-share mitigation consistent with the
20 requirements of s. 163.31777(4) and the interlocal agreement.

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

1 (7) The process for adopting 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 failure by a local government to comply with
9 the requirement to transmit a public educational facilities
10 element or to enter into an interlocal agreement with the
11 school board pursuant to the schedule established by the state
12 land planning agency and under s. 163.31776(3) will result in
13 the prohibition of the local government's ability to amend the
14 local comprehensive plan until the public school facilities
15 element is adopted. If a local government fails to comply with
16 the requirements of this section to enter into the interlocal
17 agreement or to transmit a public educational facilities
18 element by the required date, or if the Administration
19 Commission finds that the public educational facilities
20 element is not in compliance, the local government shall be
21 subject to sanctions imposed by the Administration Commission
22 pursuant to s. 163.3184(11). The failure of a local government
23 or school board to enter into the interlocal agreement does
24 not subject another local government or school board to
25 sanctions. The failure of a school board to provide the
26 required plans or information or to enter into the interlocal
27 agreement under this section shall subject the school board to
28 sanctions pursuant to s. 235.193(3). Any local government
29 transmitting a public school element to implement school
30 concurrency pursuant to the requirements of s. 163.3180 prior
31 to the effective date of this act is not required to amend the

1 element or any interlocal agreement to conform to the
2 provisions of this section if such amendment is ultimately
3 determined to be in compliance by the state planning agency.

4 (9) Any local government transmitting a public school
5 facilities element for the purpose of adopting public school
6 concurrency prior to the effective date of this act is not
7 required to amend the element or any interlocal agreement to
8 conform with the provisions of s. 163.31776 or s. 163.31777 if
9 such amendment is ultimately determined to be in compliance by
10 the state land planning agency.

11 Section 4. Section 163.31777, Florida Statutes, is
12 created to read:

13 163.31777 Public school capacity for plan amendments
14 and rezonings.--

15 (1) Local governments shall consider public school
16 facilities when reviewing comprehensive plan amendments and
17 rezonings that propose to increase residential densities and
18 that are reasonably expected to have an impact on the demand
19 for public school facilities.

20 (2) As part of the review of a comprehensive plan
21 amendment or rezoning, the school board shall provide the
22 local government with a school-capacity report based on the
23 district educational facilities plan adopted by the school
24 board pursuant to s. 235.185, which must provide data and
25 analysis on the capacity and enrollment of affected schools
26 based on standards established by state or federal law or
27 judicial orders, projected additional enrollment attributable
28 to the density increase resulting from the amendment or
29 rezoning, programmed and financially feasible new public
30 school facilities or improvements for affected schools
31 identified in the educational facilities plan of the school

1 board and the expected date of availability of such facilities
2 or improvements, and available reasonable options for
3 providing public school facilities to students if the rezoning
4 or comprehensive plan amendment is approved. The options must
5 include, but need not be limited to, the school board's
6 evaluation of school schedule modification, school attendance
7 zones modification, school facility modification, and the
8 creation of charter schools. The report must be consistent
9 with the interlocal agreement, the public educational
10 facilities element, and this section.

11 (3) Following the effective dates of the interlocal
12 agreement and the public educational facilities element
13 required by s. 163.31776, the local government shall deny a
14 request for a comprehensive plan amendment or rezoning which
15 would increase the density of residential development allowed
16 on the property subject to the amendment or rezoning, if the
17 school facility capacity will not be reasonably available at
18 the time of projected school impacts as determined by the
19 process and methodology established in the public educational
20 facilities element. However, the application for a
21 comprehensive plan amendment or a rezoning shall not be
22 disapproved based on a lack of school capacity if the
23 applicant executes a legally binding commitment to provide
24 mitigation proportionate to the demand for public school
25 facilities to be created by actual development of the
26 property, including, but not limited to, the options described
27 in subsection (4). The school board's determination of
28 facility capacity constitutes competent substantial evidence
29 to support the denial of the plan amendment or rezoning
30 request.

31

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

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

1 other impact fee or exaction imposed by local ordinance for
2 the same need, on a dollar-for-dollar basis at fair market
3 value.

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

8 Section 5. Subsection (4) of section 163.3180, Florida
9 Statutes, is amended to read:

10 163.3180 Concurrency.--

11 (4)(a) The concurrency requirement as implemented in
12 local comprehensive plans applies to state and other public
13 facilities and development to the same extent that it applies
14 to all other facilities and development, as provided by law.

15 (b) The concurrency requirement as implemented in
16 local comprehensive plans does not apply to public transit
17 facilities. For the purposes of this paragraph, public
18 transit facilities include transit stations and terminals,
19 transit station parking, park-and-ride lots, intermodal public
20 transit connection or transfer facilities, and fixed bus,
21 guideway, and rail stations. As used in this paragraph, the
22 terms "terminals" and "transit facilities" do not include
23 airports or seaports or commercial or residential development
24 constructed in conjunction with a public transit facility.

25 (c) The concurrency requirement as implemented in
26 local government comprehensive plans may be waived by a local
27 government for urban infill and redevelopment areas designated
28 pursuant to s. 163.2517 if such a waiver does not endanger
29 public health or safety.

30 Section 6. Subsection (1) of section 163.3181, Florida
31 Statutes, is amended to read:

1 163.3181 Public participation in the comprehensive
2 planning process; intent; alternative dispute resolution.--

3 (1) It is the intent of the Legislature that the
4 public participate in the comprehensive planning process to
5 the fullest extent possible. Towards this end, local planning
6 agencies and local governmental units are directed to adopt
7 procedures designed to provide effective public participation
8 in the comprehensive planning process and to provide real
9 property owners with notice of all official actions which will
10 regulate the use of their property. The provisions and
11 procedures required in this act are set out as the minimum
12 requirements towards this end.

13 (a) Public notices must clearly identify in plain
14 language the nature of the amendments or applications under
15 consideration. In addition, notice of the application and
16 notice of the public hearings must be posted on site through
17 conspicuous signs that advise the public on how to get a copy
18 of the application and all supporting documents and all local
19 government staff analyses and recommendations concerning the
20 application. This requirement applies to all applications for
21 development orders and site-specific future land use map
22 amendments. Notice by publication and by mailed notice to
23 other property owners as required by law must occur
24 simultaneously with the filing of application for development
25 permit as defined by s. 163.3164. The applicant shall bear the
26 cost of any required signs.

27 (b) Local governments shall develop and adopt
28 public-participation procedures that encourage early public
29 involvement in land-use matters. Such procedures must include
30 a requirement that an applicant hold a community meeting for
31 an amendment to the comprehensive plan or other approval for

1 land development which meets a threshold set by the local
2 government.

3 Section 7. Subsections (1), (3), (4), and (6) of
4 section 163.3184, Florida Statutes, are amended to read:

5 163.3184 Process for adoption of comprehensive plan or
6 plan amendment.--

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

8 (a) "Affected person" includes the affected local
9 government; persons owning property, residing, or owning or
10 operating a business within the boundaries of the local
11 government whose plan is the subject of the review; persons
12 who are substantially affected by the amendment;and adjoining
13 local governments that can demonstrate that the plan or plan
14 amendment will produce substantial impacts on the increased
15 need for publicly funded infrastructure or substantial impacts
16 on areas designated for protection or special treatment within
17 their jurisdiction. Each person, other than an adjoining local
18 government, in order to qualify under this definition, shall
19 also have submitted oral or written comments, recommendations,
20 or objections to the local government during the period of
21 time beginning with the transmittal hearing for the plan or
22 plan amendment and ending with the adoption of the plan or
23 plan amendment.

24 (b) "In compliance" means consistent with the
25 requirements of ss. 163.3177, 163.31776,163.3178, 163.3180,
26 163.3191, and 163.3245, with the state comprehensive plan,
27 with the appropriate strategic regional policy plan, and with
28 chapter 9J-5, Florida Administrative Code, where such rule is
29 not inconsistent with this part and with the principles for
30 guiding development in designated areas of critical state
31 concern.

1 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
2 AMENDMENT.--

3 (a) Each local governing body shall transmit the
4 complete proposed comprehensive plan or plan amendment to the
5 state land planning agency, the appropriate regional planning
6 council and water management district, the Department of
7 Environmental Protection, the Department of State, and the
8 Department of Transportation, and, in the case of municipal
9 plans, to the appropriate county, and, in the case of county
10 plans, to the Fish and Wildlife Conservation Commission and
11 the Department of Agriculture and Consumer Services,
12 immediately following a public hearing pursuant to subsection
13 (15) as specified in the state land planning agency's
14 procedural rules. The local governing body shall also transmit
15 a copy of the complete proposed comprehensive plan or plan
16 amendment to any other unit of local government or government
17 agency in the state that has filed a written request with the
18 governing body for the plan or plan amendment. The local
19 government may request a review by the state land planning
20 agency pursuant to subsection (6) at the time of the
21 transmittal of an amendment.

22 (b) A local governing body shall not transmit portions
23 of a plan or plan amendment unless it has previously provided
24 to all state agencies designated by the state land planning
25 agency a complete copy of its adopted comprehensive plan
26 pursuant to subsection (7) and as specified in the agency's
27 procedural rules. In the case of comprehensive plan
28 amendments, the local governing body shall transmit to the
29 state land planning agency, the appropriate regional planning
30 council and water management district, the Department of
31 Environmental Protection, the Department of State, and the

1 Department of Transportation, and, in the case of municipal
2 plans, to the appropriate county, and, in the case of county
3 plans, to the Fish and Wildlife Conservation Commission and
4 the Department of Agriculture and Consumer Services,the
5 materials specified in the state land planning agency's
6 procedural rules and, in cases in which the plan amendment is
7 a result of an evaluation and appraisal report adopted
8 pursuant to s. 163.3191, a copy of the evaluation and
9 appraisal report. Local governing bodies shall consolidate all
10 proposed plan amendments into a single submission for each of
11 the two plan amendment adoption dates during the calendar year
12 pursuant to s. 163.3187.

13 (c) A local government may adopt a proposed plan
14 amendment previously transmitted pursuant to this subsection,
15 unless review is requested or otherwise initiated pursuant to
16 subsection (6).

17 (d) In cases in which a local government transmits
18 multiple individual amendments that can be clearly and legally
19 separated and distinguished for the purpose of determining
20 whether to review the proposed amendment, and the state land
21 planning agency elects to review several or a portion of the
22 amendments and the local government chooses to immediately
23 adopt the remaining amendments not reviewed, the amendments
24 immediately adopted and any reviewed amendments that the local
25 government subsequently adopts together constitute one
26 amendment cycle in accordance with s. 163.3187(1).

27 (4) INTERGOVERNMENTAL REVIEW.--~~The if review of a~~
28 ~~proposed comprehensive plan amendment is requested or~~
29 ~~otherwise initiated pursuant to subsection (6), the state land~~
30 ~~planning agency within 5 working days of determining that such~~
31 ~~a review will be conducted shall transmit a copy of the~~

1 ~~proposed plan amendment to various government agencies, as~~
2 ~~appropriate, for response or comment, including, but not~~
3 ~~limited to, the Department of Environmental Protection, the~~
4 ~~Department of Transportation, the water management district,~~
5 ~~and the regional planning council, and, in the case of~~
6 ~~municipal plans, to the county land planning agency. These~~
7 ~~governmental agencies specified in paragraph (3)(a) shall~~
8 ~~provide comments to the state land planning agency within 30~~
9 ~~days after receipt by the state land planning agency of the~~
10 ~~complete proposed plan amendment. If the plan or plan~~
11 ~~amendment includes or relates to the public school facilities~~
12 ~~element required by s. 163.31776, the state land planning~~
13 ~~agency shall submit a copy to the Office of Educational~~
14 ~~Facilities of the Commissioner of Education for review and~~
15 ~~comment.The appropriate regional planning council shall also~~
16 ~~provide its written comments to the state land planning agency~~
17 ~~within 30 days after receipt by the state land planning agency~~
18 ~~of the complete proposed plan amendment and shall specify any~~
19 ~~objections, recommendations for modifications, and comments of~~
20 ~~any other regional agencies to which the regional planning~~
21 ~~council may have referred the proposed plan amendment. Written~~
22 ~~comments submitted by the public within 30 days after notice~~
23 ~~of transmittal by the local government of the proposed plan~~
24 ~~amendment will be considered as if submitted by governmental~~
25 ~~agencies. All written agency and public comments must be made~~
26 ~~part of the file maintained under subsection (2).~~

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

28 (a) The state land planning agency shall review a
29 proposed plan amendment upon request of a regional planning
30 council, affected person, or local government transmitting the
31 plan amendment. The request from the regional planning council

1 or affected person must be if the request is received within
2 30 days after transmittal of the proposed plan amendment
3 pursuant to subsection (3). ~~The agency shall issue a report~~
4 ~~of its objections, recommendations, and comments regarding the~~
5 ~~proposed plan amendment.~~A regional planning council or
6 affected person requesting a review shall do so by submitting
7 a written request to the agency with a notice of the request
8 to the local government and any other person who has requested
9 notice.

10 (b) The state land planning agency may review any
11 proposed plan amendment regardless of whether a request for
12 review has been made, if the agency gives notice to the local
13 government, and any other person who has requested notice, of
14 its intention to conduct such a review within 35 ~~30~~ days after
15 receipt of transmittal of the complete proposed plan amendment
16 pursuant to subsection (3).

17 (c) The state land planning agency shall establish by
18 rule a schedule for receipt of comments from the various
19 government agencies, as well as written public comments,
20 pursuant to subsection (4). If the state land planning agency
21 elects to review the amendment or the agency is required to
22 review the amendment as specified in paragraph (a), the agency
23 shall issue a report giving its objections, recommendations,
24 and comments regarding the proposed amendment within 60 days
25 after receipt of the complete proposed amendment by the state
26 land planning agency.~~The state land planning agency shall~~
27 ~~have 30 days to review comments from the various government~~
28 ~~agencies along with a local government's comprehensive plan or~~
29 ~~plan amendment. During that period, the state land planning~~
30 ~~agency shall transmit in writing its comments to the local~~
31 ~~government along with any objections and any recommendations~~

1 ~~for modifications.~~ When a federal, state, or regional agency
2 has implemented a permitting program, the state land planning
3 agency shall not require a local government to duplicate or
4 exceed that permitting program in its comprehensive plan or to
5 implement such a permitting program in its land development
6 regulations. Nothing contained herein shall prohibit the
7 state land planning agency in conducting its review of local
8 plans or plan amendments from making objections,
9 recommendations, and comments or making compliance
10 determinations regarding densities and intensities consistent
11 with the provisions of this part. In preparing its comments,
12 the state land planning agency shall only base its
13 considerations on written, and not oral, comments, from any
14 source.

15 (d) The state land planning agency review shall
16 identify all written communications with the agency regarding
17 the proposed plan amendment. If the state land planning agency
18 does not issue such a review, it shall identify in writing to
19 the local government all written communications received 30
20 days after transmittal. The written identification must
21 include a list of all documents received or generated by the
22 agency, which list must be of sufficient specificity to enable
23 the documents to be identified and copies requested, if
24 desired, and the name of the person to be contacted to request
25 copies of any identified document. The list of documents must
26 be made a part of the public records of the state land
27 planning agency.

28 (e) The Department of Community Affairs may by
29 contract delegate to a regional planning council the review of
30 local government comprehensive plan amendments. When the
31 review has been delegated to a regional planning council, any

1 local government in the region may elect to have its
2 amendments reviewed by the council rather than the agency. The
3 department must retain the oversight necessary to ensure
4 compliance with the purposes of this chapter.

5 Section 8. Effective October 1, 2001, subsections (7),
6 (8), and (15) and paragraph (d) of subsection (16) of section
7 163.3184, Florida Statutes, as amended by this act, are
8 amended to read:

9 163.3184 Process for adoption of comprehensive plan or
10 plan amendment.--

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

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

11 (8) NOTICE OF INTENT.--

12 (a) Except as provided in s. 163.3187(3), the state
13 land planning agency, upon receipt of a local government's
14 complete adopted comprehensive plan or plan amendment, shall
15 have 45 days for review and to determine if the plan or plan
16 amendment is in compliance with this act, unless the amendment
17 is the result of a compliance agreement entered into under
18 subsection (16), in which case the time period for review and
19 determination shall be 30 days. If review was not conducted
20 under subsection (6), the agency's determination must be based
21 upon the plan amendment as adopted. If review was conducted
22 under subsection (6), the agency's determination of compliance
23 must be based only upon one or both of the following:

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

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

28 (b) During the time period provided for in this
29 subsection, the state land planning agency shall issue,
30 through a senior administrator or the secretary, as specified
31 in the agency's procedural rules, a notice of intent to find

1 that the plan or plan amendment is in compliance or not in
2 compliance. A notice of intent shall be issued by publication
3 in the manner provided by this paragraph and by mailing a copy
4 to the local government ~~and to persons who request notice.~~
5 ~~The required advertisement shall be no less than 2 columns~~
6 ~~wide by 10 inches long, and the headline in the advertisement~~
7 ~~shall be in a type no smaller than 12 point.~~ The advertisement
8 shall not be placed in that portion of the newspaper where
9 legal notices and ~~classified advertisements~~ appear. The
10 advertisement shall be published in a newspaper which meets
11 the size and circulation requirements set forth in paragraph
12 ~~(15)(d)~~~~(15)(e)~~ and which has been designated in writing by
13 the affected local government at the time of transmittal of
14 the amendment. Publication by the state land planning agency
15 of a notice of intent in the newspaper designated by the local
16 government shall be prima facie evidence of compliance with
17 the publication requirements of this section.

18 (c) The state land planning agency shall post a copy
19 of the notice of intent on the agency's Internet site. The
20 agency shall, no later than the date the notice of intent is
21 transmitted to the newspaper, mail a courtesy informational
22 statement to the persons whose names and mailing addresses
23 were compiled pursuant to paragraph (15)(c). The informational
24 statement must identify the newspaper in which the notice of
25 intent will appear, the approximate date of publication of the
26 notice of intent, and the ordinance number of the plan or plan
27 amendment and must advise that the informational statement is
28 provided as a courtesy to the person and that affected persons
29 have 21 days from the actual date of publication of the notice
30 to file a petition. The informational statement must be sent

31

1 by regular mail and does not affect the timeframes specified
2 in subsections (9) and (10).

3 (15) PUBLIC HEARINGS.--

4 (a) The procedure for transmittal of a complete
5 proposed comprehensive plan or plan amendment pursuant to
6 subsection (3) and for adoption of a comprehensive plan or
7 plan amendment pursuant to subsection (7) shall be by
8 affirmative vote of not less than a majority of the members of
9 the governing body present at the hearing. The adoption of a
10 comprehensive plan or plan amendment shall be by ordinance.
11 For the purposes of transmitting or adopting a comprehensive
12 plan or plan amendment, the notice requirements in chapters
13 125 and 166 are superseded by this subsection, except as
14 provided in this part.

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

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

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

26 (c) The local government shall provide a sign-in form
27 at the transmittal hearing and at the adoption hearing for
28 persons to provide their names and mailing addresses. The
29 sign-in form must advise that any person providing the
30 requested information will receive a courtesy informational
31 statement concerning publications of the state land planning

1 agency's notice of intent. The local government shall add to
2 the sign-in form the name and address of any person who
3 submits written comments concerning the proposed plan or plan
4 amendment during the time period between the commencement of
5 the transmittal hearing and the end of the adoption hearing.
6 It is the responsibility of the person completing the form or
7 providing written commends to accurately, completely, and
8 legibly provide all information needed in order to receive the
9 courtesy informational statement.

10 (d) The agency shall provide a model sign-in format
11 for providing the list to the agency which may be used by the
12 local government to satisfy the requirements of this
13 subsection.

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

21 (16) COMPLIANCE AGREEMENTS.--

22 (d) A local government may adopt a plan amendment
23 pursuant to a compliance agreement in accordance with the
24 requirements of paragraph (15)(a). The plan amendment shall be
25 exempt from the requirements of subsections (2)-(7). The
26 local government shall hold a single adoption public hearing
27 pursuant to the requirements of subparagraph (15)(b)2. and
28 paragraph (15)(d)(15)(c). Within 10 working days after
29 adoption of a plan amendment, the local government shall
30 transmit the amendment to the state land planning agency as
31 specified in the agency's procedural rules, and shall submit

1 one copy to the regional planning agency and to any other unit
2 of local government or government agency in the state that has
3 filed a written request with the governing body for a copy of
4 the plan amendment, and one copy to any party to the
5 proceeding under ss. 120.569 and 120.57 granted intervenor
6 status.

7 Section 9. Paragraph (k) is added to subsection (1) of
8 section 163.3187, Florida Statutes, to read:

9 163.3187 Amendment of adopted comprehensive plan.--

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

13 (k) A comprehensive plan amendment to adopt a public
14 educational facilities element pursuant to s. 163.31776 and
15 future land-use-map amendments for school siting may be
16 approved notwithstanding statutory limits on the frequency of
17 adopting plan amendments.

18 Section 10. Paragraph (k) of subsection (2) of section
19 163.3191, Florida Statutes, is amended, and paragraph (1) is
20 added to that subsection, to read:

21 163.3191 Evaluation and appraisal of comprehensive
22 plan.--

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

28 (k) The coordination of the comprehensive plan with
29 existing public schools and those identified in the applicable
30 educational 5-year school district facilities plan work
31 program adopted pursuant to s. 235.185. The assessment shall

1 address, where relevant, the success or failure of the
2 coordination of the future land use map and associated planned
3 residential development with public schools and their
4 capacities, as well as the joint decisionmaking processes
5 engaged in by the local government and the school board in
6 regard to establishing appropriate population projections and
7 the planning and siting of public school facilities. If the
8 issues are not relevant, the local government shall
9 demonstrate that they are not relevant.

10 (1) If any of the jurisdiction of the local government
11 is located within the coastal high hazard area, an evaluation
12 of whether any past reduction in land use density impairs the
13 property rights of current residents when redevelopment
14 occurs, including, but not limited to, redevelopment following
15 a natural disaster. The local government must identify
16 strategies to address redevelopment feasibility and the
17 property rights of affected residents. These strategies may
18 include the authorization of redevelopment up to the actual
19 built density in existence on the property prior to the
20 natural disaster or redevelopment.

21 Section 11. Section 163.3198, Florida Statutes, is
22 created to read:

23 163.3198 Development of a uniform
24 fiscal-impact-analysis model for evaluating the cost of
25 infrastructure to support development.--

26 (1) The Legislature finds that the quality of growth
27 in this state will benefit greatly by the adoption of a
28 uniform fiscal-impact-analysis tool that can be used by local
29 governments to determine the costs and benefits of new
30 development. To facilitate informed decision-making and
31 accountability by local government, the analysis model must

1 itemize and calculate the costs and fiscal impacts of
2 infrastructure needs created by proposed development, as well
3 as the anticipated revenues needed for infrastructure
4 associated with the project. It is intended that the model be
5 a minimum base model for implementation by all local
6 governments. Local governments are not required to implement
7 the model until the Legislature approves such implementation,
8 and local governments are not prevented from using other
9 fiscal or economic analysis tools before or after adoption of
10 the uniform fiscal-analysis model. The Legislature intends
11 that the analysis provide local government decisionmakers with
12 a clearer understanding of the fiscal impact of new
13 development on the community and its resources.

14 (2) A three-member advisory committee with one member
15 each to be selected by the Governor, the President of the
16 Senate, and the Speaker of the House of Representatives,
17 respectively, shall be created to advise the secretary
18 concerning the development of a fiscal-analysis model. The
19 appointments must be made prior to July 1, 2001.

20 (a) The technical advisory committee shall advise the
21 state land planning agency concerning:

- 22 1. The development of a fiscal-analysis model;
23 2. The selection of one or more models to be tested
24 through six pilot projects;
25 3. Changes that may be made to the model during the
26 testing period, as needed; and
27 4. Recommendations on the implementation of the model.

28 (b) Each member of the technical advisory committee is
29 entitled to reimbursement for per diem and travel expenses, as
30 provided in s. 112.061, while carrying out the official
31 business of the committee.

1 (c) The technical advisory committee shall meet at the
2 call of the secretary and shall be dissolved upon the
3 submittal of the report and recommendations required in
4 subsection (6).

5 (3)(a) The state land planning agency shall develop
6 one or more fiscal-analysis models for determining the
7 estimated costs and revenues of proposed development. The
8 analysis provided by the model is a tool for government
9 decisionmaking, does not constitute an automatic approval or
10 disapproval of new development, and applies to all public and
11 private projects and all land-use categories.

12 (b) The model must be capable of estimating the
13 capital, operating, and maintenance costs, and revenues for
14 infrastructure the need for which is created by new
15 development based on the type, scale, and location of various
16 land uses. For the purposes of developing the model, estimated
17 costs include those associated with provision of school
18 facilities; transportation facilities; water supply, sewer,
19 stormwater, and solid waste services; and publicly provided
20 telecommunications. Estimated revenues include all revenues
21 attributable to the proposed development which are used to
22 construct, operate, or maintain the listed infrastructure. The
23 model may be developed with capabilities of estimating other
24 costs and benefits directly related to new development,
25 including economic costs and benefits. The Legislature
26 recognizes the potential limitations of such models in fairly
27 quantifying important quality-of-life issues, such as the
28 intangible benefits and costs associated with development,
29 including, but not limited to, overall impact on community
30 character, housing costs, compatibility, and impacts to
31 natural and historic resources, and the Legislature affirms

1 its intention that this model not be used as the only
2 determinant of the acceptability of new development. In order
3 to develop a model for testing through pilot projects, the
4 state land planning agency shall focus on the infrastructure
5 costs identified in this paragraph. The state land planning
6 agency may allow local governments selected for pilot projects
7 to broaden the model to address other services deemed
8 necessary by the local government; however, in order to
9 broaden considerations of other services, appropriately
10 related revenues and benefits must also be considered.

11 (c) The model must be capable of identifying
12 infrastructure deficits or backlogs and the costs associated
13 with addressing such needs.

14 (d) As part of its development of a fiscal-analysis
15 model, the state land planning agency shall develop a format
16 by which the local governments shall report to the public, at
17 least annually, the cumulative fiscal impact of their local
18 planning decisions.

19 (4) The state land planning agency shall field-test
20 one or more fiscal-analysis models to evaluate their technical
21 validity, financial feasibility for local government
22 implementation, and practical usefulness. The field tests must
23 be conducted as demonstration projects in at least six
24 regionally diverse local government jurisdictions.

25 (5) Data, findings, and feedback from the field tests
26 shall be presented to the technical advisory committee at
27 least every 3 months following the initiation of each
28 demonstration project. Based on this feedback, the state land
29 planning agency may adjust or modify one or more models,
30 including consideration of appropriate thresholds and
31 exemptions, and conduct additional field testing if necessary.

1 (6) By February 1, 2003, the state land planning
2 agency shall transmit to the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives a
4 report detailing the results of the demonstration projects,
5 including estimated costs of implementation, recommendations
6 for a uniform fiscal-analysis model, and recommendations for
7 statewide implementation of such a model. If the state land
8 planning agency determines that a uniform fiscal-analysis
9 model is unfeasible, the agency may recommend that the model
10 or its application be modified. The report must also include
11 recommendations for any changes to existing growth management
12 laws and policies necessary to implement the model. However,
13 this model is not intended to serve as a replacement for
14 concurrency. The report must also include recommendations for
15 state technical and financial assistance to help local
16 governments in implementing the uniform fiscal-analysis model,
17 recommendations addressing state and local sources of
18 additional infrastructure funding, and recommendations for
19 incentives to local governments to encourage identification of
20 areas in which infrastructure development will be encouraged.
21 It is not the intent of this section to repeal concurrency.

22 Section 12. The sum of \$500,000 is appropriated to the
23 Department of Community Affairs from the General Revenue Fund
24 to implement section 10 of this act.

25 Section 13. Section 163.3215, Florida Statutes, is
26 amended to read:

27 163.3215 Standing to enforce local comprehensive plans
28 through development orders.--

29 (1) Any aggrieved or adversely affected party may
30 maintain an action for declaratory and injunctive or other
31 relief against any local government to reverse any decision of

1 local government regarding an application for or to prevent
2 such local government from taking any action on a development
3 order, as defined in s. 163.3164, which materially alters the
4 use or density or intensity of use on a particular piece of
5 property that is not consistent with the comprehensive plan or
6 land development regulation adopted under this part. The
7 action must be filed within 30 days following entry of a
8 development order or other written decision.

9 (2) As used in this section, the term "aggrieved or
10 adversely affected party" means any person or local government
11 which will suffer an adverse effect to an interest protected
12 or furthered by the local government comprehensive plan,
13 including interests related to health and safety, police and
14 fire protection service systems, densities or intensities of
15 development, transportation facilities, health care
16 facilities, equipment or services, or environmental or natural
17 resources. The alleged adverse interest may be shared in
18 common with other members of the community at large, but shall
19 exceed in degree the general interest in community good shared
20 by all persons. The term includes the owner, developer, or
21 applicant for a development order.

22 ~~(3)(a) No suit may be maintained under this section~~
23 ~~challenging the approval or denial of a zoning, rezoning,~~
24 ~~planned unit development, variance, special exception,~~
25 ~~conditional use, or other development order granted prior to~~
26 ~~October 1, 1985, or applied for prior to July 1, 1985.~~

27 ~~(b)~~ Suit under this section shall be the sole action
28 available to challenge the consistency of a development order
29 with a comprehensive plan adopted under this part. The local
30 government that issues the development order and the owner,
31 developer or applicant for a development order, if suit is

1 brought by an aggrieved or adversely affected party other than
2 the owner, developer or applicant for a development order,
3 shall be named as respondents in any proceeding pursuant to
4 this section.

5 (4) If a local government adopts an ordinance
6 establishing, at a minimum, the components of its
7 local-development-review process listed in this subsection,
8 the sole action by which an aggrieved and adversely affected
9 party may challenge consistency of a development order with
10 the comprehensive plan is by a petition for certiorari filed
11 in circuit court within 30 days following entry of a
12 development order or other written decision of the local
13 government. The court has the authority to order injunctive or
14 such other relief as it considers appropriate. Minimum
15 components of the local process are as follows:

16 (a) Notice must be given by publication and by mail to
17 all abutting property owners simultaneous with the filing of
18 an application for development review, if no notice is
19 required for an application for a building permit. The notice
20 must advise that aggrieved or adversely affected persons have
21 the right to request a quasi-judicial hearing and that the
22 request need not be a full-blown petition or complaint and
23 must explain how to initiate the quasi-judicial process and
24 specify the timeframes for initiating the process. The local
25 government shall provide an opportunity for an alternative
26 dispute-resolution process and may stay the formal
27 quasi-judicial hearing for this purpose.

28 (b) An opportunity to participate in the process for
29 an aggrieved or adversely affected party which provides a
30 minimum of 90 days to prepare and present a case for a
31 quasi-judicial hearing.

1 (c) An opportunity for a minimum 60-day discovery
2 period before a quasi-judicial hearing.

3 (d) Authority by the special master to issue subpoenas
4 and compel entry upon land.

5 (e) A quasi-judicial hearing before an independent
6 special master who is an attorney having at least 5 years'
7 experience in land use law, and who shall, at the conclusion
8 of the hearing, recommend written findings of fact and
9 conclusions of law.

10 (f) At the quasi-judicial hearing all parties have the
11 opportunity to respond, present evidence and argument on all
12 issues involved that are related to the development order, and
13 conduct cross-examination and submit rebuttal evidence.

14 (g) The standard of review applied by the special
15 master must be in accordance with state law.

16 (h) A hearing before the local government, which shall
17 be bound by the special master's findings of fact unless the
18 findings of fact are not supported by competent substantial
19 evidence. The governing body may modify the conclusions of law
20 if it finds that the special master's application or
21 interpretation of law is erroneous. However, the governing
22 body may correct a misinterpretation of the local government's
23 comprehensive plan or land development regulations without
24 regard to whether the misinterpretation is labeled as a
25 finding of fact or a conclusion of law. The local government's
26 final decision must be reduced to writing and include the
27 findings of fact and conclusions of law and shall not be
28 considered to have been entered or final until officially
29 date-stamped by the municipal or county clerk.

30 (i) An ex parte communication relating to the merits
31 of the matter under review may be made to the special master.

1 An ex parte communication relating to the merits of the matter
2 under review may not be made to the governing body after a
3 time to be established by the local ordinance, which may not
4 be later than receipt of the recommended order by the
5 governing body.

6 (5) If a local government does not adopt the
7 special-master process set forth in subsection (4), judicial
8 review of the local government's action must be by a de novo
9 proceeding before the circuit court.

10 ~~(4) As a condition precedent to the institution of an~~
11 ~~action pursuant to this section, the complaining party shall~~
12 ~~first file a verified complaint with the local government~~
13 ~~whose actions are complained of setting forth the facts upon~~
14 ~~which the complaint is based and the relief sought by the~~
15 ~~complaining party. The verified complaint shall be filed no~~
16 ~~later than 30 days after the alleged inconsistent action has~~
17 ~~been taken. The local government receiving the complaint~~
18 ~~shall respond within 30 days after receipt of the complaint.~~
19 ~~Thereafter, the complaining party may institute the action~~
20 ~~authorized in this section. However, the action shall be~~
21 ~~instituted no later than 30 days after the expiration of the~~
22 ~~30-day period which the local government has to take~~
23 ~~appropriate action. Failure to comply with this subsection~~
24 ~~shall not bar an action for a temporary restraining order to~~
25 ~~prevent immediate and irreparable harm from the actions~~
26 ~~complained of.~~

27 (6)(5) Venue in any cases brought under this section
28 shall lie in the county or counties where the actions or
29 inactions giving rise to the cause of action are alleged to
30 have occurred.

31

1 (7)(6) The signature of an attorney or party
2 constitutes a certificate that he or she has read the
3 pleading, motion, or other paper and that, to the best of his
4 or her knowledge, information, and belief formed after
5 reasonable inquiry, it is not interposed for any improper
6 purpose, such as to harass or to cause unnecessary delay or
7 for economic advantage, competitive reasons or frivolous
8 purposes or needless increase in the cost of litigation. If a
9 pleading, motion, or other paper is signed in violation of
10 these requirements, the court, upon motion or its own
11 initiative, shall impose upon the person who signed it, a
12 represented party, or both, an appropriate sanction, which may
13 include an order to pay to the other party or parties the
14 amount of reasonable expenses incurred because of the filing
15 of the pleading, motion, or other paper, including a
16 reasonable attorney's fee.

17 (8)(7) In any suit ~~action~~ under this section, no
18 settlement shall be entered into by the local government
19 unless the terms of the settlement have been the subject of a
20 public hearing after notice as required by this part.

21 (9)(8) In any suit under this section, the Department
22 of Legal Affairs may intervene to represent the interests of
23 the state.

24 Section 14. Section 163.3244, Florida Statutes, is
25 amended to read:

26 163.3244 Livable-communities certification ~~Sustainable~~
27 ~~communities demonstration project.--~~

28 (1) The Department of Community Affairs may create a
29 livable-communities certification program for communities that
30 have implemented best-planning practices through their local
31 government comprehensive plans and specific planning or design

1 initiatives, thereby reducing the need for state review of
2 amendments to local government comprehensive plans. One of the
3 purposes of the certification program is to encourage
4 certified communities to address the extrajurisdictional
5 effects of development occurring within the certified area and
6 to seek development-of-regional-impact review authority from
7 the department. It is the intent of the Legislature that the
8 department and other executive agencies under the Governor
9 give priority to and direct infrastructure spending to areas
10 within the urban boundaries of certified communities. ~~is~~
11 ~~authorized to undertake a sustainable communities~~
12 ~~demonstration project. Up to five local governments may be~~
13 ~~designated under this section. At least three of the local~~
14 ~~governments shall be located totally or in part within the~~
15 ~~boundaries of the South Florida Water Management District. In~~
16 ~~selecting the local governments to participate in this~~
17 ~~demonstration project, the department shall assure~~
18 ~~participation by local governments of different sizes and~~
19 ~~characteristics. It is the intent of the Legislature that~~
20 ~~this demonstration project shall be used to further six broad~~
21 ~~principles of sustainability: restoring key ecosystems;~~
22 ~~achieving a more clean, healthy environment; limiting urban~~
23 ~~sprawl; protecting wildlife and natural areas; advancing the~~
24 ~~efficient use of land and other resources; and creating~~
25 ~~quality communities and jobs.~~

26 (2) A local government may apply to the department in
27 writing requesting consideration for certification as a
28 livable community designation ~~under the demonstration program.~~
29 The local government shall describe its reasons for applying
30 for this certification designation and support its application
31

1 with documents regarding its compliance with criteria set
2 forth in this section.

3 (3) In determining whether to designate all or part of
4 a local government as a livable ~~sustainable~~ community, the
5 department shall:

6 (a) Assure that the local government has set an
7 urban-development ~~urban development~~ boundary or functionally
8 equivalent mechanisms, based on projected needs and adequate
9 data and analysis, which ~~that~~ will:

10 1. Encourage urban infill at appropriate densities and
11 intensities, separate urban and rural uses, and discourage
12 urban sprawl ~~development patterns~~ while preserving public open
13 space and planning for buffer-type land uses and rural
14 development consistent with their respective character along
15 and outside of the urban boundary.

16 2. Assure protection of key natural areas and
17 agricultural lands. Key natural areas shall include, but not
18 be limited to:

19 a. Wildlife corridors.

20 b. Lands with high biological diversity, important
21 areas for threatened and endangered species, migratory bird
22 habitat, and significant intact natural communities.

23 c. Significant surface waters and springs, aquatic
24 preserves and Outstanding Florida Waters.

25 d. Water resources suitable for water resource
26 development.

27 e. Important mineral resources.

28 3. Ensure the cost-efficient provision of public
29 infrastructure and services.

30
31

1 (b) Consider and assess the extent to which the local
2 government has adopted programs in its local comprehensive
3 plan or land development regulations which:

4 1. Promote infill development and redevelopment,
5 including prioritized and timely permitting processes in which
6 applications for local development permits within the
7 urban-development ~~urban-development~~ boundary are acted upon
8 expeditiously for proposed development that ~~which~~ is
9 consistent with the local comprehensive plan.

10 2. Promote the development of housing for low-income
11 and very-low-income households or specialized housing to
12 assist elderly ~~elders~~ and ~~the~~ disabled persons to remain at
13 home or in independent living arrangements.

14 3. Achieve effective intergovernmental coordination
15 and address the extrajurisdictional effects of development
16 within the certified area.

17 4. Promote economic diversity and growth while
18 encouraging the retention of rural character, where rural
19 areas exist, and the protection and restoration of the
20 environment.

21 5. Provide and maintain public urban and rural open
22 space and recreational opportunities.

23 6. Manage transportation and land uses to support
24 public transit and promote opportunities for pedestrian and
25 nonmotorized transportation.

26 7. Use urban-design ~~urban-design~~ principles to foster
27 individual community identity, create a sense of place, and
28 promote pedestrian-oriented safe neighborhoods and town
29 centers.

30 8. Redevelop blighted areas.

31

1 9. Improve disaster preparedness programs and the
2 ability to protect lives and property, especially in coastal
3 high-hazard areas.

4 10. Encourage clustered, mixed-use development that
5 ~~which~~ incorporates greenspace and residential development
6 within walking distance of commercial development.

7 11. Demonstrate financial and administrative
8 capabilities to implement the designation.

9 12. Demonstrate a record of effectively adopting,
10 implementing, and enforcing its comprehensive plan.

11 (c) Consider and assess the extent to which the local
12 government's ~~government has the support of its~~ regional
13 planning council governing board supports ~~in favor of~~ the
14 designation.

15 (4) The department shall certify ~~designate~~ all or part
16 of a local government as a livable ~~sustainable~~ community by
17 written agreement, which shall be considered final agency
18 action. The agreement must ~~shall~~ include the basis for the
19 certification ~~designation~~, any conditions necessary to comply
20 with the intent of this section, including procedures for
21 mitigation of extrajurisdictional effects ~~impacts~~ of
22 development in jurisdictions where developments of regional
23 impact would be abolished or modified, and criteria for
24 evaluating the success of the designation. Subsequent to
25 executing the agreement, the department may remove the local
26 government's certification ~~designation~~ if it determines that
27 the local government is not meeting the terms of the
28 certification ~~designation~~ agreement. If an affected person,
29 as defined by s. 163.3184(1)(a), determines that a local
30 government is not complying with the terms of the
31 certification ~~designation~~ agreement, he or she may petition

1 for administrative review of local government compliance with
2 the terms of the agreement, using the procedures and
3 timeframes for notice and conditions precedent described in s.
4 163.3213.

5 (5) Upon certification ~~designation~~ as a livable
6 ~~sustainable~~ community, the local government is entitled to
7 ~~shall~~ receive the following benefits:

8 (a) All comprehensive plan amendments affecting areas
9 within the urban-growth ~~urban-growth~~ boundary or functional
10 equivalent must ~~shall~~ be adopted and reviewed in the manner
11 described in ss. 163.3184(1), (2), (7), (14), (15), and (16)
12 and 163.3187, such that state and regional agency review is
13 eliminated. The department may ~~shall~~ not issue an objections,
14 recommendations, and comments report on proposed plan
15 amendments or a notice of intent on adopted plan amendments;
16 however, affected persons, as defined by s. 163.3184(1)(a),
17 may file a petition for administrative review pursuant to the
18 requirements of s. 163.3187(3)(a) to challenge the compliance
19 of an adopted plan amendment. Plan amendments that would
20 change the adopted urban-development ~~urban-development~~
21 boundary, impact lands outside the urban-development ~~urban~~
22 ~~development~~ boundary, or impact lands within the coastal
23 high-hazard area shall be reviewed pursuant to ss. 163.3184
24 and 163.3187.

25 (b) Developments within the urban-growth ~~urban-growth~~
26 boundary and outside the coastal high-hazard area are exempt
27 from review pursuant to ss. 380.06 and 380.061 to the extent
28 established in the designation agreement.

29 (c) The Executive Office of the Governor shall work
30 with the Department of Community Affairs and other departments
31 to emphasize programs and set priorities for funding within

1 certified areas in certified ~~designated~~ local governments in
2 the areas of education ~~job creation; crime prevention;~~
3 environmental protection and restoration programs; ~~solid waste~~
4 ~~recycling;~~ transportation improvements, including highways,
5 transit, and nonmotorized transportation projects; sewage
6 treatment system improvements; ~~expedited and prioritized~~
7 ~~funding initiatives;~~ and other programs that will direct
8 development within the urban-development boundary of certified
9 ~~assist local governments to create and maintain~~
10 ~~self-sustaining~~ communities.

11 (6) The Secretary of ~~the Department of~~ Environmental
12 Protection, the Secretary of Community Affairs, the Secretary
13 of Transportation, the Commissioner of Agriculture, the
14 executive director of the Fish and Wildlife Conservation
15 Commission, the executive directors of the 11 regional
16 planning councils, and the executive directors of the 5 ~~five~~
17 water management districts shall have the authority to enter
18 into agreements with landowners, developers, businesses,
19 industries, individuals, and governmental agencies as are ~~may~~
20 ~~be~~ necessary to effectuate ~~the provisions of~~ this section.

21 (7) Once certified ~~designated~~ as a livable ~~sustainable~~
22 community pursuant to this section, the local government shall
23 provide a progress report to the department which ~~and the~~
24 ~~Advisory Council on Intergovernmental Relations each year on~~
25 ~~the anniversary date of its designation that~~ identifies plan
26 amendments adopted during the year, updates the future land
27 use map, and advises whether the local government continues to
28 comply with the certification ~~designation~~ agreement. ~~Beginning~~
29 ~~December 1, 1997, and each year thereafter, the department~~
30 ~~shall provide a report to the Speaker of the House of~~
31 ~~Representatives and the President of the Senate regarding the~~

1 ~~successes and failures of this demonstration project. The~~
2 ~~report shall include any recommendations for legislative~~
3 ~~action to modify or repeal the project.~~

4 (8) The designation of a local government as a livable
5 ~~sustainable~~ community under this section shall continue ~~be~~ for
6 a period of 5 years, unless otherwise revoked or renewed by
7 the department. The certification ~~designation~~ may be renewed
8 for additional 5-year periods if the department determines
9 that the local government is complying with the terms of its
10 agreement, ~~showing continuing progress toward sustainable~~
11 ~~goals, and the demonstration project is still in effect.~~

12 (9) The five communities designated as sustainable
13 communities under the Sustainable Communities project created
14 by chapter 96-416, Laws of Florida, shall be certified by the
15 state land planning agency as livable communities for an
16 initial 5-year period.

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

20 ~~(10) If this section is repealed, all designations~~
21 ~~shall terminate as of the effective date of the repeal.~~

22 Section 15. Section 163.32446, Florida Statutes, is
23 created to read:

24 163.32446 Sustainable rural communities demonstration
25 program.--

26 (1) For the purpose of implementing a sustainable
27 rural policy, the Department of Community Affairs may
28 undertake a sustainable rural communities demonstration
29 program. Up to five local governments may be designated under
30 this section. In selecting the local governments to
31 participate in this demonstration project, the department

1 shall ensure participation by local governments of different
2 sizes and rural characteristics. It is the intent of the
3 Legislature that this demonstration program be used to further
4 the following broad principles of rural sustainability:
5 restoration and maintenance of the economic value of rural
6 land; control of urban sprawl; identification and protection
7 of ecosystems, habitats, and natural resources of compelling
8 state interests; promotion of rural economic development;
9 maintenance of the state's agricultural economy; and
10 protection of the character of rural areas.

11 (2) A local government may apply to the department in
12 writing requesting consideration for designation under the
13 demonstration program. The local government shall describe its
14 reasons for applying for this designation and support its
15 application with documents regarding its compliance with
16 criteria set forth in this section.

17 (3) In determining whether to designate all or part of
18 a local government as a sustainable rural community, the
19 department shall:

20 (a) Assure that the local government has either
21 established, or expressed its intent to establish, a Rural
22 Land Stewardship Area pursuant to s. 163.3177(11) which
23 corresponds to the area designated.

24 (b) Demonstrate financial and administrative
25 capabilities to implement the designation.

26 (4) The department shall designate all or part of a
27 local government as a sustainable rural community by written
28 agreement, which constitutes final agency action. The
29 agreement must specify the basis for the designation and
30 criteria for evaluating the success of the designation.
31 Subsequent to executing the agreement, the department may

1 remove the local government's designation if it finds that the
2 local government is not meeting the terms of the agreement. If
3 an affected person, as defined by s. 163.3184(1)(a),
4 determines that a local government is not complying with the
5 terms of the agreement, he or she may petition for
6 administrative review of local government compliance with the
7 terms of the agreement, using the procedures and timeframes
8 for notice and conditions precedent described in s. 163.3213.

9 (5) Upon designation as a sustainable rural community,
10 the Executive Office of the Governor shall work with other
11 agencies to emphasize programs in designated local governments
12 in the areas of job creation, sewage-treatment-system
13 improvements, and expedited and prioritized funding
14 initiatives and other programs that will assist local
15 governments in creating and maintaining self-sustaining rural
16 communities.

17 (6) The Secretary of Environmental Protection, the
18 Secretary of Community Affairs, the Secretary of
19 Transportation, the Commissioner of Agriculture, the executive
20 director of the Fish and Wildlife Conservation Commission,
21 regional planning councils, and the executive directors of the
22 five water management districts have the authority to enter
23 into agreements with landowners, developers, businesses,
24 industries, individuals, and governmental agencies which are
25 necessary to effectuate the provisions of this section.

26 (7) Once designated as a sustainable community under
27 this section, the local government shall provide a progress
28 report to the department and the Legislative Committee on
29 Intergovernmental Relations each year on the anniversary date
30 of its designation which identifies plan amendments adopted
31 during the year, updates the future land use map, and advises

1 whether the local government continues to comply with the
2 designation agreement. Beginning March 1, 2002, and each year
3 thereafter, the department shall provide a report to the
4 President of the Senate and the Speaker of the House of
5 Representatives regarding successes and failures of the
6 sustainable rural communities demonstration program. The
7 report shall include any recommendations for legislative
8 action to modify or abolish the program.

9 Section 16. Subsections (2) and (3) of section
10 186.504, Florida Statutes, are amended to read:

11 186.504 Regional planning councils; creation;
12 membership.--

13 (2) Membership on the regional planning council shall
14 be as follows:

15 (a) Representatives appointed by each of the member
16 counties in the geographic area covered by the regional
17 planning council.

18 (b) Representatives from other member local
19 general-purpose governments in the geographic area covered by
20 the regional planning council.

21 (c) Representatives appointed by the Governor from the
22 geographic area covered by the regional planning council.

23 (d) An elected school board member from the geographic
24 area covered by the regional planning council, to be selected
25 by the Florida School Board Association.

26 (3) Not less than two-thirds of the representatives
27 serving as voting members on the governing bodies of such
28 regional planning councils shall be elected officials of local
29 general-purpose governments chosen by the cities and counties
30 of the region and the school board member, provided each
31 county shall have at least one vote. The remaining one-third

1 of the voting members on the governing board shall be
2 appointed by the Governor, subject to confirmation by the
3 Senate, and shall reside in the region. No two appointees of
4 the Governor shall have their places of residence in the same
5 county until each county within the region is represented by a
6 Governor's appointee to the governing board. Nothing contained
7 in this section shall deny to local governing bodies or the
8 Governor the option of appointing either locally elected
9 officials or lay citizens provided at least two-thirds of the
10 governing body of the regional planning council is composed of
11 locally elected officials.

12 Section 17. Subsection (1) of section 186.008, Florida
13 Statutes, is amended to read:

14 186.008 State comprehensive plan; revision;
15 implementation.--

16 (1) On or before September 1 of each odd-numbered
17 year, the secretary of each affected state agency shall submit
18 to the Governor, the President of the Senate, and the Speaker
19 of the House of Representatives proposed revisions to the
20 state comprehensive plan. On or before October 1 of every
21 odd-numbered year, the Executive Office of the Governor shall
22 prepare, and the Governor shall recommend to the
23 Administration Commission, any proposed revisions to the state
24 comprehensive plan deemed necessary. The Governor shall
25 transmit his or her recommendations and explanation as
26 required by s. 186.007(8). Copies shall also be provided to
27 each state agency, to each regional planning agency, to any
28 other unit of government that requests a copy, and to any
29 member of the public who requests a copy.

30 Section 18. Subsection (1) of section 218.25, Florida
31 Statutes, is amended to read:

1 218.25 Limitation of shared funds; holders of bonds
2 protected; limitation on use of second guaranteed entitlement
3 for counties.--

4 (1) ~~Except as provided in subsection (2) with respect~~
5 ~~to the second guaranteed entitlement for counties, Local~~
6 ~~governments may shall not~~ use any portion of the moneys
7 received in excess of the guaranteed entitlement for
8 municipalities and the second guaranteed entitlement for
9 counties from the revenue sharing trust funds created by this
10 part to assign, pledge, or set aside as a trust for the
11 payment of principal or interest on bonds, or tax anticipation
12 certificates, or any other form of indebtedness, if such
13 indebtedness is used solely for the purpose of financing those
14 categories of public infrastructure enumerated in s. 163.3180
15 within the designated urban service area on the local
16 government's future land use map adopted pursuant to s.
17 163.3177. ~~and~~ There shall be no other use restriction on
18 revenues shared pursuant to this part. The state does hereby
19 covenant with holders of bonds or other instruments of
20 indebtedness issued by local governments prior to July 1,
21 1972, that it is not the intent of this part to affect
22 adversely the rights of said holders or to relieve local
23 governments of the duty to meet their obligations as a result
24 of previous pledges or assignments or trusts entered into
25 which obligated funds received from revenue sources which by
26 terms of this part shall henceforth be distributed out of the
27 revenue sharing trust funds.

28 Section 19. Section 235.002, Florida Statutes, is
29 amended to read:

30 235.002 Intent.--

31 (1) The intent of the Legislature is to:

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

9 (a)(b) To Encourage the use of innovative designs,
10 construction techniques, and financing mechanisms in building
11 educational facilities for the purposes ~~purpose~~ of reducing
12 costs to the taxpayer, creating a more satisfactory
13 educational environment suited to the community in which each
14 school is located, ~~and~~ reducing the amount of time necessary
15 for design and construction to fill unmet needs, and
16 permitting the on-site and off-site improvements required by
17 law.

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

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

29 (d) Establish a systematic process of sharing
30 information between school boards and local governments on the
31

1 growth and development trends in their communities in order to
2 forecast future enrollment and school needs.

3 (e) Establish a systematic process by which school
4 boards and local governments can cooperatively plan for the
5 provision of educational facilities to meet the current and
6 projected needs of the public education system, including the
7 needs placed on the public education system as a result of
8 growth and development decisions by local governments.

9 (f) Establish a systematic process by which local
10 governments and school boards can cooperatively identify and
11 meet the infrastructure needs of public schools.

12 (2) The Legislature finds and declares that:

13 (a) Public schools are a linchpin to the vitality of
14 our communities and play a significant role in the thousands
15 of individual housing decisions that result in community
16 growth trends.

17 (b)(a) Growth and development issues transcend the
18 boundaries and responsibilities of individual units of
19 government, and often no single unit of government can plan or
20 implement policies to deal with these issues without affecting
21 other units of government.

22 (c)(b) The effective and efficient provision of public
23 educational facilities and services enhances ~~is essential to~~
24 ~~preserving and enhancing~~ the quality of life of the people of
25 this state.

26 (d)(c) The provision of educational facilities often
27 impacts community infrastructure and services. Assuring
28 coordinated and cooperative provision of such facilities and
29 associated infrastructure and services is in the best interest
30 of the state.

31

1 Section 20. Section 235.15, Florida Statutes, is
2 amended to read:

3 235.15 Educational plant survey; localized need
4 assessment; PECO project funding.--

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

22 (a) Survey preparation and required data.--Each survey
23 shall be conducted by the board or an agency employed by the
24 board. Surveys shall be reviewed and approved by the board,
25 and a file copy shall be submitted to the Office of
26 Educational Facilities of the Commissioner of Education. The
27 survey report shall include at least an inventory of existing
28 educational and ancillary plants; recommendations for existing
29 educational and ancillary plants, including safe access
30 facilities; recommendations for new educational or ancillary
31 plants, including the general location of each in coordination

1 with the land use plan and safe access facilities; campus
2 master plan update and detail for community colleges; the
3 utilization of school plants based on an extended school day
4 or year-round operation; and such other information as may be
5 required by the rules of the State Board of Education. This
6 report may be amended, if conditions warrant, at the request
7 of the board or commissioner.

8 (b) Required need assessment criteria for district,
9 community college, and state university plant surveys.--~~Each~~
10 Educational plant surveys ~~survey completed after December 31,~~
11 ~~1997,~~ must use uniform data sources and criteria specified in
12 this paragraph. ~~Each educational plant survey completed after~~
13 ~~June 30, 1995, and before January 1, 1998, must be revised, if~~
14 ~~necessary, to comply with this paragraph.~~ Each revised
15 educational plant survey and each new educational plant survey
16 supersedes previous surveys.

17 1. The school district's survey must be submitted as a
18 part of the district educational facilities plan defined in s.
19 235.185. ~~Each school district's educational plant survey must~~
20 ~~reflect the capacity of existing satisfactory facilities as~~
21 ~~reported in the Florida Inventory of School Houses.~~
22 ~~Projections of facility space needs may not exceed the norm~~
23 ~~space and occupant design criteria established by the State~~
24 ~~Requirements for Educational Facilities. Existing and~~
25 ~~projected capital outlay full-time equivalent student~~
26 ~~enrollment must be consistent with data prepared by the~~
27 ~~department and must include all enrollment used in the~~
28 ~~calculation of the distribution formula in s. 235.435(3). All~~
29 ~~satisfactory relocatable classrooms, including those owned,~~
30 ~~lease-purchased, or leased by the school district, shall be~~
31 ~~included in the school district inventory of gross capacity of~~

1 ~~facilities and must be counted at actual student capacity for~~
2 ~~purposes of the inventory. For future needs determination,~~
3 ~~student capacity shall not be assigned to any relocatable~~
4 ~~classroom that is scheduled for elimination or replacement~~
5 ~~with a permanent educational facility in the adopted 5-year~~
6 ~~educational plant survey and in the district facilities work~~
7 ~~program adopted under s. 235.185. Those relocatables clearly~~
8 ~~identified and scheduled for replacement in a school board~~
9 ~~adopted financially feasible 5-year district facilities work~~
10 ~~program shall be counted at zero capacity at the time the work~~
11 ~~program is adopted and approved by the school board. However,~~
12 ~~if the district facilities work program is changed or altered~~
13 ~~and the relocatables are not replaced as scheduled in the work~~
14 ~~program, they must then be reentered into the system for~~
15 ~~counting at actual capacity. Relocatables may not be~~
16 ~~perpetually added to the work program and continually extended~~
17 ~~for purposes of circumventing the intent of this section. All~~
18 ~~remaining relocatable classrooms, including those owned,~~
19 ~~lease-purchased, or leased by the school district, shall be~~
20 ~~counted at actual student capacity. The educational plant~~
21 ~~survey shall identify the number of relocatable student~~
22 ~~stations scheduled for replacement during the 5-year survey~~
23 ~~period and the total dollar amount needed for that~~
24 ~~replacement. All district educational plant surveys revised~~
25 ~~after July 1, 1998, shall include information on leased space~~
26 ~~used for conducting the district's instructional program, in~~
27 ~~accordance with the recommendations of the department's report~~
28 ~~authorized in s. 235.056. A definition of satisfactory~~
29 ~~relocatable classrooms shall be established by rule of the~~
30 ~~department.~~

31

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

14 3. Each community college's survey must reflect the
15 capacity of existing facilities as specified in the inventory
16 maintained by the Division of Community Colleges. Projections
17 of facility space needs must comply with standards for
18 determining space needs as specified by rule of the State
19 Board of Education. The 5-year projection of capital outlay
20 student enrollment must be consistent with the annual report
21 of capital outlay full-time student enrollment prepared by the
22 Division of Community Colleges.

23 4. Each state university's survey must reflect the
24 capacity of existing facilities as specified in the inventory
25 maintained and validated by the Board of Regents. Projections
26 of facility space needs must be consistent with standards for
27 determining space needs approved by the Board of Regents. The
28 projected capital outlay full-time equivalent student
29 enrollment must be consistent with the 5-year planned
30 enrollment cycle for the State University System approved by
31 the Board of Regents.

1 5. The district educational facilities plan
2 ~~educational plant survey~~ of a school district and the
3 educational plant survey of a community college, or state
4 university may include space needs that deviate from approved
5 standards for determining space needs if the deviation is
6 justified by the district or institution and approved by the
7 department or the Board of Regents, as appropriate, as
8 necessary for the delivery of an approved educational program.

9 (c) Review and validation.--The Office of Educational
10 Facilities of the Commissioner of Education ~~department~~ shall
11 review and validate the surveys of school districts and
12 community colleges and any amendments thereto for compliance
13 with the requirements of this chapter and, ~~when required by~~
14 ~~the State Constitution~~, shall recommend those in compliance
15 for approval by the State Board of Education.

16 (2) Only the superintendent or the college president
17 shall certify to the Office of Educational Facilities of the
18 Commissioner of Education ~~department~~ a project's compliance
19 with the requirements for expenditure of PECO funds prior to
20 release of funds.

21 (a) Upon request for release of PECO funds for
22 planning purposes, certification must be made to the Office of
23 Educational Facilities of the Commissioner of Education
24 ~~department~~ that the need for and location of the facility are
25 in compliance with the board-approved survey recommendations,
26 ~~and that~~ the project meets the definition of a PECO project
27 and the limiting criteria for expenditures of PECO funding,
28 and the plan is consistent with the local government
29 comprehensive plan.

30 (b) Upon request for release of construction funds,
31 certification must be made to the Office of Educational

1 Facilities of the Commissioner of Education ~~department~~ that
2 the need and location of the facility are in compliance with
3 the board-approved survey recommendations, that the project
4 meets the definition of a PECO project and the limiting
5 criteria for expenditures of PECO funding, and that the
6 construction documents meet the requirements of the State
7 Uniform Building Code for Educational Facilities Construction
8 or other applicable codes as authorized in this chapter.

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

11 235.175 SMART schools; Classrooms First; legislative
12 purpose.--

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

28 Section 22. Section 235.18, Florida Statutes, is
29 amended to read:

30 235.18 Annual capital outlay budget.--Each board,
31 including the Board of Regents, shall, each year, adopt a

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

13 Section 23. Section 235.185, Florida Statutes, is
14 amended to read:

15 235.185 School district educational facilities plan
16 ~~work program~~; definitions; preparation, adoption, and
17 amendment; long-term work programs.--

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

19 (a) "Adopted educational facilities plan" means the
20 comprehensive planning document that is adopted annually by
21 the district school board as provided in subsection (2) and
22 that contains the educational plant survey.

23 ~~(a) "Adopted district facilities work program" means~~
24 ~~the 5-year work program adopted by the district school board~~
25 ~~as provided in subsection (3).~~

26 (b) "~~Tentative~~ District facilities work program" means
27 the 5-year listing of capital outlay projects, adopted by the
28 district school board as provided in subparagraph (2)(a)2. and
29 paragraph (2)(b) as part of the district educational
30 facilities plan, which is required in order to:

31

1 1. ~~To~~ Properly maintain the educational plant and
2 ancillary facilities of the district.

3 2. ~~To~~ Provide an adequate number of satisfactory
4 student stations for the projected student enrollment of the
5 district in K-12 programs in accordance with the goal in s.
6 235.062.

7 (c) "Tentative educational facilities plan" means the
8 comprehensive planning document prepared annually by the
9 district school board and submitted to the Office of
10 Educational Facilities of the Commissioner of Education and
11 the affected general-purpose local governments.

12 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
13 FACILITIES PLAN ~~WORK PROGRAM~~.--

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

22 1. Projected student populations apportioned
23 geographically at the local level. The projections must be
24 based on information produced by the demographic, revenue, and
25 education estimating conferences pursuant to s. 216.136, where
26 available, as modified by the district based on development
27 data and agreement with the local governments and the Office
28 of Educational Facilities of the Commissioner of Education.
29 The projections must be apportioned geographically with
30 assistance from the local governments using local development
31 trend data and the school district student enrollment data.

1 2. An inventory of existing school facilities. Any
2 anticipated expansions or closures of existing school sites
3 over the 5-year, 10-year, and 20-year periods must be
4 identified. The inventory must include an assessment of areas
5 proximate to existing schools and identification of the need
6 for improvements to infrastructure, safety, including safe
7 access routes, and conditions in the community. The plan must
8 also provide a listing of major repairs and renovation
9 projects anticipated over the period of the plan.

10 3. Projections of facilities space needs, which may
11 not exceed the norm space and occupant design criteria
12 established in the State Requirements for Educational
13 Facilities.

14 4. Information on leased, loaned, and donated space
15 and relocatables used for conducting the district's
16 instructional programs.

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

26 6. The identification of options deemed reasonable and
27 approved by the school board which reduce the need for
28 additional permanent student stations. Such options may
29 include, but need not be limited to:

30 a. Acceptable capacity;

31 b. Redistricting;

- 1 c. Busing;
2 d. Year-round schools; and
3 e. Charter schools.
4 7. The criteria and method, jointly determined by the
5 local government and the school board, for determining the
6 impact to public school capacity in response to a local
7 government request for a report pursuant to s. 235.193(4).
8 (b) The plan must also include a financially feasible
9 district facilities work program for a 5-year period. The work
10 program must include:
11 1. A schedule of major repair and renovation projects
12 necessary to maintain the educational facilities ~~plant~~ and
13 ancillary facilities of the district.
14 2. A schedule of capital outlay projects necessary to
15 ensure the availability of satisfactory student stations for
16 the projected student enrollment in K-12 programs. This
17 schedule shall consider:
18 a. The locations, capacities, and planned utilization
19 rates of current educational facilities of the district. The
20 capacity of existing satisfactory facilities, as reported in
21 the Florida Inventory of School Houses must be compared to the
22 capital outlay full-time-equivalent student enrollment as
23 determined by the department including all enrollment used in
24 the calculation of the distribution formula in s. 235.435(3).
25 b. The proposed locations of planned facilities,
26 whether those locations are consistent with the comprehensive
27 plans of all affected local governments, and recommendations
28 for infrastructure and other improvements to land adjacent to
29 existing facilities. The provisions of ss. 235.19 and
30 235.193(6), (7), and (8) must be addressed for new facilities
31

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

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

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

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

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

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

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

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

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

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

30
31

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

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

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

14 ~~(d)(c)~~ Provision shall be made for public comment
15 concerning the tentative district educational facilities plan
16 ~~work program~~.

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

23 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL
24 FACILITIES PLAN TO LOCAL GOVERNMENT.--The district school
25 board shall submit a copy of its tentative district
26 educational facilities plan to all affected local governments
27 prior to adoption by the board. The affected local governments
28 shall review the tentative district educational facilities
29 plan and comment to the district school board on the
30 consistency of the plan with the local comprehensive plan,
31 whether a comprehensive plan amendment will be necessary for

1 any proposed educational facility, and whether the local
2 government supports a necessary comprehensive plan amendment.
3 If the local government does not support a comprehensive plan
4 amendment for a proposed educational facility, the matter
5 shall be resolved pursuant to the interlocal agreement
6 required by ss. 163.31776(4) and 235.193(2). The process for
7 the submittal and review shall be detailed in the interlocal
8 agreement required pursuant to ss. 163.31776(4) and
9 235.193(2).

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

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

23 (b) Set forth the proposed commitments and planned
24 expenditures of the district to address the educational
25 facilities needs of its students and to adequately provide for
26 the maintenance of the educational plant and ancillary
27 facilities, including safe access ways from neighborhoods to
28 schools.

29 (5)(4) EXECUTION OF ADOPTED DISTRICT EDUCATIONAL
30 FACILITIES PLAN ~~WORK PROGRAM.~~--The first year of the adopted
31 district educational facilities plan ~~work program~~ shall

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

6 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to~~
7 ~~the adopted district facilities work program covering the~~
8 ~~5-year work program, the district school board shall adopt~~
9 ~~annually a 10-year and a 20-year work program which include~~
10 ~~the information set forth in subsection (2), but based upon~~
11 ~~enrollment projections and facility needs for the 10-year and~~
12 ~~20-year periods. It is recognized that the projections in the~~
13 ~~10-year and 20-year timeframes are tentative and should be~~
14 ~~used only for general planning purposes.~~

15 Section 24. Section 235.188, Florida Statutes, is
16 amended to read:

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

27 Section 25. Section 235.19, Florida Statutes, is
28 amended to read:

29 235.19 Site planning and selection.--

30 (1) If the school board and local government have
31 entered into an interlocal agreement pursuant to ss.

1 163.31776(4) and 235.193(2) and have developed a process to
2 ensure consistency between the local government comprehensive
3 plan and the school district educational facilities plan and a
4 method to coordinate decisionmaking and approved activities
5 relating to school planning and site selection, the provisions
6 of this section do not apply to such school board and local
7 government.

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

22 (3)~~(2)~~ Each new site selected must be adequate in size
23 to meet the educational needs of the students to be served on
24 that site by the original educational facility or future
25 expansions of the facility through renovation or the addition
26 of relocatables. ~~The Commissioner of Education shall prescribe~~
27 ~~by rule recommended sizes for new sites according to~~
28 ~~categories of students to be housed and other appropriate~~
29 ~~factors determined by the commissioner. Less than recommended~~
30 ~~site sizes are allowed if the board, by a two-thirds majority,~~
31

1 ~~recommends such a site and finds that it can provide an~~
2 ~~appropriate and equitable educational program on the site.~~

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

20 (5)~~(4)~~ It shall be the responsibility of the board to
21 provide adequate notice to appropriate municipal, county,
22 regional, and state governmental agencies for requested
23 traffic control and safety devices so they can be installed
24 and operating prior to the first day of classes or to satisfy
25 itself that every reasonable effort has been made in
26 sufficient time to secure the installation and operation of
27 such necessary devices prior to the first day of classes. It
28 shall also be the responsibility of the board to review
29 annually traffic control and safety device needs and to
30 request all necessary changes indicated by such review.

31

1 (6)~~(5)~~ Each board may request county and municipal
2 governments to construct and maintain sidewalks and bicycle
3 trails within a 2-mile radius of each educational facility
4 within the jurisdiction of the local government. When a board
5 discovers or is aware of an existing hazard on or near a
6 public sidewalk, street, or highway within a 2-mile radius of
7 a school site and the hazard endangers the life or threatens
8 the health or safety of students who walk, ride bicycles, or
9 are transported regularly between their homes and the school
10 in which they are enrolled, the board shall, within 24 hours
11 after discovering or becoming aware of the hazard, excluding
12 Saturdays, Sundays, and legal holidays, report such hazard to
13 the governmental entity within the jurisdiction of which the
14 hazard is located. Within 5 days after receiving notification
15 by the board, excluding Saturdays, Sundays, and legal
16 holidays, the governmental entity shall investigate the
17 hazardous condition and either correct it or provide such
18 precautions as are practicable to safeguard students until the
19 hazard can be permanently corrected. However, if the
20 governmental entity that has jurisdiction determines upon
21 investigation that it is impracticable to correct the hazard,
22 or if the entity determines that the reported condition does
23 not endanger the life or threaten the health or safety of
24 students, the entity shall, within 5 days after notification
25 by the board, excluding Saturdays, Sundays, and legal
26 holidays, inform the board in writing of its reasons for not
27 correcting the condition. The governmental entity, to the
28 extent allowed by law, shall indemnify the board from any
29 liability with respect to accidents or injuries, if any,
30 arising out of the hazardous condition.
31

1 Section 26. Section 235.193, Florida Statutes, is
2 amended to read:

3 235.193 Coordination of planning with local governing
4 bodies.--

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

31

1 (2) No later than 6 months prior to the deadline
2 established by the state land planning agency pursuant to s.
3 163.31776(3) for the transmittal of a public educational
4 facilities element by general purpose local governments, the
5 school district, the county, and the participating
6 municipalities shall enter into an interlocal agreement that
7 establishes a process for developing coordinated and
8 consistent local government public educational facilities
9 elements and a district educational facilities plan, including
10 a process:

11 (a) By which each local government and the school
12 district agree and base their plans on consistent projections
13 of the amount, type, and distribution of population growth and
14 student enrollment.

15 (b) To coordinate and share information relating to
16 existing and planned public school facilities and local
17 government plans for development and redevelopment.

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

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

30 (e) For school-district participation in the review of
31 residential development applications for comprehensive plan

1 amendments and rezonings that increase residential density and
2 that are reasonably expected to have an impact on public
3 school facility demand pursuant to s. 163.31777. The
4 interlocal agreement must specify how the school board and
5 local governments will develop the methodology and the
6 criteria for determining whether school facility capacity will
7 be reasonably available at the time of projected school
8 impacts, including uniform, districtwide level-of-service
9 standards for all public schools of the same type and
10 availability standards for public schools. The interlocal
11 agreement shall ensure that consistent criteria and
12 capacity-determination methodologies are adopted into the
13 school board's district educational facilities plan and the
14 local government's public educational facilities element. The
15 interlocal agreement shall also set forth the process and
16 uniform methodology for determining proportionate-share
17 mitigation pursuant to s. 163.31777.

18 (f) For the resolution of disputes between the school
19 district and local governments.

20
21 Any school board entering into an interlocal agreement for the
22 purpose of adopting public school concurrency prior to the
23 effective date of this act is not required to amend the
24 interlocal agreement to conform to the provisions of this
25 subsection if the comprehensive plan amendment adopting public
26 school concurrency is ultimately determined to be in
27 compliance.

28 (3) Failure to enter into an interlocal agreement
29 shall result in the withholding of funds for school
30 construction available pursuant to ss. 235.187, 235.216,
31 235.2195, and 235.42 and a prohibition from siting schools.

1 Before the Office of Educational Facilities of the
2 Commissioner of Education may withhold any funds, the office
3 shall provide the school board with a notice of intent to
4 withhold funds, which the school board may appeal under
5 chapter 120. The office shall withhold funds when a final
6 order is issued finding that the school board has failed to
7 enter into an interlocal agreement that meets the requirements
8 of this section.

9 (4) The school board shall report to the local
10 government on school capacity when the local government
11 notifies the school board that it is reviewing an application
12 for a comprehensive plan amendment or a rezoning that seeks to
13 increase residential density. The report must provide data and
14 analysis as required by s. 163.31777(2) for the local
15 government's review of the proposed plan amendment or
16 rezoning.

17 (5)~~(2)~~ A school board and the local governing body
18 must share and coordinate information related to existing and
19 planned public school facilities; proposals for development,
20 redevelopment, or additional development; and infrastructure
21 required to support the public school facilities, concurrent
22 with proposed development. A school board shall use
23 information produced by the demographic, revenue, and
24 education estimating conferences pursuant to s. 216.136
25 ~~Department of Education enrollment projections~~ when preparing
26 the ~~5-year~~ district educational facilities plan ~~work program~~
27 pursuant to s. 235.185, as modified and agreed to by the local
28 governments and the Office of Educational Facilities of the
29 Commissioner of Education, in ~~and a school board shall~~
30 ~~affirmatively demonstrate in the educational facilities report~~
31 consideration of local governments' population projections, to

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

12 ~~(6)(3)~~ The location of public educational facilities
13 shall be consistent with the comprehensive plan of the
14 appropriate local governing body developed under part II of
15 chapter 163 and consistent with the plan's implementing land
16 development regulations, ~~to the extent that the regulations~~
17 ~~are not in conflict with or the subject regulated is not~~
18 ~~specifically addressed by this chapter or the State Uniform~~
19 ~~Building Code, unless mutually agreed by the local government~~
20 ~~and the board.~~

21 ~~(7)(4)~~ To improve coordination relative to potential
22 educational facility sites, a board shall provide written
23 notice to the local government that has regulatory authority
24 over the use of the land at least 120 ~~60~~ days prior to
25 acquiring or leasing property that may be used for a new
26 public educational facility. The local government, upon
27 receipt of this notice, shall notify the board within 45 days
28 if the site proposed for acquisition or lease is consistent
29 with the land use categories and policies of the local
30 government's comprehensive plan. This preliminary notice does
31

1 not constitute the local government's determination of
2 consistency pursuant to subsection (8)~~(5)~~.

3 (8)~~(5)~~ As early in the design phase as feasible, but
4 at least before commencing construction of a new public
5 educational facility, the local governing body that regulates
6 the use of land shall determine, in writing within 90 days
7 after receiving the necessary information and a school board's
8 request for a determination, whether a proposed public
9 educational facility is consistent with the local
10 comprehensive plan and consistent with local land development
11 regulations, to the extent that the regulations are not in
12 conflict with or the subject regulated is not specifically
13 addressed by this chapter or the State Uniform Building Code,
14 unless mutually agreed. If the determination is affirmative,
15 school construction may proceed and further local government
16 approvals are not required, except as provided in this
17 section. Failure of the local governing body to make a
18 determination in writing within 90 days after a school board's
19 request for a determination of consistency shall be considered
20 an approval of the school board's application.

21 (9)~~(6)~~ A local governing body may not deny the site
22 applicant based on adequacy of the site plan as it relates
23 solely to the needs of the school. If the site is consistent
24 with the comprehensive plan's ~~future~~ land use policies and
25 categories in which public schools are identified as allowable
26 uses, the local government may not deny the application but it
27 may impose reasonable development standards and conditions in
28 accordance with s. 235.34(1) and consider the site plan and
29 its adequacy as it relates to environmental concerns, health,
30 safety and welfare, and effects on adjacent property.
31 Standards and conditions may not be imposed which conflict

1 with those established in this chapter or the State Uniform
2 Building Code, unless mutually agreed.

3 (10)~~(7)~~ This section does not prohibit a local
4 governing body and district school board from agreeing and
5 establishing an alternative process for reviewing a proposed
6 educational facility and site plan, and offsite impacts
7 pursuant to an interlocal agreement adopted in accordance with
8 this section.

9 (11)~~(8)~~ Existing schools shall be considered
10 consistent with the applicable local government comprehensive
11 plan adopted under part II of chapter 163. ~~The collocation of~~
12 ~~a new proposed public educational facility with an existing~~
13 ~~public educational facility, or the expansion of an existing~~
14 ~~public educational facility is not inconsistent with the local~~
15 ~~comprehensive plan, if the site is consistent with the~~
16 ~~comprehensive plan's future land use policies and categories~~
17 ~~in which public schools are identified as allowable uses, and~~
18 ~~levels of service adopted by the local government for any~~
19 ~~facilities affected by the proposed location for the new~~
20 ~~facility are maintained.~~ If a board submits an application to
21 expand an existing school site, the local governing body may
22 impose reasonable development standards and conditions on the
23 expansion only, and in a manner consistent with s. 235.34(1).
24 Standards and conditions may not be imposed which conflict
25 with those established in this chapter or the State Uniform
26 Building Code, unless mutually agreed. Local government review
27 or approval is not required for:

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

30 (b) Proposed renovation or construction on existing
31 school sites, with the exception of construction that changes

1 the primary use of a facility, includes stadiums, or results
2 in a greater than 5 percent increase in student capacity, or
3 as mutually agreed.

4 Section 27. Section 235.194, Florida Statutes, is
5 repealed.

6 Section 28. Section 235.218, Florida Statutes, is
7 amended to read:

8 235.218 School district educational facilities plan
9 ~~work program~~ performance and productivity standards;
10 development; measurement; application.--

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

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

19 (b) Efficient finance and administration.

20 (c) Optimal school and classroom size and utilization
21 rate.

22 (d) Safety.

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

25 (f) Level of district local effort.

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

29 (3) The clearinghouse shall conduct ongoing
30 evaluations of district educational facilities program
31 performance and productivity, using the measures adopted under

1 this section. If, using these measures, the clearinghouse
2 finds that a district failed to perform satisfactorily, the
3 clearinghouse must recommend to the district school board
4 actions to be taken to improve the district's performance.

5 Section 29. Section 235.321, Florida Statutes, is
6 amended to read:

7 235.321 Changes in construction requirements after
8 award of contract.--The board may, at its option and by
9 written policy duly adopted and entered in its official
10 minutes, authorize the superintendent or president or other
11 designated individual to approve change orders in the name of
12 the board for preestablished amounts. Approvals shall be for
13 the purpose of expediting the work in progress and shall be
14 reported to the board and entered in its official minutes. For
15 accountability, the school district shall monitor and report
16 the impact of change orders on its district educational
17 facilities plan ~~work program~~ pursuant to s. 235.185.

18 Section 30. Paragraph (d) of subsection (5) of section
19 236.25, Florida Statutes, is amended to read:

20 236.25 District school tax.--

21 (5)

22 (d) Notwithstanding any other provision of this
23 subsection, if through its adopted educational facilities plan
24 ~~work program~~ a district has clearly identified the need for an
25 ancillary plant, has provided opportunity for public input as
26 to the relative value of the ancillary plant versus an
27 educational plant, and has obtained public approval, the
28 district may use revenue generated by the millage levy
29 authorized by subsection (2) for the construction, renovation,
30 remodeling, maintenance, or repair of an ancillary plant.

31

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

12 Section 31. Section 236.255, Florida Statutes, is
13 created to read:

14 236.255 School District Guaranty Program.--The School
15 District Guaranty Program is created. The purpose of the
16 program is to provide school districts a means to enhance
17 their credit and borrowing capacity to the extent of their
18 authorized millage for the purpose of issuing certificates of
19 participation. A district school board may request the
20 financial backing of the state or county in the issuance of
21 certificates of participation. Any such financial backing by
22 the state or county is optional and shall be limited to the
23 financial backing of amounts in excess of 50 percent of the
24 school board's authorized millage. However, nothing in this
25 section allows a district school board to exceed the payment
26 limits established in s. 236.25(2)(e). The school board must
27 submit its request to the State Board of Education or the
28 board of county commissioners, as applicable. The State Board
29 of Education or the board of county commissioners may grant
30 such financial backing based on the availability of funds
31 appropriated or otherwise set aside for that purpose.

1 Section 32. Subsection (12), paragraph (c) of
2 subsection (15), and subsections (18) and (19) of section
3 380.06, Florida Statutes, are amended to read:

4 380.06 Developments of regional impact.--

5 (12) REGIONAL REPORTS.--

6 (a) Within 50 days after receipt of the notice of
7 public hearing required in paragraph (11)(c), the regional
8 planning agency, if one has been designated for the area
9 including the local government, shall prepare and submit to
10 the local government a report and recommendations on the
11 regional impact of the proposed development. In preparing its
12 report and recommendations, the regional planning agency shall
13 identify regional issues based upon the following review
14 criteria and make recommendations to the local government on
15 these regional issues, specifically considering whether, and
16 the extent to which:

17 1. The development will have a favorable or
18 unfavorable impact on state or regional resources or
19 facilities identified in the applicable state or regional
20 plans. For the purposes of this subsection, "applicable state
21 plan" means the state comprehensive plan. For the purposes of
22 this subsection, "applicable regional plan" means an adopted
23 comprehensive regional policy plan until the adoption of a
24 strategic regional policy plan pursuant to s. 186.508, and
25 thereafter means an adopted strategic regional policy plan.

26 2. The development will significantly impact adjacent
27 jurisdictions. At the request of the appropriate local
28 government, regional planning agencies may also review and
29 comment upon issues that affect only the requesting local
30 government.

31

1 3. As one of the issues considered in the review in
2 subparagraphs 1. and 2., the development will favorably or
3 adversely affect the ability of people to find adequate
4 housing reasonably accessible to their places of employment.
5 The determination should take into account information on
6 factors that are relevant to the availability of reasonably
7 accessible adequate housing. Adequate housing means housing
8 that is available for occupancy and that is not substandard.

9 (b) At the request of the regional planning agency,
10 other appropriate agencies shall review the proposed
11 development and shall prepare reports and recommendations on
12 issues that are clearly within the jurisdiction of those
13 agencies. Such agency reports shall become part of the
14 regional planning agency report; however, the regional
15 planning agency may attach dissenting views. When water
16 management district and Department of Environmental Protection
17 permits have been issued pursuant to chapter 373 or chapter
18 403, the regional planning council may comment on the regional
19 implications of the permits but may not offer conflicting
20 recommendations.

21 (c) The regional planning agency shall afford the
22 developer or any substantially affected party reasonable
23 opportunity to present evidence to the regional planning
24 agency head relating to the proposed regional agency report
25 and recommendations.

26 (d) Where the location of a proposed development
27 involves land within the boundaries of multiple regional
28 planning councils, the state land planning agency shall
29 designate a lead regional planning council. The lead regional
30 planning council shall prepare the regional report.

31 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--

1 (c) The development order shall include findings of
2 fact and conclusions of law consistent with subsections (13)
3 and (14). The development order:

4 1. Shall specify the monitoring procedures and the
5 local official responsible for assuring compliance by the
6 developer with the development order.

7 2. Shall establish compliance dates for the
8 development order, including a deadline for commencing
9 physical development and for compliance with conditions of
10 approval or phasing requirements, and shall include a
11 termination date that reasonably reflects the time required to
12 complete the development.

13 3. Shall establish a date until which the local
14 government agrees that the approved development of regional
15 impact shall not be subject to downzoning, unit density
16 reduction, or intensity reduction, unless the local government
17 can demonstrate that substantial changes in the conditions
18 underlying the approval of the development order have occurred
19 or the development order was based on substantially inaccurate
20 information provided by the developer or that the change is
21 clearly established by local government to be essential to the
22 public health, safety, or welfare.

23 4. Shall specify the requirements for the biennial
24 ~~annual~~ report designated under subsection (18), including the
25 date of submission, parties to whom the report is submitted,
26 and contents of the report, based upon the rules adopted by
27 the state land planning agency. Such rules shall specify the
28 scope of any additional local requirements that may be
29 necessary for the report.

30
31

1 5. May specify the types of changes to the development
2 which shall require submission for a substantial deviation
3 determination under subsection (19).

4 6. Shall include a legal description of the property.

5 (18) BIENNIAL ~~ANNUAL~~ REPORTS.--The developer shall
6 submit a biennial ~~an annual~~ report on the development of
7 regional impact to the local government, the regional planning
8 agency, the state land planning agency, and all affected
9 permit agencies in alternate years on the date specified in
10 the development order, unless the development order by its
11 terms requires more frequent monitoring. If the annual report
12 is not received, the regional planning agency or the state
13 land planning agency shall notify the local government. If
14 the local government does not receive the biennial ~~annual~~
15 report or receives notification that the regional planning
16 agency or the state land planning agency has not received the
17 report, the local government shall request in writing that the
18 developer submit the report within 30 days. The failure to
19 submit the report after 30 days shall result in the temporary
20 suspension of the development order by the local government.
21 If no additional development pursuant to the development order
22 has occurred since the submission of the previous report, a
23 letter from the developer stating that no development has
24 occurred satisfies the requirement for a report. Development
25 orders that require annual reports may be amended to require
26 biennial reports at the option of the local government.

27 (19) SUBSTANTIAL DEVIATIONS.--

28 (a) Any proposed change to a previously approved
29 development which creates a reasonable likelihood of
30 additional regional impact, or any type of regional impact
31 created by the change not previously reviewed by the regional

1 | planning agency, shall constitute a substantial deviation and
2 | shall cause the development to be subject to further
3 | development-of-regional-impact review. There are a variety of
4 | reasons why a developer may wish to propose changes to an
5 | approved development of regional impact, including changed
6 | market conditions. The procedures set forth in this
7 | subsection are for that purpose.

8 | (b) Any proposed change to a previously approved
9 | development of regional impact or development order condition
10 | which, either individually or cumulatively with other changes,
11 | exceeds any of the following criteria shall constitute a
12 | substantial deviation and shall cause the development to be
13 | subject to further development-of-regional-impact review
14 | without the necessity for a finding of same by the local
15 | government:

16 | 1. An increase in the number of parking spaces at an
17 | attraction or recreational facility by 5 percent or 300
18 | spaces, whichever is greater, or an increase in the number of
19 | spectators that may be accommodated at such a facility by 5
20 | percent or 1,000 spectators, whichever is greater.

21 | 2. A new runway, a new terminal facility, a 25-percent
22 | lengthening of an existing runway, or a 25-percent increase in
23 | the number of gates of an existing terminal, but only if the
24 | increase adds at least three additional gates. However, if an
25 | airport is located in two counties, a 10-percent lengthening
26 | of an existing runway or a 20-percent increase in the number
27 | of gates of an existing terminal is the applicable criteria.

28 | 3. An increase in the number of hospital beds by 5
29 | percent or 60 beds, whichever is greater.

30 | 4. An increase in industrial development area by 5
31 | percent or 32 acres, whichever is greater.

1 5. An increase in the average annual acreage mined by
2 5 percent or 10 acres, whichever is greater, or an increase in
3 the average daily water consumption by a mining operation by 5
4 percent or 300,000 gallons, whichever is greater. An increase
5 in the size of the mine by 5 percent or 750 acres, whichever
6 is less.

7 6. An increase in land area for office development by
8 5 percent ~~or 6 acres, whichever is greater~~, or an increase of
9 gross floor area of office development by 5 percent or 60,000
10 gross square feet, whichever is greater.

11 7. An increase in the storage capacity for chemical or
12 petroleum storage facilities by 5 percent, 20,000 barrels, or
13 7 million pounds, whichever is greater.

14 8. An increase of development at a waterport of wet
15 storage for 20 watercraft, dry storage for 30 watercraft, or
16 wet/dry storage for 60 watercraft in an area identified in the
17 state marina siting plan as an appropriate site for additional
18 waterport development or a 5-percent increase in watercraft
19 storage capacity, whichever is greater.

20 9. An increase in the number of dwelling units by 5
21 percent or 50 dwelling units, whichever is greater.

22 10. An increase in commercial development by ~~6 acres~~
23 ~~of land area or by~~ 50,000 square feet of gross floor area, ~~or~~
24 of parking spaces provided for customers for 300 cars or a
25 5-percent increase of either ~~any~~ of these, whichever is
26 greater.

27 11. An increase in hotel or motel facility units by 5
28 percent or 75 units, whichever is greater.

29 12. An increase in a recreational vehicle park area by
30 5 percent or 100 vehicle spaces, whichever is less.

31

1 13. A decrease in the area set aside for open space of
2 5 percent or 20 acres, whichever is less.

3 14. A proposed increase to an approved multiuse
4 development of regional impact where the sum of the increases
5 of each land use as a percentage of the applicable substantial
6 deviation criteria is equal to or exceeds 100 percent. The
7 percentage of any decrease in the amount of open space shall
8 be treated as an increase for purposes of determining when 100
9 percent has been reached or exceeded.

10 15. A 15-percent increase in the number of external
11 vehicle trips generated by the development above that which
12 was projected during the original
13 development-of-regional-impact review.

14 16. Any change which would result in development of
15 any area which was specifically set aside in the application
16 for development approval or in the development order for
17 preservation or special protection of endangered or threatened
18 plants or animals designated as endangered, threatened, or
19 species of special concern and their habitat, primary dunes,
20 or archaeological and historical sites designated as
21 significant by the Division of Historical Resources of the
22 Department of State. The further refinement of such areas by
23 survey shall be considered under sub-subparagraph (e)5.b.

24
25 The substantial deviation numerical standards in subparagraphs
26 4., 6., 10., 14., excluding residential uses, and 15., are
27 increased by 100 percent for a project certified under s.
28 403.973 which creates jobs and meets criteria established by
29 the Office of Tourism, Trade, and Economic Development as to
30 its impact on an area's economy, employment, and prevailing
31 wage and skill levels. The substantial deviation numerical

1 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
2 increased by 50 percent for a project located wholly within an
3 urban infill and redevelopment area designated on the
4 applicable adopted local comprehensive plan future land use
5 map and not located within the coastal high hazard area.

6 (c) An extension of the date of buildout of a
7 development, or any phase thereof, by 7 or more years shall be
8 presumed to create a substantial deviation subject to further
9 development-of-regional-impact review. An extension of the
10 date of buildout, or any phase thereof, of 5 years or more but
11 less than 7 years shall be presumed not to create a
12 substantial deviation. These presumptions may be rebutted by
13 clear and convincing evidence at the public hearing held by
14 the local government. An extension of less than 5 years is
15 not a substantial deviation. For the purpose of calculating
16 when a buildout, phase, or termination date has been exceeded,
17 the time shall be tolled during the pendency of administrative
18 or judicial proceedings relating to development permits. Any
19 extension of the buildout date of a project or a phase thereof
20 shall automatically extend the commencement date of the
21 project, the termination date of the development order, the
22 expiration date of the development of regional impact, and the
23 phases thereof by a like period of time.

24 (d) A change in the plan of development of an approved
25 development of regional impact resulting from requirements
26 imposed by the Department of Environmental Protection or any
27 water management district created by s. 373.069 or any of
28 their successor agencies or by any appropriate federal
29 regulatory agency shall be submitted to the local government
30 pursuant to this subsection. The change shall be presumed not
31 to create a substantial deviation subject to further

1 development-of-regional-impact review. The presumption may be
2 rebutted by clear and convincing evidence at the public
3 hearing held by the local government.

4 ~~(e)1. A proposed change which, either individually or,~~
5 ~~if there were previous changes, cumulatively with those~~
6 ~~changes, is equal to or exceeds 40 percent of any numerical~~
7 ~~criterion in subparagraphs (b)1.-15., but which does not~~
8 ~~exceed such criterion, shall be presumed not to create a~~
9 ~~substantial deviation subject to further~~
10 ~~development-of-regional-impact review. The presumption may be~~
11 ~~rebutted by clear and convincing evidence at the public~~
12 ~~hearing held by the local government pursuant to subparagraph~~
13 ~~(f)5.~~

14 1.2. Except for a development order rendered pursuant
15 to subsection (22) or subsection (25), a proposed change to a
16 development order that individually or cumulatively with any
17 previous change is less than ~~40 percent~~ of any numerical
18 criterion contained in subparagraphs (b)1.-14. ~~(b)1.-15.~~ and
19 does not exceed any other criterion, or that involves an
20 extension of the buildout date of a development, or any phase
21 thereof, of less than 5 years is not a substantial deviation,
22 is not subject to the public hearing requirements of
23 subparagraph (f)3., and is not subject to a determination
24 pursuant to subparagraph (f)5. Notice of the proposed change
25 shall be made to the regional planning council and the state
26 land planning agency. Such notice shall include a description
27 of previous individual changes made to the development,
28 including changes previously approved by the local government,
29 and shall include appropriate amendments to the development
30 order.

31

1 2. The following changes, individually or cumulatively
2 with any previous changes, are not substantial deviations:

3 a. Changes in the name of the project, developer,
4 owner, or monitoring official.

5 b. Changes to a setback that do not affect noise
6 buffers, environmental protection or mitigation areas, or
7 archaeological or historical resources.

8 c. Changes to minimum lot sizes.

9 d. Changes in the configuration of internal roads that
10 do not affect external access points.

11 e. Changes to the building design or orientation that
12 stay approximately within the approved area designated for
13 such building and parking lot, and which do not affect
14 historical buildings designated as significant by the Division
15 of Historical Resources of the Department of State.

16 f. Changes to increase the acreage in the development,
17 provided that no development is proposed on the acreage to be
18 added.

19 g. Changes to eliminate an approved land use, provided
20 that there are no additional regional impacts.

21 h. Changes required to conform to permits approved by
22 any federal, state, or regional permitting agency, provided
23 that these changes do not create additional regional impacts.

24 i. Any other change which the state land planning
25 agency agrees in writing is similar in nature, impact, or
26 character to the changes enumerated in sub-subparagraphs a.-h.
27 and which does not create the likelihood of any additional
28 regional impact.

29

30 This subsection does not require a development order amendment
31 for any change listed in sub-subparagraphs a.-i. unless such

1 issue is addressed either in the existing development order or
2 in the application for development approval, but, in the case
3 of the application, only if, and in the manner in which, the
4 application is incorporated in the development order.

5 3. Except for the change authorized by
6 sub-subparagraph 2.f., any addition of land not previously
7 reviewed or any change not specified in paragraph (b) or
8 paragraph (c) shall be presumed to create a substantial
9 deviation. This presumption may be rebutted by clear and
10 convincing evidence.

11 4. Any submittal of a proposed change to a previously
12 approved development shall include a description of individual
13 changes previously made to the development, including changes
14 previously approved by the local government. The local
15 government shall consider the previous and current proposed
16 changes in deciding whether such changes cumulatively
17 constitute a substantial deviation requiring further
18 development-of-regional-impact review.

19 5. The following changes to an approved development of
20 regional impact shall be presumed to create a substantial
21 deviation. Such presumption may be rebutted by clear and
22 convincing evidence.

23 a. A change proposed for 15 percent or more of the
24 acreage to a land use not previously approved in the
25 development order. Changes of less than 15 percent shall be
26 presumed not to create a substantial deviation.

27 b. Except for the types of uses listed in subparagraph
28 (b)16., any change which would result in the development of
29 any area which was specifically set aside in the application
30 for development approval or in the development order for
31 preservation, buffers, or special protection, including

1 habitat for plant and animal species, archaeological and
2 historical sites, dunes, and other special areas.

3 c. Notwithstanding any provision of paragraph (b) to
4 the contrary, a proposed change consisting of simultaneous
5 increases and decreases of at least two of the uses within an
6 authorized multiuse development of regional impact which was
7 originally approved with three or more uses specified in s.
8 380.0651(3)(c), (d), (f), and (g) and residential use.

9 (f)1. The state land planning agency shall establish
10 by rule standard forms for submittal of proposed changes to a
11 previously approved development of regional impact which may
12 require further development-of-regional-impact review. At a
13 minimum, the standard form shall require the developer to
14 provide the precise language that the developer proposes to
15 delete or add as an amendment to the development order.

16 2. The developer shall submit, simultaneously, to the
17 local government, the regional planning agency, and the state
18 land planning agency the request for approval of a proposed
19 change.

20 3. No sooner than 30 days but no later than 45 days
21 after submittal by the developer to the local government, the
22 state land planning agency, and the appropriate regional
23 planning agency, the local government shall give 15 days'
24 notice and schedule a public hearing to consider the change
25 that the developer asserts does not create a substantial
26 deviation. This public hearing shall be held within 90 days
27 after submittal of the proposed changes, unless that time is
28 extended by the developer.

29 4. The appropriate regional planning agency or the
30 state land planning agency shall review the proposed change
31 and, no later than 45 days after submittal by the developer of

1 the proposed change, unless that time is extended by the
2 developer, and prior to the public hearing at which the
3 proposed change is to be considered, shall advise the local
4 government in writing whether it objects to the proposed
5 change, shall specify the reasons for its objection, if any,
6 and shall provide a copy to the developer. ~~A change which is~~
7 ~~subject to the substantial deviation criteria specified in~~
8 ~~sub-subparagraph (e)5.c. shall not be subject to this~~
9 ~~requirement.~~

10 5. At the public hearing, the local government shall
11 determine whether the proposed change requires further
12 development-of-regional-impact review. The provisions of
13 paragraphs (a) and (e), the thresholds set forth in paragraph
14 (b), and the presumptions set forth in paragraphs (c) and (d)
15 and subparagraph (e)3.~~subparagraphs (e)1. and 3.~~ shall be
16 applicable in determining whether further
17 development-of-regional-impact review is required.

18 6. If the local government determines that the
19 proposed change does not require further
20 development-of-regional-impact review and is otherwise
21 approved, or if the proposed change is not subject to a
22 hearing and determination pursuant to subparagraphs 3. and 5.
23 and is otherwise approved, the local government shall issue an
24 amendment to the development order incorporating the approved
25 change and conditions of approval relating to the change. The
26 decision of the local government to approve, with or without
27 conditions, or to deny the proposed change that the developer
28 asserts does not require further review shall be subject to
29 the appeal provisions of s. 380.07. However, the state land
30 planning agency may not appeal the local government decision
31 if it did not comply with subparagraph 4. The state land

1 planning agency may not appeal a change to a development order
2 made pursuant to subparagraph (e)2. for developments of
3 regional impact approved after January 1, 1980, unless the
4 change would result in a significant impact to a regionally
5 significant archaeological, historical, or natural resource
6 not previously identified in the original
7 development-of-regional-impact review.

8 (g) If a proposed change requires further
9 development-of-regional-impact review pursuant to this
10 section, the review shall be conducted subject to the
11 following additional conditions:

12 1. The development-of-regional-impact review conducted
13 by the appropriate regional planning agency shall address only
14 those issues raised by the proposed change except as provided
15 in subparagraph 2.

16 2. The regional planning agency shall consider, and
17 the local government shall determine whether to approve,
18 approve with conditions, or deny the proposed change as it
19 relates to the entire development. If the local government
20 determines that the proposed change, as it relates to the
21 entire development, is unacceptable, the local government
22 shall deny the change.

23 3. If the local government determines that the
24 proposed change, as it relates to the entire development,
25 should be approved, any new conditions in the amendment to the
26 development order issued by the local government shall address
27 only those issues raised by the proposed change.

28 4. Development within the previously approved
29 development of regional impact may continue, as approved,
30 during the development-of-regional-impact review in those
31

1 portions of the development which are not affected by the
2 proposed change.

3 (h) When further development-of-regional-impact review
4 is required because a substantial deviation has been
5 determined or admitted by the developer, the amendment to the
6 development order issued by the local government shall be
7 consistent with the requirements of subsection (15) and shall
8 be subject to the hearing and appeal provisions of s. 380.07.
9 The state land planning agency or the appropriate regional
10 planning agency need not participate at the local hearing in
11 order to appeal a local government development order issued
12 pursuant to this paragraph.

13 Section 33. Paragraphs (d) and (f) of subsection (3)
14 of section 380.0651, Florida Statutes, are amended to read:

15 380.0651 Statewide guidelines and standards.--

16 (3) The following statewide guidelines and standards
17 shall be applied in the manner described in s. 380.06(2) to
18 determine whether the following developments shall be required
19 to undergo development-of-regional-impact review:

20 (d) Office development.--Any proposed office building
21 or park operated under common ownership, development plan, or
22 management that:

23 1. Encompasses 300,000 or more square feet of gross
24 floor area; or

25 ~~2. Has a total site size of 30 or more acres; or~~

26 2.3. Encompasses more than 600,000 square feet of
27 gross floor area in a county with a population greater than
28 500,000 and only in a geographic area specifically designated
29 as highly suitable for increased threshold intensity in the
30 approved local comprehensive plan and in the strategic
31 regional policy plan.

1 (f) Retail and service development.--Any proposed
2 retail, service, or wholesale business establishment or group
3 of establishments which deals primarily with the general
4 public onsite, operated under one common property ownership,
5 development plan, or management that:

6 1. Encompasses more than 400,000 square feet of gross
7 area;

8 ~~2. Occupies more than 40 acres of land/or~~

9 ~~2.3.~~ Provides parking spaces for more than 2,500 cars.

10 Section 34. Requirement of interlocal service
11 provision agreements.--

12 (1) By January 1, 2005, counties having a population
13 over 100,000 shall negotiate and adopt a service-delivery
14 interlocal agreement with all of the municipalities within the
15 county, with those special districts providing a service
16 listed in paragraph (a), and with the school district which:

17 (a) Identifies the current providers of the following
18 services; education, sanitary sewer, public safety, solid
19 waste, drainage, potable water, parks and recreation, and
20 transportation facilities.

21 (b) Describes the existing organization of such
22 services and the means of financing such services and
23 designates the entities that will provide the services over
24 the next 20 years, including any anticipated changes caused by
25 annexation.

26 (c) Identifies any deficits in the provision of
27 services and prescribes a 5-year capital outlay plan for the
28 provision of deficit infrastructure.

29 (d) Identifies opportunities for the joint financing
30 of capital outlay projects.

31

1 (e) Identifies any areas that the municipalities plan
2 to annex within the next 5 years and establishes a plan for
3 service delivery within the areas to be annexed or a process
4 for resolving service-delivery issues associated with
5 annexation.

6 (f) Provides specific procedures for amending the
7 interlocal agreement.

8 (2) Each county and municipality shall submit a copy
9 of its interlocal agreement to the Department of Community
10 Affairs by February 15, 2005.

11 (3) The regional planning councils may provide
12 technical assistance and dispute-resolution services to assist
13 local governments in complying with this section.

14 Section 35. By December 15, 2001, the Governor shall
15 report to the President of the Senate and the Speaker of the
16 House of Representatives on the identification of "compelling
17 state interests" that are relevant to growth-management
18 decisions, as developed by the Department of Environmental
19 Protection, the Department of Community Affairs, and the
20 Department of Transportation. The Governor shall provide
21 legislative recommendations on the feasibility of using
22 "compelling state interests" as a standard for limiting state
23 review of amendments to a local government's comprehensive
24 plan.

25 Section 36. The sum of \$500,000 is appropriated from
26 the General Revenue Fund to the Department of Community
27 Affairs for the purpose of funding the Urban Infill and
28 Redevelopment Assistance Grant Program established under
29 section 163.2523, Florida Statutes, during the 2001-2002
30 fiscal year.

31

1 Section 37. The Legislature finds that the integration
2 of the growth-management system and the planning of public
3 educational facilities is a matter of great public importance.

4 Section 38. Except as otherwise expressly provided in
5 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bills 310 and 380

4 The Committee Substitute makes a number of significant changes
5 to the system of growth management in Florida which include:

6 Educational Facility Planning

7 Requires all local governments to adopt an educational
8 facilities element and to enter into an interlocal agreement
9 with the school board to establish a process for evaluating
10 school capacity. High growth and high population counties are
11 required to send their educational facilities element to DCA
12 by January 1, 2003 and the remaining counties are required to
13 do so by January 1, 2007.

14 The interlocal agreement must be executed no later than 6
15 months prior to the educational facility deadline and must
16 contain a process whereby the school district determines
17 whether capacity is available to serve residential development
18 applications for comprehensive plan amendments and rezonings
19 that increase residential density. In addition the agreement
20 must identify reasonable options to address school
21 overcrowding and define acceptable mitigation options.

22 School Boards are required to provide the local government
23 with a school capacity report based on their district
24 educational facilities plan as part of the review process for
25 comprehensive plan amendments or rezonings that increase
26 residential density.

27 The local government must deny a request for a comprehensive
28 plan amendment or rezoning that increases density, if the
29 school facility capacity will not be available at the time of
30 projected development unless the developer provides
31 proportionate share mitigation.

The school board's determination of capacity constitutes
competent substantial evidence to support the denial of the
plan amendment or rezoning request.

Requires a school board to sit on the local planning agency
and provides that the membership of regional planning councils
must include an elected school board member.

25 Fiscal Impact Analysis Model

26 Requires DCA, with input from a three-person technical
27 advisory committee, with a member to be appointed by the
28 Governor, Speaker of the House of Representatives and
29 President of the Senate, to develop a uniform fiscal impact
30 analysis model that can be used by local governments to
31 determine the costs and benefits of new development.

The model must:

- 1) Be capable of estimating the cost of the provision of
schools; transportation facilities; water supply; sewer;
stormwater; solid waste and telecommunications services.

1 Revenues include all revenues attributable to proposed
2 development which are used to construct, operate, or
maintain the listed infrastructure;

3 2) The model must be capable of estimating infrastructure
4 deficits;

5 3) The model be field-tested in six local government
6 jurisdictions; and

7 4) The model is not intended to be a substitute for
8 concurrency.

9 The Department of Community Affairs is required to report to
10 the Governor, President and Speaker of the House by February
11 1, 2003.

12 The CS appropriates \$500,000 to DCA to fund development of the
13 model.

14 Livable Communities

15 Changes the name and expands the sustainable communities
16 demonstration program to other local governments that meet
17 qualifications. To be eligible, local governments must adopt
18 an urban development boundary.

19 Such communities would enter a certification agreement with
20 DCA listing commitments and, for some local governments,
21 providing the delegation of DRI review.

22 Grandfathers existing sustainable communities for an initial
23 5-year certification period.

24 Rural Land Stewardship Areas and Sustainable Rural Communities 25 Demonstration Program

26 Creates a pilot project for 5 rural governments to pilot the
27 rural land stewardship concept.

28 Within a rural land stewardship area, a system of transferable
29 rural land use credits would be established. The credits are
30 transferable only within the stewardship area and only to
31 designated receiving areas. Once the credits are purchased, a
deed restriction is recorded limiting the density of the
property remaining.

32 Comprehensive Plan Amendment Review Process

33 Streamlines state and regional agency review of comprehensive
34 plan amendments.

35 Revises notice for DCA's Notices of Intent to utilize Internet
36 notice and to reduce the cost to the agency of such
37 advertising and provide personal notice to individuals who
38 participate in local government comprehensive planning
39 hearings.

40 Provides Enhanced Notice and Citizen Standing

41 Requires local governments to provide enhanced notice in order
to encourage early citizen participation in land use

1 decision-making. Applicants whose development proposal exceeds
2 a threshold to be set by the local government are required to
conduct community meetings. Applicants must bear the cost of
posting signs.

3
4 Significantly broadens the definition of persons who have
standing to challenge comprehensive plan actions to include
5 persons who are substantially affected by an amendment.

6 Judicial Review of Developments Orders

7 Allows challenges to development orders based on inconsistency
with the local comprehensive plan to be consolidated with
8 challenges to development orders based on inconsistency with a
land development regulation.

9 Establishes an optional special master process. If a local
10 government elects to adopt process, judicial review of a local
government's decision is by writ of certiorari.

11 If a local government does not use a special master process,
12 judicial review of local government decision shall be through
a de novo proceeding.

13 Concurrency within Urban Infill and Redevelopment Areas

14 Waives concurrency within urban infill and redevelopment areas
15 when such waiver will not adversely affect public health and
welfare.

16 Interlocal Service Agreements

17 Requires counties that exceed 100,000 in population and the
18 municipalities and special districts within the county to
negotiate interlocal service agreements to address issues such
as service provision, capital financing and annexation.

19 Deadline for entering agreements is January 1, 2005.

20 Water Supply Planning

21 Requires local governments, beginning October 1, 2002, to use
22 water supply plan data from the appropriate water management
in the potable water element.

23 Developments of Regional Impact

24 Changes annual reporting requirement to biennial.

25 Removes acreage threshold for office development and
26 commercial.

27 Adjusts substantial deviation presumptions.

28 Compelling State Interests

29 Requires the Governor to report to the Legislature by December
30 15, 2001 on the development of Compelling State Interests as a
method for limiting state review of comprehensive plan
amendments.

31 State Comprehensive Plan

1 Requires affected state agencies to recommend changes to the
2 State Comprehensive Plan by September 1, of every odd-numbered
year.

3 Local Government Finance

4 Removes limitations on the amount of revenue sharing dollars
5 received by counties and municipalities, and school board
millage which may be bonded.

6 Appropriations

7 Appropriates \$500,000 to the urban infill and redevelopment
8 grant program.

9 Appropriates \$500,000 to the Department of Community Affairs
10 to fund th development of a uniform-fiscal-impact analysis
11 model.

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