

By the Committees on Appropriations; Finance and Taxation;  
Comprehensive Planning, Local and Military Affairs; and  
Senators Constantine and Carlton

309-1972-01

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 or  
5           equivalent agencies that review comprehensive  
6           plan amendments and rezonings include a  
7           nonvoting representative of the district school  
8           board; amending s. 163.3177, F.S.; revising  
9           elements of comprehensive plans; requiring  
10          intergovernmental coordination between local  
11          governments and district school boards;  
12          creating s. 163.31776, F.S.; providing  
13          legislative intent and findings with respect to  
14          a public educational facilities element;  
15          providing a schedule for adoption; providing  
16          for certain municipalities to be exempt;  
17          requiring certain interlocal agreements;  
18          requiring that the public educational  
19          facilities element include certain provisions;  
20          providing requirements for future land-use  
21          maps; providing a process for adopting the  
22          element; prohibiting a local government that  
23          fails to adopt the required element from  
24          amending its local comprehensive plan; creating  
25          s. 163.31777, F.S.; requiring school boards to  
26          report to the local government on school  
27          capacity; requiring a local government to deny  
28          a plan amendment or a request for rezoning if  
29          school capacity is unavailable; authorizing  
30          certain mitigation agreements; providing  
31          prerequisites to this section's taking effect;

1 providing for an exemption for certain urban  
2 infill areas; amending s. 163.3180, F.S.;  
3 revising provisions relating to concurrency;  
4 amending s. 163.3184, F.S.; revising  
5 definitions; revising provisions governing the  
6 process for adopting comprehensive plans and  
7 plan amendments; amending s. 163.3187, F.S.;  
8 authorizing the adoption of a public  
9 educational facilities element notwithstanding  
10 certain limitations; amending s. 163.3191,  
11 F.S., relating to evaluation and appraisal of  
12 comprehensive plans; conforming provisions to  
13 changes made by the act; creating s. 163.3198,  
14 F.S.; requiring the state land planning agency  
15 to develop a uniform fiscal-impact-analysis  
16 model for evaluating the cost of infrastructure  
17 to support development; providing for  
18 appointment of a technical advisory committee  
19 to advise the agency; requiring a report to the  
20 Governor and the Legislature; providing an  
21 appropriation; amending s. 186.504, F.S.;  
22 adding an elected school board member to the  
23 membership of each regional planning council;  
24 amending s. 212.055, F.S.; providing for the  
25 levy of the local government infrastructure  
26 surtax and school capital outlay surtax by a  
27 supermajority vote; amending s. 235.002, F.S.;  
28 revising legislative intent with respect to  
29 building educational facilities; amending s.  
30 235.15, F.S.; revising requirements for  
31 educational plant surveys; revising

1 requirements for review and validation of such  
2 surveys; amending s. 235.175, F.S.; requiring  
3 school districts to adopt education facilities  
4 plans; amending s. 235.18, F.S., relating to  
5 capital outlay budgets of school boards;  
6 conforming provisions to changes made by the  
7 act; amending s. 235.185, F.S.; requiring  
8 school district educational facilities plans;  
9 providing definitions; specifying projections  
10 and other information to be included in the  
11 plan; providing requirements for the work  
12 program; requiring district school boards to  
13 submit a tentative plan to the local  
14 government; providing for adopting and  
15 executing the plan; amending s. 235.188, F.S.;  
16 providing bonding requirements; amending s.  
17 235.19, F.S.; exempting certain school boards  
18 and local governments from requirements for  
19 site planning; revising requirements for school  
20 boards; amending s. 235.193, F.S.; requiring  
21 interlocal agreements with respect to public  
22 educational facilities elements and plans;  
23 providing that failure to enter into such  
24 agreements will result in the withholding of  
25 certain funds for school construction;  
26 providing requirements for preparing a district  
27 education facilities work plan; repealing s.  
28 235.194, F.S., relating to the general  
29 educational facilities report; amending s.  
30 235.218, F.S.; requiring the SMART Schools  
31 Clearinghouse to adopt measures for evaluating

1 the school district educational facilities  
2 plans; amending s. 235.231, F.S.; providing for  
3 the school board to authorize certain change  
4 orders for its district education facilities  
5 plan; amending s. 236.25, F.S., relating to the  
6 district school tax; conforming provisions to  
7 changes made by the act; allowing a school  
8 district to levy by referendum additional  
9 millage for school operational purposes;  
10 amending s. 236.31, F.S.; authorizing school  
11 boards to direct the county commission to call  
12 an election for approval of an ad valorem tax  
13 millage; amending s. 236.32, F.S.;

14 substantially rewording the section and  
15 providing procedures for holding and conducting  
16 school district millage elections; amending s.  
17 380.06, F.S.; revising provisions governing  
18 developments of regional impact; providing for  
19 designation of a lead regional planning  
20 council; exempting certain marinas from  
21 Development of Regional Impact review; amending  
22 s. 380.0651, F.S.; revising standards for  
23 determining the necessity for a  
24 development-of-regional-impact review;  
25 requiring specified counties to adopt a  
26 service-delivery interlocal agreement with all  
27 municipalities and the school district and  
28 prescribing requirements for such agreements;  
29 providing an appropriation; providing a  
30 legislative finding that the act is a matter of  
31 great public importance; providing that the act

1 does not abridge or modify certain rights,  
2 duties, or obligations pursuant to development  
3 orders or agreements; directing the Legislative  
4 Committee on Intergovernmental Relations to  
5 conduct a study of the bonding capacity of  
6 local governments and school boards; imposing  
7 prerequisites on the ability of certain  
8 multi-county airport authorities to amend their  
9 development-of-regional-impact development  
10 orders or commence development under such  
11 development orders; providing effective dates.

12

13 Be It Enacted by the Legislature of the State of Florida:

14

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

17 163.3174 Local planning agency.--

18 (1) The governing body of each local government,  
19 individually or in combination as provided in s. 163.3171,  
20 shall designate and by ordinance establish a "local planning  
21 agency," unless the agency is otherwise established by law.  
22 All local planning agencies or equivalent agencies that first  
23 review rezoning and comprehensive plan amendments in each  
24 municipality and county shall include a representative of the  
25 school district appointed by the school board as a nonvoting  
26 member of the local planning agency or equivalent agency to  
27 attend those meetings at which the agency considers  
28 comprehensive plan amendments and rezonings that would, if  
29 approved, increase residential density on the property that is  
30 the subject of the application, provided that nothing  
31 contained in this subsection shall prevent a local agency from

1 granting voting status to the school board member.The  
2 governing body may designate itself as the local planning  
3 agency pursuant to this subsection with the addition of a  
4 nonvoting school board representative. The governing body  
5 shall notify the state land planning agency of the  
6 establishment of its local planning agency. All local planning  
7 agencies shall provide opportunities for involvement by  
8 ~~district school boards and~~ applicable community college  
9 boards, which may be accomplished by formal representation,  
10 membership on technical advisory committees, or other  
11 appropriate means. The local planning agency shall prepare the  
12 comprehensive plan or plan amendment after hearings to be held  
13 after public notice and shall make recommendations to the  
14 governing body regarding the adoption or amendment of the  
15 plan. The agency may be a local planning commission, the  
16 planning department of the local government, or other  
17 instrumentality, including a countywide planning entity  
18 established by special act or a council of local government  
19 officials created pursuant to s. 163.02, provided the  
20 composition of the council is fairly representative of all the  
21 governing bodies in the county or planning area; however:  
22       (a) If a joint planning entity is in existence on the  
23 effective date of this act which authorizes the governing  
24 bodies to adopt and enforce a land use plan effective  
25 throughout the joint planning area, that entity shall be the  
26 agency for those local governments until such time as the  
27 authority of the joint planning entity is modified by law.  
28       (b) In the case of chartered counties, the planning  
29 responsibility between the county and the several  
30 municipalities therein shall be as stipulated in the charter.  
31

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

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

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

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

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

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



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

1 encourage the location of schools proximate to urban  
2 residential areas to the extent possible and shall require  
3 that the local government seek to collocate public facilities,  
4 such as parks, libraries, and community centers, with schools  
5 to the extent possible and to encourage the use of elementary  
6 schools as focal points for neighborhoods.

7 (c) A general sanitary sewer, solid waste, drainage,  
8 potable water, and natural groundwater aquifer recharge  
9 element correlated to principles and guidelines for future  
10 land use, indicating ways to provide for future potable water,  
11 drainage, sanitary sewer, solid waste, and aquifer recharge  
12 protection requirements for the area. The element may be a  
13 detailed engineering plan including a topographic map  
14 depicting areas of prime groundwater recharge. The element  
15 shall describe the problems and needs and the general  
16 facilities that will be required for solution of the problems  
17 and needs. The element shall also include a topographic map  
18 depicting any areas adopted by a regional water management  
19 district as prime groundwater recharge areas for the Floridan  
20 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
21 shall be given special consideration when the local government  
22 is engaged in zoning or considering future land use for said  
23 designated areas. For areas served by septic tanks, soil  
24 surveys shall be provided which indicate the suitability of  
25 soils for septic tanks. By October 1, 2002, the element shall  
26 also include data and analysis, including, but not limited to,  
27 the appropriate water management district's regional water  
28 supply plan adopted pursuant to s. 373.0361, which evaluates  
29 the availability of potable water compared to population  
30 growth projected by the local government comprehensive plan.

31

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

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

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

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

30           2. The intergovernmental coordination element shall  
31 further state principles and guidelines to be used in the

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

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

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

1 The plan amendments are exempt from the provisions of s.  
2 163.3187(1).

3 5. Intergovernmental coordination between local  
4 governments and the district school board shall be governed by  
5 ss. 163.31776 and 163.31777 for those local governments  
6 adopting a public educational facilities element pursuant to  
7 s. 163.31776.

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

10 163.31776 Public educational facilities element.--

11 (1) The intent of the Legislature is to establish a  
12 systematic process for school boards and local governments to:

13 (a) Share information concerning the growth and  
14 development trends in their communities in order to forecast  
15 future enrollment and school needs;

16 (b) Cooperatively plan for the provision of  
17 educational facilities to meet the current and projected needs  
18 of the public education system population, including the needs  
19 placed on the public education system as a result of growth  
20 and development decisions by local government; and

21 (c) Cooperatively identify and meet the infrastructure  
22 needs of public schools to assure healthy school environments  
23 and safe school access.

24 (2) The Legislature finds that:

25 (a) Public schools are a linchpin to the vitality of  
26 our communities and play a significant role in thousands of  
27 individual housing decisions that result in community growth  
28 trends.

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

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

3 (3)(a) By January 1, 2003, local governments must  
4 transmit to the state land planning agency a public  
5 educational facilities element, adopted in cooperation with  
6 the applicable school district, if the local government is  
7 located in a county that:

8 1. Has a population of 900,000 or more based on the  
9 2000 United States Census;

10 2. Has a population equal to or more than 100,000 and  
11 fewer than 900,000 based on the 2000 United States Census, and  
12 the county has increased in population by 20 percent or more  
13 between the 1990 and 2000 United States Censuses; or

14 3. Has a population of fewer than 100,000 and the  
15 county population has increased by 35 percent or more between  
16 the 1990 and 2000 United States Censuses and the projected  
17 5-year student growth is 1,000 students or greater.

18 a. The Department of Education shall issue a report  
19 notifying the state land planning agency and each county and  
20 school district that meets the criteria in this subparagraph  
21 on June 1 of each year.

22 b. Local governments must comply with the requirements  
23 of this section within 18 months after such notification.

24  
25 By January 1, 2007, remaining local governments who have not  
26 met the threshold defined in this paragraph shall adopt, in  
27 cooperation with the applicable school district, a limited  
28 public educational facilities element. The state land planning  
29 agency shall by rule specify the contents of the limited  
30 public educational facilities element.

31

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 or other change in condition and  
25 must comply with this subsection within 1 year following a  
26 change in conditions that renders the municipality no longer  
27 eligible for exemption or following the identification of a  
28 proposed public school in the school board's 5-year district  
29 facilities work program in 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 non-exempt 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 the local government comprehensive  
8 plan and educational facilities plan on uniform projections of  
9 the amount, type, and distribution of population growth and  
10 student enrollment;

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

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

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

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



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

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

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

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

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

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 residential  
12 development and that are reasonably expected to have an impact  
13 on the demand for public school facilities pursuant to s.  
14 163.31777, with the review to be based on uniform,  
15 districtwide level-of-service standards for all public schools  
16 of the same type, availability standards for public schools,  
17 and the financially feasible 5-year district facilities work  
18 program adopted by the school board pursuant to s. 235.185.

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

23           (h) The response of the school board to the financial  
24 management and performance audit required by s. 235.185(2)(f).

25           (6) The future land-use map series must incorporate  
26 maps that are the result of a collaborative process for  
27 identifying school sites in the educational facilities plan  
28 adopted by the school board pursuant to s. 235.185 and must  
29 show the locations of existing public schools and the general  
30 locations of improvements to existing schools or new schools  
31 anticipated over the 5-year, 10-year, and 20-year time

1 periods, or such maps shall be data and analysis in support of  
2 the future land-use map series. Maps indicating general  
3 locations of future schools or school improvements should not  
4 prescribe a land use on a particular parcel of land.

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

12 (8) In any proceeding to challenge the adoption of the  
13 public educational facilities element pursuant to s. 163.3184,  
14 the petitioner may also challenge the data and analysis used  
15 to support the processes set forth in the interlocal agreement  
16 executed pursuant to this section.

17 (9)(a) If the county, school board and nonexempt  
18 municipalities within the county cannot reach agreement  
19 regarding the interlocal agreement required by subsection (4),  
20 the parties shall seek mediation through the appropriate  
21 regional planning council or the state land planning agency.  
22 The bad-faith failure of any party to enter into an interlocal  
23 agreement within 60 days after referral to mediation shall  
24 result in the prohibition of that local government's ability  
25 to amend its comprehensive plan until the dispute is resolved.

26 (b) The failure by a local government to comply with  
27 the requirement to transmit and adopt a public educational  
28 facility element will result in the prohibition of the local  
29 government's ability to amend the local comprehensive plan  
30 until the public school facilities element is adopted.

31

1           (c) If a local government fails to comply with the  
2 requirements of this section to enter into the interlocal  
3 agreement or to transmit a public educational facilities  
4 element by the required date, or if the Administration  
5 Commission finds that the public educational facilities  
6 element is not in compliance, the local government shall be  
7 subject to sanctions imposed by the Administration Commission  
8 pursuant to s. 163.3184(11).

9           (d) The failure of a school board to provide the  
10 required plans or information or to enter into the interlocal  
11 agreement under this section shall subject the school board to  
12 sanctions pursuant to s. 235.193(3).

13           (e) A local government or school board's bad-faith  
14 failure to enter into the interlocal agreement does not  
15 subject another local government or school board to sanctions.

16           (10) Any local government that has executed an  
17 interlocal agreement for the purpose of adopting public school  
18 concurrency before the effective date of this act is not  
19 required to amend the public school element or any interlocal  
20 agreement to conform with the provisions of this section or s.  
21 163.31777 if such amendment is ultimately determined to be in  
22 compliance.

23           Section 4. Section 163.31777, Florida Statutes, is  
24 created to read:

25           163.31777 Public school capacity for plan amendments  
26 and rezonings.--

27           (1) Local governments shall consider public school  
28 facilities when reviewing proposed comprehensive plan  
29 amendments and rezonings that increase residential densities  
30 and that are reasonably expected to have an impact on the  
31 demand for public school facilities.

1           (2) For each proposed comprehensive plan amendment or  
2 rezoning that increases residential densities and is  
3 reasonably expected to have an impact on the demand for public  
4 school facilities, the school board shall provide the local  
5 government with a school-capacity report based on the district  
6 educational facilities plan adopted by the school board  
7 pursuant to s. 235.185, which must provide data and analysis  
8 on the capacity and enrollment of affected schools based on  
9 standards established by state or federal law or judicial  
10 orders, projected additional enrollment attributable to the  
11 density increase resulting from the amendment or rezoning,  
12 programmed and financially feasible new public school  
13 facilities or improvements for affected schools identified in  
14 the educational facilities plan of the school board and the  
15 expected date of availability of such facilities or  
16 improvements, and available reasonable options for providing  
17 public school facilities to students if the rezoning or  
18 comprehensive plan amendment is approved. The options must  
19 include, but need not be limited to, the school board's  
20 evaluation of school schedule modification, school attendance  
21 zones modification, school facility modification, and the  
22 creation of charter schools. The report must be consistent  
23 with this section, any adopted interlocal agreement and public  
24 educational facilities element, and must be submitted no later  
25 than 3 working days before the first public hearing by the  
26 local government to consider the comprehensive plan amendment  
27 or rezoning.

28           (3) The local government shall deny a request for a  
29 comprehensive plan amendment or rezoning which would increase  
30 the density of residential development allowed on the property  
31 subject to the amendment or rezoning and is reasonably

1 expected to have an increased impact on the demand for public  
2 school facilities, if the school facility capacity will not be  
3 reasonably available at the time of projected school impacts  
4 as determined by the methodology established in the public  
5 educational facilities element. However, the application for a  
6 comprehensive plan amendment or a rezoning may be approved if  
7 the applicant executes a legally binding commitment to provide  
8 mitigation proportionate to the demand for public school  
9 facilities to be created by actual development of the  
10 property, including, but not limited to, the options described  
11 in subsection (4).

12 (4)(a) Options for proportionate-share mitigation of  
13 public school facility impacts from actual development of  
14 property subject to a plan amendment or rezoning that  
15 increases residential density shall be established in the  
16 educational facilities plan and the public educational  
17 facilities element. Appropriate mitigation options include the  
18 contribution of land; the construction, expansion, or payment  
19 for land acquisition or construction of a public school  
20 facility; or the creation of mitigation banking based on the  
21 construction of a public school facility in exchange for the  
22 right to sell capacity credits. Such options must include  
23 execution by the applicant and the local government of a  
24 binding development agreement pursuant to ss.  
25 163.3220-163.3243 which constitutes a legally binding  
26 commitment to pay proportionate-share mitigation for the  
27 additional residential units approved by the local government  
28 in a development order and actually developed on the property,  
29 taking into account residential density allowed on the  
30 property prior to the plan amendment or rezoning that  
31 increased overall residential density. The district school

1 board may be a party to such an agreement. As a condition of  
2 its entry into such a development agreement, the local  
3 government may require the landowner to agree to continuing  
4 renewal of the agreement upon its expiration.

5 (b) If the educational facilities plan and the public  
6 educational facilities element authorize a contribution of  
7 land; the construction, expansion, or payment for land  
8 acquisition; or the construction or expansion of a public  
9 school facility, or a portion thereof, as proportionate-share  
10 mitigation, the local government shall credit such a  
11 contribution, construction, expansion, or payment toward any  
12 other impact fee or exaction imposed by local ordinance for  
13 the same need, on a dollar-for-dollar basis at fair market  
14 value.

15 (c) Any proportionate-share mitigation must be  
16 directed by the school board toward a school capacity  
17 improvement that is identified in the financially feasible  
18 5-year district work plan and that will be provided in  
19 accordance with a binding developers agreement.

20 (5) Subsections (3) and (4) shall not take effect  
21 within a jurisdiction until:

22 (a) The local governments and the school board have  
23 entered into an interlocal agreement pursuant to ss. 163.31776  
24 and 235.193;

25 (b) The local government has adopted a public  
26 education facilities element required under s. 163.31776 and  
27 the element has been found in compliance;

28 (c) The school board has revised its district  
29 education facilities plan to comply with s. 235.185; and

30 (d) One of the following revenue sources is levied for  
31 the purpose of funding public educational facilities

1 consistent with the public educational facilities plan and  
2 interlocal agreement adopted pursuant to s. 163.31776, and the  
3 district educational facilities plan pursuant to s. 235.185:

4 1. The half-cent school capital outlay surtax  
5 authorized by s. 212.055(6); or

6 2. An amount of new broad-based revenue from state or  
7 local sources, equivalent to the amount that would be raised  
8 from the school capital outlay surtax, is available and  
9 dedicated to the implementation of the financially feasible  
10 work program adopted by the school board pursuant to s.  
11 235.185.

12 (6) Under limited circumstances dealing with  
13 educational facilities, countervailing planning and public  
14 policy goals may come into conflict with the requirements of  
15 subsections (3) and (4). Often the unintended results directly  
16 conflict with the goals and policies of the state  
17 comprehensive plan and the intent of this part. Therefore, a  
18 local government may grant an exception from the requirements  
19 of subsections (3) and (4) if the proposed development is  
20 otherwise consistent with the adopted local government  
21 comprehensive plan and is a project located within an area  
22 designated in the comprehensive plan for:

23 (a) Urban infill development;

24 (b) Urban redevelopment;

25 (c) Downtown revitalization; or

26 (d) Urban infill and redevelopment under s. 163.2517.

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

29 163.3180 Concurrency.--

30 (4)(a) The concurrency requirement as implemented in  
31 local comprehensive plans applies to state and other public



1 facilities and development to the same extent that it applies  
2 to all other facilities and development, as provided by law.

3 (b) The concurrency requirement as implemented in  
4 local comprehensive plans does not apply to public transit  
5 facilities. For the purposes of this paragraph, public  
6 transit facilities include transit stations and terminals,  
7 transit station parking, park-and-ride lots, intermodal public  
8 transit connection or transfer facilities, and fixed bus,  
9 guideway, and rail stations. As used in this paragraph, the  
10 terms "terminals" and "transit facilities" do not include  
11 airports or seaports or commercial or residential development  
12 constructed in conjunction with a public transit facility.

13 (c) The concurrency requirement as implemented in  
14 local government comprehensive plans may be waived by a local  
15 government for urban infill and redevelopment areas designated  
16 pursuant to s. 163.2517 if such a waiver does not endanger  
17 public health or safety as defined by the local government in  
18 its local government comprehensive plan.

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

21 163.3184 Process for adoption of comprehensive plan or  
22 plan amendment.--

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

24 (a) "Affected person" includes the affected local  
25 government; persons owning property, residing, or owning or  
26 operating a business within the boundaries of the local  
27 government whose plan is the subject of the review; owners of  
28 real property abutting real property that is the subject of a  
29 proposed change to a future land use map;and adjoining local  
30 governments that can demonstrate that the plan or plan  
31 amendment will produce substantial impacts on the increased

1 need for publicly funded infrastructure or substantial impacts  
2 on areas designated for protection or special treatment within  
3 their jurisdiction. Each person, other than an adjoining local  
4 government, in order to qualify under this definition, shall  
5 also have submitted oral or written comments, recommendations,  
6 or objections to the local government during the period of  
7 time beginning with the transmittal hearing for the plan or  
8 plan amendment and ending with the adoption of the plan or  
9 plan amendment.

10 (b) "In compliance" means consistent with the  
11 requirements of ss. 163.3177, 163.31776, 163.3178, 163.3180,  
12 163.3191, and 163.3245, with the state comprehensive plan,  
13 with the appropriate strategic regional policy plan, and with  
14 chapter 9J-5, Florida Administrative Code, where such rule is  
15 not inconsistent with this part and with the principles for  
16 guiding development in designated areas of critical state  
17 concern.

18 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
19 AMENDMENT.--

20 (a) Each local governing body shall transmit the  
21 complete proposed comprehensive plan or plan amendment to the  
22 state land planning agency, the appropriate regional planning  
23 council and water management district, the Department of  
24 Environmental Protection, the Department of State, and the  
25 Department of Transportation, and, in the case of municipal  
26 plans, to the appropriate county, and, in the case of county  
27 plans, to the Fish and Wildlife Conservation Commission and  
28 the Department of Agriculture and Consumer Services,  
29 immediately following a public hearing pursuant to subsection  
30 (15) as specified in the state land planning agency's  
31 procedural rules. The local governing body shall also transmit

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

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

30 (c) A local government may adopt a proposed plan  
31 amendment previously transmitted pursuant to this subsection,

1 unless review is requested or otherwise initiated pursuant to  
2 subsection (6).

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

13 (4) INTERGOVERNMENTAL REVIEW.--The ~~if review of a~~  
14 ~~proposed comprehensive plan amendment is requested or~~  
15 ~~otherwise initiated pursuant to subsection (6), the state land~~  
16 ~~planning agency within 5 working days of determining that such~~  
17 ~~a review will be conducted shall transmit a copy of the~~  
18 ~~proposed plan amendment to various government agencies, as~~  
19 ~~appropriate, for response or comment, including, but not~~  
20 ~~limited to, the Department of Environmental Protection, the~~  
21 ~~Department of Transportation, the water management district,~~  
22 ~~and the regional planning council, and, in the case of~~  
23 ~~municipal plans, to the county land planning agency. These~~  
24 governmental agencies specified in paragraph (3)(a) shall  
25 provide comments to the state land planning agency within 30  
26 days after receipt by the state land planning agency of the  
27 complete proposed plan amendment. If the plan or plan  
28 amendment includes or relates to the public school facilities  
29 element required by s. 163.31776, the state land planning  
30 agency shall submit a copy to the Office of Educational  
31 Facilities of the Commissioner of Education for review and

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

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

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

27 (b) The state land planning agency may review any  
28 proposed plan amendment regardless of whether a request for  
29 review has been made, if the agency gives notice to the local  
30 government, and any other person who has requested notice, of  
31 its intention to conduct such a review within 35 ~~30~~ days after

1 ~~receipt of transmittal~~ of the complete proposed plan amendment  
2 ~~pursuant to subsection (3).~~

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

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

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

18           163.3184 Process for adoption of comprehensive plan or  
19 plan amendment.--

20           (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF  
21 PLAN OR AMENDMENTS AND TRANSMITTAL.--The local government  
22 shall review the written comments submitted to it by the state  
23 land planning agency, and any other person, agency, or  
24 government. Any comments, recommendations, or objections and  
25 any reply to them shall be public documents, a part of the  
26 permanent record in the matter, and admissible in any  
27 proceeding in which the comprehensive plan or plan amendment  
28 may be at issue. The local government, upon receipt of  
29 written comments from the state land planning agency, shall  
30 have 120 days to adopt or adopt with changes the proposed  
31 comprehensive plan or s. 163.3191 plan amendments. In the

1 case of comprehensive plan amendments other than those  
2 proposed pursuant to s. 163.3191, the local government shall  
3 have 60 days to adopt the amendment, adopt the amendment with  
4 changes, or determine that it will not adopt the amendment.  
5 The adoption of the proposed plan or plan amendment or the  
6 determination not to adopt a plan amendment, other than a plan  
7 amendment proposed pursuant to s. 163.3191, shall be made in  
8 the course of a public hearing pursuant to subsection (15).  
9 The local government shall transmit the complete adopted  
10 comprehensive plan or ~~adopted~~ plan amendment, including the  
11 names and addresses of persons compiled pursuant to paragraph  
12 (15)(c), to the state land planning agency as specified in the  
13 agency's procedural rules within 10 working days after  
14 adoption. The local governing body shall also transmit a copy  
15 of the adopted comprehensive plan or plan amendment to the  
16 regional planning agency and to any other unit of local  
17 government or governmental agency in the state that has filed  
18 a written request with the governing body for a copy of the  
19 plan or plan amendment.

20 (8) NOTICE OF INTENT.--

21 (a) Except as provided in s. 163.3187(3), the state  
22 land planning agency, upon receipt of a local government's  
23 complete adopted comprehensive plan or plan amendment, shall  
24 have 45 days for review and to determine if the plan or plan  
25 amendment is in compliance with this act, unless the amendment  
26 is the result of a compliance agreement entered into under  
27 subsection (16), in which case the time period for review and  
28 determination shall be 30 days. If review was not conducted  
29 under subsection (6), the agency's determination must be based  
30 upon the plan amendment as adopted. If review was conducted

31



1 under subsection (6), the agency's determination of compliance  
2 must be based only upon one or both of the following:

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

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

7 (b) During the time period provided for in this  
8 subsection, the state land planning agency shall issue,  
9 through a senior administrator or the secretary, as specified  
10 in the agency's procedural rules, a notice of intent to find  
11 that the plan or plan amendment is in compliance or not in  
12 compliance. A notice of intent shall be issued by publication  
13 in the manner provided by this paragraph and by mailing a copy  
14 to the local government ~~and to persons who request notice.~~  
15 ~~The required advertisement shall be no less than 2 columns~~  
16 ~~wide by 10 inches long, and the headline in the advertisement~~  
17 ~~shall be in a type no smaller than 12 point.~~ The advertisement  
18 shall not be placed in that portion of the newspaper where  
19 legal notices and ~~classified advertisements~~ appear. The  
20 advertisement shall be published in a newspaper which meets  
21 the size and circulation requirements set forth in paragraph  
22 (15)(d)~~(15)(c)~~and which has been designated in writing by  
23 the affected local government at the time of transmittal of  
24 the amendment. Publication by the state land planning agency  
25 of a notice of intent in the newspaper designated by the local  
26 government shall be prima facie evidence of compliance with  
27 the publication requirements of this section.

28 (c) The state land planning agency shall post a copy  
29 of the notice of intent on the agency's Internet site. The  
30 agency shall, no later than the date the notice of intent is  
31 transmitted to the newspaper, mail a courtesy informational

1 statement to the persons whose names and mailing addresses  
2 were compiled pursuant to paragraph (15)(c). The informational  
3 statement must identify the newspaper in which the notice of  
4 intent will appear, the approximate date of publication of the  
5 notice of intent, and the ordinance number of the plan or plan  
6 amendment and must advise that the informational statement is  
7 provided as a courtesy to the person and that affected persons  
8 have 21 days from the actual date of publication of the notice  
9 to file a petition. The informational statement must be sent  
10 by regular mail and does not affect the timeframes specified  
11 in subsections (9) and (10).

12 (15) PUBLIC HEARINGS.--

13 (a) The procedure for transmittal of a complete  
14 proposed comprehensive plan or plan amendment pursuant to  
15 subsection (3) and for adoption of a comprehensive plan or  
16 plan amendment pursuant to subsection (7) shall be by  
17 affirmative vote of not less than a majority of the members of  
18 the governing body present at the hearing. The adoption of a  
19 comprehensive plan or plan amendment shall be by ordinance.  
20 For the purposes of transmitting or adopting a comprehensive  
21 plan or plan amendment, the notice requirements in chapters  
22 125 and 166 are superseded by this subsection, except as  
23 provided in this part.

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

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

31

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

5           (c) The local government shall provide a sign-in form  
6 at the transmittal hearing and at the adoption hearing for  
7 persons to provide their names and mailing addresses. The  
8 sign-in form must advise that any person providing the  
9 requested information will receive a courtesy informational  
10 statement concerning publications of the state land planning  
11 agency's notice of intent. The local government shall add to  
12 the sign-in form the name and address of any person who  
13 submits written comments concerning the proposed plan or plan  
14 amendment during the time period between the commencement of  
15 the transmittal hearing and the end of the adoption hearing.  
16 It is the responsibility of the person completing the form or  
17 providing written comments to accurately, completely, and  
18 legibly provide all information needed in order to receive the  
19 courtesy informational statement.

20           (d) The agency shall provide a model sign-in format  
21 for providing the list to the agency which may be used by the  
22 local government to satisfy the requirements of this  
23 subsection.

24           ~~(e)~~ (e) If the proposed comprehensive plan or plan  
25 amendment changes the actual list of permitted, conditional,  
26 or prohibited uses within a future land use category or  
27 changes the actual future land use map designation of a parcel  
28 or parcels of land, the required advertisements shall be in  
29 the format prescribed by s. 125.66(4)(b)2. for a county or by  
30 s. 166.041(3)(c)2.b. for a municipality.

31           (16) COMPLIANCE AGREEMENTS.--

1           (d) A local government may adopt a plan amendment  
2 pursuant to a compliance agreement in accordance with the  
3 requirements of paragraph (15)(a). The plan amendment shall be  
4 exempt from the requirements of subsections (2)-(7). The  
5 local government shall hold a single adoption public hearing  
6 pursuant to the requirements of subparagraph (15)(b)2. and  
7 paragraph (15)(d)~~(15)(c)~~. Within 10 working days after  
8 adoption of a plan amendment, the local government shall  
9 transmit the amendment to the state land planning agency as  
10 specified in the agency's procedural rules, and shall submit  
11 one copy to the regional planning agency and to any other unit  
12 of local government or government agency in the state that has  
13 filed a written request with the governing body for a copy of  
14 the plan amendment, and one copy to any party to the  
15 proceeding under ss. 120.569 and 120.57 granted intervenor  
16 status.

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

19           163.3187 Amendment of adopted comprehensive plan.--

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

23           (k) A comprehensive plan amendment to adopt a public  
24 educational facilities element pursuant to s. 163.31776 and  
25 future land-use-map amendments for school siting may be  
26 approved notwithstanding statutory limits on the frequency of  
27 adopting plan amendments.

28           Section 9. Paragraph (k) of subsection (2) of section  
29 163.3191, Florida Statutes, is amended, and paragraph (1) is  
30 added to that subsection, to read:

31

1           163.3191 Evaluation and appraisal of comprehensive  
2 plan.--

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

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

21           (l) If any of the jurisdiction of the local government  
22 is located within the coastal high hazard area, an evaluation  
23 of whether any past reduction in land use density impairs the  
24 property rights of current residents when redevelopment  
25 occurs, including, but not limited to, redevelopment following  
26 a natural disaster. The local government must identify  
27 strategies to address redevelopment feasibility and the  
28 property rights of affected residents. These strategies may  
29 include the authorization of redevelopment up to the actual  
30 built density in existence on the property prior to the  
31 natural disaster or redevelopment.

1           Section 10. Section 163.3198, Florida Statutes, is  
2 created to read:

3           163.3198 Development of a uniform  
4 fiscal-impact-analysis model for evaluating the cost of  
5 infrastructure to support development.--

6           (1) The Legislature finds that the quality of growth  
7 in this state will benefit greatly by the adoption of a  
8 uniform fiscal-impact-analysis tool that can be used by local  
9 governments to determine the costs and benefits of new  
10 development. To facilitate informed decision-making and  
11 accountability by local government, the analysis model must  
12 itemize and calculate the costs and fiscal impacts of  
13 infrastructure needs created by proposed development, as well  
14 as the anticipated revenues needed for infrastructure  
15 associated with the project. It is intended that the model be  
16 a minimum base model for implementation by all local  
17 governments. Local governments are not required to implement  
18 the model until the Legislature approves such implementation,  
19 and local governments are not prevented from using other  
20 fiscal or economic analysis tools before or after adoption of  
21 the uniform fiscal-analysis model. The Legislature intends  
22 that the analysis provide local government decisionmakers with  
23 a clearer understanding of the fiscal impact of new  
24 development on the community and its resources.

25           (2) A three-member technical advisory committee with  
26 one member each to be selected by the Governor, the President  
27 of the Senate, and the Speaker of the House of  
28 Representatives, respectively, shall be created to advise the  
29 secretary concerning the development of a fiscal-analysis  
30 model. The appointments must be made prior to July 1, 2001.

31

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

- 3           1. The development of a fiscal-analysis model;  
4           2. The selection of one or more models;  
5           3. Changes that may be made to the model during the  
6 testing period, as needed; and  
7           4. Recommendations on the implementation of the model.

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

12           (c) The technical advisory committee shall meet at the  
13 call of the secretary and shall be dissolved upon the  
14 submittal of the report and recommendations required in  
15 subsection (4).

16           (3)(a) The state land planning agency shall develop  
17 one or more fiscal-analysis models for determining the  
18 estimated costs and revenues of proposed development. The  
19 analysis provided by the model is a tool for government  
20 decisionmaking, does not constitute an automatic approval or  
21 disapproval of new development, and applies to all public and  
22 private projects and all land-use categories.

23           (b) The model must be capable of estimating the  
24 capital, operating, and maintenance costs, and revenues for  
25 infrastructure the need for which is created by new  
26 development based on the type, scale, and location of various  
27 land uses. For the purposes of developing the model, estimated  
28 costs include those associated with provision of school  
29 facilities; transportation facilities; water supply; sewer;  
30 stormwater; solid waste services; police, fire, and emergency  
31 medical services; publicly provided energy services; parks and

1 recreation services; and publicly provided telecommunications.  
2 Estimated revenues include all revenues attributable to the  
3 proposed development which are used to construct, operate, or  
4 maintain the listed infrastructure. The model may be developed  
5 with capabilities of estimating other costs and benefits  
6 directly related to new development, including economic costs  
7 and benefits. The Legislature recognizes the potential  
8 limitations of such models in fairly quantifying important  
9 quality-of-life issues, such as the intangible benefits and  
10 costs associated with development, including, but not limited  
11 to, overall impact on community character, housing costs,  
12 compatibility, and impacts to natural and historic resources,  
13 and the Legislature affirms its intention that this model not  
14 be used as the only determinant of the acceptability of new  
15 development.

16 (c) The model must be capable of identifying  
17 infrastructure deficits or backlogs and the costs associated  
18 with addressing such needs.

19 (d) As part of its development of a fiscal-analysis  
20 model, the state land planning agency shall develop a format  
21 by which the local governments shall report to the public, at  
22 least annually, the cumulative fiscal impact of their local  
23 planning decisions.

24 (4) By January 1, 2003, the state land planning agency  
25 shall transmit to the Governor, the President of the Senate,  
26 and the Speaker of the House of Representatives a report  
27 detailing the estimated costs of implementation,  
28 recommendations for a uniform fiscal-analysis model, and  
29 recommendations for statewide implementation of such a model.  
30 If the state land planning agency determines that a uniform  
31 fiscal-analysis model is unfeasible, the agency may recommend



1 that the model or its application be modified. The report must  
2 also include recommendations for any changes to existing  
3 growth management laws and policies necessary to implement the  
4 model. However, this model is not intended to serve as a  
5 replacement for concurrency. The report must also include  
6 recommendations for state technical and financial assistance  
7 to help local governments in implementing the uniform  
8 fiscal-analysis model and recommendations for incentives to  
9 local governments to encourage identification of areas in  
10 which infrastructure development will be encouraged. It is not  
11 the intent of this section to repeal concurrency.

12       Section 11. The sum of \$500,000 is appropriated to the  
13 Department of Community Affairs from the General Revenue Fund  
14 to implement section 10 of this act.

15       Section 12. Subsections (2) and (3) of section  
16 186.504, Florida Statutes, are amended to read:

17       186.504 Regional planning councils; creation;  
18 membership.--

19       (2) Membership on the regional planning council shall  
20 be as follows:

21       (a) Representatives appointed by each of the member  
22 counties in the geographic area covered by the regional  
23 planning council.

24       (b) Representatives from other member local  
25 general-purpose governments in the geographic area covered by  
26 the regional planning council.

27       (c) Representatives appointed by the Governor from the  
28 geographic area covered by the regional planning council,  
29 including an elected school board member from the geographic  
30 area covered by the regional planning council, to be nominated  
31 by the Florida School Board Association.

1           (3) Not less than two-thirds of the representatives  
2 serving as voting members on the governing bodies of such  
3 regional planning councils shall be elected officials of local  
4 general-purpose governments chosen by the cities and counties  
5 of the region, provided each county shall have at least one  
6 vote. The remaining one-third of the voting members on the  
7 governing board shall be appointed by the Governor, to include  
8 one elected school board member, subject to confirmation by  
9 the Senate, and shall reside in the region. No two appointees  
10 of the Governor shall have their places of residence in the  
11 same county until each county within the region is represented  
12 by a Governor's appointee to the governing board. Nothing  
13 contained in this section shall deny to local governing bodies  
14 or the Governor the option of appointing either locally  
15 elected officials or lay citizens provided at least two-thirds  
16 of the governing body of the regional planning council is  
17 composed of locally elected officials.

18           Section 13. Paragraph (a) of subsection (2) and  
19 subsection (6) of section 212.055, Florida Statutes, are  
20 amended to read:

21           212.055 Discretionary sales surtaxes; legislative  
22 intent; authorization and use of proceeds.--It is the  
23 legislative intent that any authorization for imposition of a  
24 discretionary sales surtax shall be published in the Florida  
25 Statutes as a subsection of this section, irrespective of the  
26 duration of the levy. Each enactment shall specify the types  
27 of counties authorized to levy; the rate or rates which may be  
28 imposed; the maximum length of time the surtax may be imposed,  
29 if any; the procedure which must be followed to secure voter  
30 approval, if required; the purpose for which the proceeds may  
31 be expended; and such other requirements as the Legislature

1 may provide. Taxable transactions and administrative  
2 procedures shall be as provided in s. 212.054.

3 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

4 (a)1. The governing authority in each county may levy  
5 a discretionary sales surtax of 0.5 percent or 1 percent. The  
6 levy of the surtax shall be pursuant to ordinance enacted by a  
7 supermajority ~~majority~~ of the members of the county governing  
8 authority or ~~and~~ approved by a majority of the electors of the  
9 county voting in a referendum on the surtax. If the governing  
10 bodies of the municipalities representing a majority of the  
11 county's population adopt uniform resolutions establishing the  
12 rate of the surtax and calling for a referendum on the surtax,  
13 the levy of the surtax shall be placed on the ballot and shall  
14 take effect if approved by a majority of the electors of the  
15 county voting in the referendum on the surtax.

16 2. If the surtax was levied pursuant to a referendum  
17 held before July 1, 1993, the surtax may not be levied beyond  
18 the time established in the ordinance, or, if the ordinance  
19 did not limit the period of the levy, the surtax may not be  
20 levied for more than 15 years. The levy of such surtax may be  
21 extended only by approval of a majority of the electors of the  
22 county voting in a referendum on the surtax or pursuant to  
23 ordinance enacted by a supermajority vote of the members of  
24 the county governing authority.

25  
26 For purposes of this paragraph, the term "supermajority vote"  
27 means an affirmative vote of a majority of the membership of  
28 the governing authority plus one.

29 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

30 (a) The school board in each county may levy, pursuant  
31 to resolution conditioned to take effect only upon approval by

1 a majority vote of the electors of the county voting in a  
2 referendum, a discretionary sales surtax at a rate that may  
3 not exceed 0.5 percent.

4 (b) The resolution shall include a statement that  
5 provides a brief and general description of the school capital  
6 outlay projects to be funded by the surtax. If applicable, the  
7 resolution must state that the district school board has been  
8 recognized by the State Board of Education as having a Florida  
9 Frugal Schools Program. The statement shall conform to the  
10 requirements of s. 101.161 and shall be placed on the ballot  
11 by the governing body of the county. The following question  
12 shall be placed on the ballot:

13  
14 . . . .FOR THE . . . .CENTS TAX  
15 . . . .AGAINST THE . . . .CENTS TAX  
16

17 (c) As an alternative method of levying the  
18 discretionary sales surtax, the district school board, in a  
19 county where the local governments and the school board have  
20 adopted the interlocal agreement and the public educational  
21 facilities element required by s. 163.31776, and adopted a  
22 district facilities plan pursuant to s. 235.185, may levy,  
23 pursuant to resolution adopted by a supermajority of the  
24 members of the school board, a discretionary sales surtax at a  
25 rate not to exceed 0.5 percent. For purposes of this  
26 paragraph, the term "supermajority vote" means an affirmative  
27 vote of a majority of the membership of the school board plus  
28 one.

29 (d)~~(c)~~ The resolution providing for the imposition of  
30 the surtax shall set forth a plan for use of the surtax  
31 proceeds for fixed capital expenditures or fixed capital costs

1 associated with the construction, reconstruction, or  
2 improvement of school facilities and campuses which have a  
3 useful life expectancy of 5 or more years, and any land  
4 acquisition, land improvement, design, and engineering costs  
5 related thereto. Additionally, the plan shall include the  
6 costs of retrofitting and providing for technology  
7 implementation, including hardware and software, for the  
8 various sites within the school district. Surtax revenues may  
9 be used for the purpose of servicing bond indebtedness to  
10 finance projects authorized by this subsection, and any  
11 interest accrued thereto may be held in trust to finance such  
12 projects. Neither the proceeds of the surtax nor any interest  
13 accrued thereto shall be used for operational expenses. If the  
14 district school board has been recognized by the State Board  
15 of Education as having a Florida Frugal Schools Program, the  
16 district's plan for use of the surtax proceeds must be  
17 consistent with this subsection and with uses assured under  
18 the Florida Frugal Schools Program.

19 (e)~~(d)~~ Any school board imposing the surtax shall  
20 implement a freeze on noncapital local school property taxes,  
21 at the millage rate imposed in the year prior to the  
22 implementation of the surtax, for a period of at least 3 years  
23 from the date of imposition of the surtax. This provision  
24 shall not apply to existing debt service or required state  
25 taxes.

26 (f)~~(e)~~ Surtax revenues collected by the Department of  
27 Revenue pursuant to this subsection shall be distributed to  
28 the school board imposing the surtax in accordance with law.

29 Section 14. Section 235.002, Florida Statutes, is  
30 amended to read:

31 235.002 Intent.--

1           (1) The intent of the Legislature is to:  
2           ~~(a) To provide each student in the public education~~  
3 ~~system the availability of an educational environment~~  
4 ~~appropriate to his or her educational needs which is~~  
5 ~~substantially equal to that available to any similar student,~~  
6 ~~notwithstanding geographic differences and varying local~~  
7 ~~economic factors, and to provide facilities for the Florida~~  
8 ~~School for the Deaf and the Blind and other educational~~  
9 ~~institutions and agencies as may be defined by law.~~  
10          ~~(a)(b) To~~ Encourage the use of innovative designs,  
11 construction techniques, and financing mechanisms in building  
12 educational facilities for the purposes ~~purpose~~ of reducing  
13 costs to the taxpayer, creating a more satisfactory  
14 educational environment, ~~and~~ reducing the amount of time  
15 necessary 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 15. 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 16. 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 17. 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 18. 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 school  
21 board's plan for provision of new schools must meet the needs  
22 of all growing communities in the district, ranging from small  
23 rural communities to large urban cities. The plan must include  
24 work program that includes:

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

1 The projections must be apportioned geographically with  
2 assistance from the local governments using local development  
3 trend data and the school district student enrollment data.

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

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

17 4. Information on leased, loaned, and donated space  
18 and relocatables used for conducting the district's  
19 instructional programs.

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

29 6. The identification of options deemed reasonable and  
30 approved by the school board which reduce the need for  
31



1 additional permanent student stations. Such options may  
2 include, but need not be limited to:  
3       a. Acceptable capacity;  
4       b. Redistricting;  
5       c. Busing;  
6       d. Year-round schools; and  
7       e. Charter schools.  
8       7. The criteria and method, jointly determined by the  
9 local government and the school board, for determining the  
10 impact to public school capacity in response to a local  
11 government request for a report pursuant to s. 235.193(4).  
12       (b) The plan must also include a financially feasible  
13 district facilities work program for a 5-year period. The work  
14 program must include:  
15           1. A schedule of major repair and renovation projects  
16 necessary to maintain the educational facilities ~~plant~~ and  
17 ancillary facilities of the district.  
18           2. A schedule of capital outlay projects necessary to  
19 ensure the availability of satisfactory student stations for  
20 the projected student enrollment in K-12 programs. This  
21 schedule shall consider:  
22           a. The locations, capacities, and planned utilization  
23 rates of current educational facilities of the district. The  
24 capacity of existing satisfactory facilities, as reported in  
25 the Florida Inventory of School Houses must be compared to the  
26 capital outlay full-time-equivalent student enrollment as  
27 determined by the department including all enrollment used in  
28 the calculation of the distribution formula in s. 235.435(3).  
29           b. The proposed locations of planned facilities,  
30 whether those locations are consistent with the comprehensive  
31 plans of all affected local governments, and recommendations

1 for infrastructure and other improvements to land adjacent to  
2 existing facilities. The provisions of ss. 235.19 and  
3 235.193(6), (7), and (8) must be addressed for new facilities  
4 planned within the first 3 years of the work plan, as  
5 appropriate.

6 c. Plans for the use and location of relocatable  
7 facilities, leased facilities, and charter school facilities.

8 d. Plans for multitrack scheduling, grade level  
9 organization, block scheduling, or other alternatives that  
10 reduce the need for additional permanent student stations.

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

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

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

12 g. Plans for the closure of any school, including  
13 plans for disposition of the facility or usage of facility  
14 space, and anticipated revenues.

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

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

29 4. A schedule of estimated capital outlay revenues  
30 from each currently approved source which is estimated to be  
31

1 available for expenditure on the projects included in the  
2 ~~tentative~~ district facilities work program.

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

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

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

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

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

25 (f) Commencing on October 1, 2001, and not less than  
26 once every 5 years thereafter, the district school board shall  
27 contract with a qualified, independent third party to conduct  
28 a financial management and performance audit of the  
29 educational planning and construction activities of the  
30 district. An audit conducted by the Auditor General satisfies  
31 this requirement.

1           (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL  
2 FACILITIES PLAN TO LOCAL GOVERNMENT.--The district school  
3 board shall submit a copy of its tentative district  
4 educational facilities plan to all affected local governments  
5 prior to adoption by the board. The affected local governments  
6 shall review the tentative district educational facilities  
7 plan and comment to the district school board on the  
8 consistency of the plan with the local comprehensive plan,  
9 whether a comprehensive plan amendment will be necessary for  
10 any proposed educational facility, and whether the local  
11 government supports a necessary comprehensive plan amendment.  
12 If the local government does not support a comprehensive plan  
13 amendment for a proposed educational facility, the matter  
14 shall be resolved pursuant to the interlocal agreement  
15 required by ss. 163.31776(4) and 235.193(2). The process for  
16 the submittal and review shall be detailed in the interlocal  
17 agreement required pursuant to ss. 163.31776(4) and  
18 235.193(2).

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

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

1 (b) Set forth the proposed commitments and planned  
2 expenditures of the district to address the educational  
3 facilities needs of its students and to adequately provide for  
4 the maintenance of the educational plant and ancillary  
5 facilities, including safe access ways from neighborhoods to  
6 schools.

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

15 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.~~--In addition to  
16 the adopted district facilities work program covering the  
17 5-year work program, the district school board shall adopt  
18 annually a 10-year and a 20-year work program which include  
19 the information set forth in subsection (2), but based upon  
20 enrollment projections and facility needs for the 10-year and  
21 20-year periods. It is recognized that the projections in the  
22 10-year and 20-year timeframes are tentative and should be  
23 used only for general planning purposes.

24 Section 19. Section 235.188, Florida Statutes, is  
25 amended to read:

26 235.188 Full bonding required to participate in  
27 programs.--Any district with unused bonding capacity in its  
28 Capital Outlay and Debt Service Trust Fund allocation that  
29 certifies in its district educational facilities plan work  
30 program that it will not be able to meet all of its need for  
31 new student stations within existing revenues must fully bond

1 its Capital Outlay and Debt Service Trust Fund allocation  
2 before it may participate in Classrooms First, the School  
3 Infrastructure Thrift (SIT) Program, or the Effort Index  
4 Grants Program.

5 Section 20. Section 235.19, Florida Statutes, is  
6 amended to read:

7 235.19 Site planning and selection.--

8 (1) If the school board and local government have  
9 entered into an interlocal agreement pursuant to ss.  
10 163.31776(4) and 235.193(2) and have developed a process to  
11 ensure consistency between the local government comprehensive  
12 plan and the school district educational facilities plan and a  
13 method to coordinate decisionmaking and approved activities  
14 relating to school planning and site selection, the provisions  
15 of this section do not apply to such school board and local  
16 government.

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

31

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

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

29           ~~(5)(4)~~ It shall be the responsibility of the board to  
30 provide adequate notice to appropriate municipal, county,  
31 regional, and state governmental agencies for requested



1 traffic control and safety devices so they can be installed  
2 and operating prior to the first day of classes or to satisfy  
3 itself that every reasonable effort has been made in  
4 sufficient time to secure the installation and operation of  
5 such necessary devices prior to the first day of classes. It  
6 shall also be the responsibility of the board to review  
7 annually traffic control and safety device needs and to  
8 request all necessary changes indicated by such review.  
9 (6)~~(5)~~ Each board may request county and municipal  
10 governments to construct and maintain sidewalks and bicycle  
11 trails within a 2-mile radius of each educational facility  
12 within the jurisdiction of the local government. When a board  
13 discovers or is aware of an existing hazard on or near a  
14 public sidewalk, street, or highway within a 2-mile radius of  
15 a school site and the hazard endangers the life or threatens  
16 the health or safety of students who walk, ride bicycles, or  
17 are transported regularly between their homes and the school  
18 in which they are enrolled, the board shall, within 24 hours  
19 after discovering or becoming aware of the hazard, excluding  
20 Saturdays, Sundays, and legal holidays, report such hazard to  
21 the governmental entity within the jurisdiction of which the  
22 hazard is located. Within 5 days after receiving notification  
23 by the board, excluding Saturdays, Sundays, and legal  
24 holidays, the governmental entity shall investigate the  
25 hazardous condition and either correct it or provide such  
26 precautions as are practicable to safeguard students until the  
27 hazard can be permanently corrected. However, if the  
28 governmental entity that has jurisdiction determines upon  
29 investigation that it is impracticable to correct the hazard,  
30 or if the entity determines that the reported condition does  
31 not endanger the life or threaten the health or safety of

1 students, the entity shall, within 5 days after notification  
2 by the board, excluding Saturdays, Sundays, and legal  
3 holidays, inform the board in writing of its reasons for not  
4 correcting the condition. The governmental entity, to the  
5 extent allowed by law, shall indemnify the board from any  
6 liability with respect to accidents or injuries, if any,  
7 arising out of the hazardous condition.

8 Section 21. Section 235.193, Florida Statutes, is  
9 amended to read:

10 235.193 Coordination of planning with local governing  
11 bodies.--

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

1 central city redevelopment and the efficient use of  
2 infrastructure and to discourage uncontrolled urban sprawl. In  
3 addition, all parties to the planning process must consult  
4 with state and local road departments to assist in  
5 implementing the Safe Paths to Schools program administered by  
6 the Department of Transportation.

7 (2) No later than 6 months prior to the transmittal of  
8 a public educational facilities element by general purpose  
9 local governments meeting the criteria of s. 163.31776(3), the  
10 school district, the county, and the non-exempt municipalities  
11 shall enter into an interlocal agreement that establishes a  
12 process for developing coordinated and consistent local  
13 government public educational facilities elements and a  
14 district educational facilities plan, including a process:

15 (a) By which each local government and the school  
16 district agree and base the local government comprehensive  
17 plan and educational facilities plan on uniform projections of  
18 the amount, type, and distribution of population growth and  
19 student enrollment.

20 (b) To coordinate and share information relating to  
21 existing and planned public school facilities and local  
22 government plans for development and redevelopment.

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

30 (d) To coordinate and provide timely formal comments  
31 during the development, adoption, and amendment of each local

1 government's public educational facilities element and the  
2 educational facilities plan of the school district to ensure a  
3 uniform, countywide school facility planning system.

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

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

25  
26 Any school board entering into an interlocal agreement for the  
27 purpose of adopting public school concurrency prior to the  
28 effective date of this act is not required to amend the  
29 interlocal agreement to conform to the provisions of this  
30 subsection if the comprehensive plan amendment adopting public  
31

1 school concurrency is ultimately determined to be in  
2 compliance.

3 (3) Failure to enter into an interlocal agreement as  
4 required by s. 235.193(2) shall result in the withholding of  
5 funds for school construction available pursuant to ss.  
6 235.187, 235.216, 235.2195, and 235.42 and a prohibition from  
7 siting schools. Before the Office of Educational Facilities of  
8 the Commissioner of Education may withhold any funds, the  
9 office shall provide the school board with a notice of intent  
10 to withhold funds, which the school board may appeal under  
11 chapter 120. The office shall withhold funds when a final  
12 order is issued finding that the school board has failed to  
13 enter into an interlocal agreement that meets the requirements  
14 of this section.

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

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

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

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

27 ~~(7)(4)~~ To improve coordination relative to potential  
28 educational facility sites, a board shall provide written  
29 notice to the local government that has regulatory authority  
30 over the use of the land at least 120 ~~60~~ days prior to  
31 acquiring or leasing property that may be used for a new

1 public educational facility. The local government, upon  
2 receipt of this notice, shall notify the board within 45 days  
3 if the site proposed for acquisition or lease is consistent  
4 with the land use categories and policies of the local  
5 government's comprehensive plan. This preliminary notice does  
6 not constitute the local government's determination of  
7 consistency pursuant to subsection (8)~~(5)~~.

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

26 (9)~~(6)~~ A local governing body may not deny the site  
27 applicant based on adequacy of the site plan as it relates  
28 solely to the needs of the school. If the site is consistent  
29 with the comprehensive plan's ~~future~~ land use policies and  
30 categories in which public schools are identified as allowable  
31 uses, the local government may not deny the application but it

1 may impose reasonable development standards and conditions in  
2 accordance with s. 235.34(1) and consider the site plan and  
3 its adequacy as it relates to environmental concerns, health,  
4 safety and welfare, and effects on adjacent property.

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

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

14 (11)~~(8)~~ Existing schools shall be considered  
15 consistent with the applicable local government comprehensive  
16 plan adopted under part II of chapter 163. ~~The collocation of~~  
17 ~~a new proposed public educational facility with an existing~~  
18 ~~public educational facility, or the expansion of an existing~~  
19 ~~public educational facility is not inconsistent with the local~~  
20 ~~comprehensive plan, if the site is consistent with the~~  
21 ~~comprehensive plan's future land use policies and categories~~  
22 ~~in which public schools are identified as allowable uses, and~~  
23 ~~levels of service adopted by the local government for any~~  
24 ~~facilities affected by the proposed location for the new~~  
25 ~~facility are maintained.~~ If a board submits an application to  
26 expand an existing school site, the local governing body may  
27 impose reasonable development standards and conditions on the  
28 expansion only, and in a manner consistent with s. 235.34(1).  
29 Standards and conditions may not be imposed which conflict  
30 with those established in this chapter or the State Uniform  
31



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

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

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

10 Section 22. Section 235.194, Florida Statutes, is  
11 repealed.

12 Section 23. Section 235.218, Florida Statutes, is  
13 amended to read:

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

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

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

25 (b) Efficient finance and administration.

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

28 (d) Safety.

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

31 (f) Level of district local effort.

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

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

11           Section 24. Section 235.321, Florida Statutes, is  
12 amended to read:

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

24           Section 25. Paragraph (d) of subsection (5) of section  
25 236.25, Florida Statutes, is amended, and subsection (6) is  
26 added to that section, to read:

27           236.25 District school tax.--

28           (5)

29           (d) Notwithstanding any other provision of this  
30 subsection, if through its adopted educational facilities plan  
31 ~~work program~~ a district has clearly identified the need for an

1 ancillary plant, has provided opportunity for public input as  
2 to the relative value of the ancillary plant versus an  
3 educational plant, and has obtained public approval, the  
4 district may use revenue generated by the millage levy  
5 authorized by subsection (2) for the acquisition,  
6 construction, renovation, remodeling, maintenance, or repair  
7 of an ancillary plant.

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

20 (6) In addition to the maximum millage levied under  
21 this section and the General Appropriations Act, a school  
22 district may levy, by local referendum or in a general  
23 election, additional millage for school operational purposes  
24 up to an amount that, when combined with nonvoted millage  
25 levied under this section, does not exceed the 10-mill limit  
26 established in s. 9(b), Art. VII of the State Constitution.  
27 Any such levy shall be for a maximum of 4 years and shall be  
28 counted as part of the 10-mill limit established in s. 9(b),  
29 Art. VII of the State Constitution. Millage elections  
30 conducted under the authority granted pursuant to this section  
31 are subject to ss. 236.31 and 236.32. Funds generated by such

1 additional millage do not become a part of the calculation of  
2 the Florida Education Finance Program total potential funds in  
3 2001-2002 or any subsequent year and must not be incorporated  
4 in the calculation of any hold-harmless or other component of  
5 the Florida Education Finance Program formula in any year.

6 Section 26. Section 236.31, Florida Statutes, is  
7 amended to read:

8 236.31 District millage elections.--

9 (1) The school board, pursuant to resolution adopted  
10 at a regular meeting, shall direct the county commissioners to  
11 call an election at which the electors within the school  
12 districts may approve an ad valorem tax millage as authorized  
13 in s. 9, Art. VII of the State Constitution. Such election may  
14 be held at any time, except that not more than one such  
15 election shall be held during any 12-month period. Any  
16 millage so authorized shall be levied for a period not in  
17 excess of 2 years or until changed by another millage  
18 election, whichever is the earlier. In the event any such  
19 election is invalidated by a court of competent jurisdiction,  
20 such invalidated election shall be considered not to have been  
21 held.

22 (2) The school board, pursuant to resolution adopted  
23 at a regular meeting, shall direct the county commissioners to  
24 call an election at which the electors within the school  
25 district may approve an ad valorem tax millage as authorized  
26 under s. 236.25(6). Such election may be held at any time,  
27 except that not more than one such election shall be held  
28 during any 12-month period. Any millage so authorized shall be  
29 levied for a period not in excess of 4 years or until changed  
30 by another millage election, whichever is earlier. If any such  
31 election is invalidated by a court of competent jurisdiction,

1 such invalidated election shall be considered not to have been  
2 held.

3 Section 27. Section 236.32, Florida Statutes, is  
4 amended to read:

5 (Substantial rewording of section. See  
6 s. 236.32, F.S., for present text.)

7 236.32 Procedures for holding and conducting school  
8 district millage elections.--

9 (1) HOLDING ELECTIONS.--All school district millage  
10 elections shall be held and conducted in the manner prescribed  
11 by law for holding general elections, except as provided in  
12 this chapter.

13 (2) FORM OF BALLOT.--

14 (a) The school board may propose a single millage or  
15 two millages, with one for operating expenses and another for  
16 a local capital improvement reserve fund. When two millage  
17 figures are proposed, each millage must be voted on  
18 separately.

19 (b) The school board shall provide the wording of the  
20 substance of the measure and the ballot title in the  
21 resolution calling for the election. The wording of the  
22 ballot must conform to the provisions of s. 101.161.

23 (3) QUALIFICATION OF ELECTORS.--All qualified electors  
24 of the school district are entitled to vote in the election to  
25 set the school tax district millage levy.

26 (4) RESULTS OF ELECTION.--When the school board  
27 proposes one tax levy for operating expenses and another for  
28 the local capital improvement reserve fund, the results shall  
29 be considered separately. The tax levy shall be levied only  
30 in case a majority of the electors participating in the  
31 election vote in favor of the proposed special millage.

1           Section 28. Subsection (12), paragraph (c) of  
2 subsection (15), and subsections (18) and (19) of section  
3 380.06, Florida Statutes, are amended and a new paragraph (i)  
4 is added to subsection (24) of that section, to read:

5           380.06 Developments of regional impact.--

6           (12) REGIONAL REPORTS.--

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

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

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

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

22           9.10. 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           10.11. An increase in hotel or motel facility units by  
28 5 percent or 75 units, whichever is greater.

29           11.12. An increase in a recreational vehicle park area  
30 by 5 percent or 100 vehicle spaces, whichever is less.

31

1           ~~12.13.~~ A decrease in the area set aside for open space  
2 of 5 percent or 20 acres, whichever is less.

3           ~~13.14.~~ 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           ~~14.15.~~ 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           ~~15.16.~~ 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., ~~9.10.~~, ~~13.14.~~, excluding residential uses, and 14.  
27 ~~15.~~, are increased by 100 percent for a project certified  
28 under s. 403.973 which creates jobs and meets criteria  
29 established by the Office of Tourism, Trade, and Economic  
30 Development as to its impact on an area's economy, employment,  
31 and prevailing wage and skill levels. The substantial

1 deviation numerical standards in subparagraphs 4., 6., 8. ~~9.~~,  
2 9. ~~10.~~, 10. ~~11.~~, and 13. ~~14.~~ are increased by 50 percent for a  
3 project located wholly within an urban infill and  
4 redevelopment area designated on the applicable adopted local  
5 comprehensive plan future land use map and not located within  
6 the coastal high hazard area.

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

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

1 to create a substantial deviation subject to further  
2 development-of-regional-impact review. The presumption may be  
3 rebutted by clear and convincing evidence at the public  
4 hearing held by the local government.

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

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

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 (24) STATUTORY EXEMPTIONS.--

14 (i) Any proposal to increase development at a  
15 waterport is exempt from the provisions of this section,  
16 unless such proposed development is located within a county  
17 identified in s. 370.12(2)(f). Such county shall be exempt  
18 after a manatee protection plan has been adopted by the county  
19 and submitted for approval to the Fish and Wildlife  
20 Conservation Commission, or on October 1, 2002, whichever is  
21 earlier.

22 Section 29. Paragraphs (d) and (f) of subsection (3)  
23 of section 380.0651, Florida Statutes, are amended to read:

24 380.0651 Statewide guidelines and standards.--

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

29 (d) Office development.--Any proposed office building  
30 or park operated under common ownership, development plan, or  
31 management that:

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

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

4           2.3. Encompasses more than 600,000 square feet of  
5 gross floor area in a county with a population greater than  
6 500,000 and only in a geographic area specifically designated  
7 as highly suitable for increased threshold intensity in the  
8 approved local comprehensive plan and in the strategic  
9 regional policy plan.

10           (f) Retail and service development.--Any proposed  
11 retail, service, or wholesale business establishment or group  
12 of establishments which deals primarily with the general  
13 public onsite, operated under one common property ownership,  
14 development plan, or management that:

15           1. Encompasses more than 400,000 square feet of gross  
16 area; or

17           ~~2. Occupies more than 40 acres of land; or~~

18           2.3. Provides parking spaces for more than 2,500 cars.

19           Section 30. Requirement of interlocal service  
20 provision agreements.--

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

26           (a) Identifies the current providers of the following  
27 services; education, sanitary sewer, public safety, solid  
28 waste, drainage, potable water, parks and recreation, and  
29 transportation facilities.

30           (b) Describes the existing organization of such  
31 services and the means of financing such services and

1 designates the entities that will provide the services over  
2 the next 20 years, including any anticipated changes caused by  
3 annexation.

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

7 (d) Identifies opportunities for the joint financing  
8 of capital outlay projects.

9 (e) Identifies any areas that the municipalities plan  
10 to annex within the next 5 years and establishes a plan for  
11 service delivery within the areas to be annexed or a process  
12 for resolving service-delivery issues associated with  
13 annexation.

14 (f) Provides specific procedures for amending the  
15 interlocal agreement.

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

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

22 Section 31. The sum of \$500,000 is appropriated from  
23 the General Revenue Fund to the Department of Community  
24 Affairs for the purpose of funding the Urban Infill and  
25 Redevelopment Assistance Grant Program established under  
26 section 163.2523, Florida Statutes, during the 2001-2002  
27 fiscal year.

28 Section 32. The Legislature finds that the integration  
29 of the growth-management system and the planning of public  
30 educational facilities is a matter of great public importance.

31

1           Section 33. (1) The Legislative Committee on  
2 Intergovernmental Relations is directed to conduct a study of  
3 the existing bonding capacity of counties, municipalities, and  
4 school boards. The study shall include, but is not limited to:  
5 possible methods of strengthening their credit ratings and  
6 interest rates; feasibility of increasing their borrowing  
7 capacity to the extent of their authorized millage or revenue;  
8 and more flexible use of bond proceeds, especially for small  
9 municipalities and counties.

10           (2) The Legislative Committee on Intergovernmental  
11 Relations is required to report its findings and  
12 recommendations to the Governor and Legislature by January 1,  
13 2002. The recommendations must specifically include proposed  
14 legislation, if applicable, for additional county,  
15 municipality, and school board bonding capacity.

16           Section 34. Notwithstanding, any law to the contrary,  
17 a multi-county airport authority created as an independent  
18 special district may not amend its  
19 development-of-regional-impact development order or commence  
20 development of airport infrastructure improvements authorized  
21 by such development order until after full compliance with  
22 development order commitments to acquire property from or  
23 otherwise mitigate property owners adversely affected by such  
24 development.

25           Section 35. (1) This act does not abridge or modify  
26 any vested or other right or any duty or obligation pursuant  
27 to any development order or agreement which is applicable to a  
28 development of regional impact on the effective date of this  
29 act. A marina that has received a  
30 development-of-regional-impact development order pursuant to  
31 section 380.06, Florida Statutes, but is no longer required to

1 undergo development-of-regional-impact review by operation of  
2 this act, shall be governed by the following procedures:

3 (a) The development shall continue to be governed by  
4 the development-of-regional-impact development order, and may  
5 be completed in reliance upon and pursuant to the development  
6 order. The development-of-regional-impact development order  
7 may be enforced by the local government as provided by  
8 sections 380.06(17) and 380.11, Florida Statutes.

9 (b) If requested by the developer or landowner, the  
10 development-of-regional-impact development order may be  
11 amended or rescinded by the local government consistent with  
12 the local comprehensive plan and land development regulations,  
13 and pursuant to the local government procedures governing  
14 local development orders.

15 (2) A marina with an application for development  
16 approval pending on the effective date of this act or a  
17 notification of proposed change pending on the effective date  
18 of this act may elect to continue such review pursuant to  
19 section 380.06, Florida Statutes. At the conclusion of the  
20 pending review, including any appeals pursuant to section  
21 380.07, Florida Statutes, the resulting development order  
22 shall be governed by the provisions of subsection (1).

23 Section 36. Except as otherwise expressly provided in  
24 this act, this act shall take effect upon becoming a law.  
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31



1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 CS for CS for 310 and 380

4 This committee substitute does the following:

- 5 - Provides for appointments of school board members to  
6 Regional Planning Council(RPC).  
7 - Adds acquisition to the purposes for which the district  
8 school tax authorized by s. 236.25 may be used.  
9 - Amends s. 236.25, F.S., related to district school tax,  
10 to allow additional millage to be levied, by referendum,  
11 for school operational purposes up to an amount that,  
12 when combined with nonvoted millage, does not exceed 10  
13 mils.  
14 - Restores language that local governments within counties  
15 not captured by population threshold must adopt  
16 educational facilities element by January 1, 2007.  
17 - Provides sanctions if local governments fail to meet  
18 educational element, interlocal agreement and school  
19 board fails to adopt school facilities plan. Requires  
20 mediation if impasse on the negotiation of the  
21 negotiation of the interlocal agreement.  
22 - Deletes section 14 of the bill which granted cities and  
23 counties the ability to bond a greater percentage of  
24 their revenue-sharing proceeds.  
25 - Deletes section 29 of the bill which created the School  
26 District Guaranty Program to provide optional state and  
27 local backing of certificates of participation.  
28 - Requires the Legislative Committee on Intergovernmental  
29 Relations to conduct a study of existing bonding  
30 capacities of counties, municipalities, and school  
31 boards. Report due to the Governor and Legislature by  
January 1, 2002.  
- Prohibits a multi-county airport authority created as an  
independent special district from amending its  
development of regional impact development order or  
commencing development order until after full compliance  
with commitments to acquire property from or otherwise  
mitigate property owners adversely affected by such  
development.  
- Exempts certain marinas from Development of Regional  
Impact review.  
- Eliminates the authority for certain municipalities to  
impose an infrastructure surtax.