

750-134AX-22

Bill No. CS/HB 1535, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Bennett offered the following:

**Amendment (with title amendment)**

On page 70, between lines 10 and 11, of the bill

insert:

Section 32. Subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.--

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if

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1 approved, increase residential density on the property that is  
2 the subject of the application. However, this subsection does  
3 not prevent the governing body of the local government from  
4 granting voting status to the school board member.The  
5 governing body may designate itself as the local planning  
6 agency pursuant to this subsection with the addition of a  
7 nonvoting school board representative. The governing body  
8 shall notify the state land planning agency of the  
9 establishment of its local planning agency. All local planning  
10 agencies shall provide opportunities for involvement by  
11 ~~district school boards and~~ applicable community college  
12 boards, which may be accomplished by formal representation,  
13 membership on technical advisory committees, or other  
14 appropriate means. The local planning agency shall prepare the  
15 comprehensive plan or plan amendment after hearings to be held  
16 after public notice and shall make recommendations to the  
17 governing body regarding the adoption or amendment of the  
18 plan. The agency may be a local planning commission, the  
19 planning department of the local government, or other  
20 instrumentality, including a countywide planning entity  
21 established by special act or a council of local government  
22 officials created pursuant to s. 163.02, provided the  
23 composition of the council is fairly representative of all the  
24 governing bodies in the county or planning area; however:  
25 (a) If a joint planning entity is in existence on the  
26 effective date of this act which authorizes the governing  
27 bodies to adopt and enforce a land use plan effective  
28 throughout the joint planning area, that entity shall be the  
29 agency for those local governments until such time as the  
30 authority of the joint planning entity is modified by law.  
31 (b) In the case of chartered counties, the planning

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1 responsibility between the county and the several  
2 municipalities therein shall be as stipulated in the charter.

3 Section 33. Section 163.31776, Florida Statutes, is  
4 created to read:

5 163.31776 Public schools interlocal agreement.--

6 (1)(a) The county and municipalities located within  
7 the geographic area of a school district shall enter into an  
8 interlocal agreement with the district school board which  
9 jointly establishes the specific ways in which the plans and  
10 processes of the district school board and the local  
11 governments are to be coordinated. The interlocal agreements  
12 shall be submitted to the state land planning agency and the  
13 Office of Educational Facilities and the SMART Schools  
14 Clearinghouse in accordance with a schedule published by the  
15 state land planning agency.

16 (b) The schedule must establish staggered due dates  
17 for submission of interlocal agreements that are executed by  
18 both the local government and the district school board,  
19 commencing on March 1, 2003, and concluding by December 1,  
20 2004, and must set the same date for all governmental entities  
21 within a school district. The schedule must begin with those  
22 areas where both the number of districtwide capital-outlay  
23 full-time-equivalent students equals 80 percent or more of the  
24 current year's school capacity and the projected 5-year  
25 student growth is 1,000 or greater, or where the projected  
26 5-year student growth rate is 10 percent or greater.

27 (c) If the student population has declined over the  
28 5-year period preceding the due date for submittal of an  
29 interlocal agreement by the local government and the district  
30 school board, the local government and the district school  
31 board may petition the state land planning agency for a waiver

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1 of one or more requirements of subsection (2). The waiver must  
2 be granted if the procedures called for in subsection (2) are  
3 unnecessary because of the school district's declining school  
4 age population, considering the district's 5-year facilities  
5 work program prepared pursuant to s. 235.185. The state land  
6 planning agency may modify or revoke the waiver upon a finding  
7 that the conditions upon which the waiver was granted no  
8 longer exist. The district school board and local governments  
9 must submit an interlocal agreement within 1 year after  
10 notification by the state land planning agency that the  
11 conditions for a waiver no longer exist.

12 (d) Interlocal agreements between local governments  
13 and district school boards adopted pursuant to s. 163.3177  
14 before the effective date of this section must be updated and  
15 executed pursuant to the requirements of this section, if  
16 necessary. Amendments to interlocal agreements adopted  
17 pursuant to this section must be submitted to the state land  
18 planning agency within 30 days after execution by the parties  
19 for review consistent with this section. Local governments and  
20 the district school board in each school district are  
21 encouraged to adopt a single interlocal agreement in which all  
22 join as parties. The state land planning agency shall assemble  
23 and make available model interlocal agreements meeting the  
24 requirements of this section and notify local governments and,  
25 jointly with the Department of Education, the district school  
26 boards of the requirements of this section, the dates for  
27 compliance, and the sanctions for noncompliance. The state  
28 land planning agency shall be available to informally review  
29 proposed interlocal agreements. If the state land planning  
30 agency has not received a proposed interlocal agreement for  
31 informal review, the state land planning agency shall, at

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1 least 60 days before the deadline for submission of the  
2 executed agreement, renotify the local government and the  
3 district school board of the upcoming deadline and the  
4 potential for sanctions.

5 (2) At a minimum, the interlocal agreement must  
6 address the following issues:

7 (a) A process by which each local government and the  
8 district school board agree and base their plans on consistent  
9 projections of the amount, type, and distribution of  
10 population growth and student enrollment. The geographic  
11 distribution of jurisdictionwide growth forecasts is a major  
12 objective of the process.

13 (b) A process to coordinate and share information  
14 relating to existing and planned public school facilities,  
15 including school renovations and closures, and local  
16 government plans for development and redevelopment.

17 (c) Participation by affected local governments with  
18 the district school board in the process of evaluating  
19 potential school closures, significant renovations to existing  
20 schools, and new school site selection before land  
21 acquisition. Local governments shall advise the district  
22 school board as to the consistency of the proposed closure,  
23 renovation, or new site with the local comprehensive plan,  
24 including appropriate circumstances and criteria under which a  
25 district school board may request an amendment to the  
26 comprehensive plan for school siting.

27 (d) A process for determining the need for and timing  
28 of onsite and offsite improvements to support new  
29 construction, proposed expansion, or redevelopment of existing  
30 schools. The process must address identification of the party  
31 or parties responsible for the improvements.

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1           (e) A process for the school board to inform the local  
2 government regarding school capacity. The capacity reporting  
3 must be consistent with laws and rules relating to measurement  
4 of school facility capacity and must also identify how the  
5 district school board will meet the public school demand based  
6 on the facilities work program adopted pursuant to s. 235.185.

7           (f) Participation of the local governments in the  
8 preparation of the annual update to the district school  
9 board's 5-year district facilities work program and  
10 educational plant survey prepared pursuant to s. 235.185.

11           (g) A process for determining where and how joint use  
12 of either school board or local government facilities can be  
13 shared for mutual benefit and efficiency.

14           (h) A procedure for the resolution of disputes between  
15 the district school board and local governments, which may  
16 include the dispute-resolution processes contained in chapters  
17 164 and 186.

18           (i) An oversight process, including an opportunity for  
19 public participation, for the implementation of the interlocal  
20 agreement.

21  
22 A signatory to the interlocal agreement may elect not to  
23 include a provision meeting the requirements of paragraph (e);  
24 however, such a decision may be made only after a public  
25 hearing on such election, which may include the public hearing  
26 in which a district school board or a local government adopts  
27 the interlocal agreement. An interlocal agreement entered  
28 into pursuant to this section must be consistent with the  
29 adopted comprehensive plan and land development regulations of  
30 any local government that is a signatory.

31           (3)(a) The Office of Educational Facilities and SMART

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1 Schools Clearinghouse shall submit any comments or concerns  
2 regarding the executed interlocal agreement to the state land  
3 planning agency within 30 days after receipt of the executed  
4 interlocal agreement. The state land planning agency shall  
5 review the executed interlocal agreement to determine whether  
6 the agreement is consistent with the requirements of  
7 subsection (2), the adopted local government comprehensive  
8 plan, and other requirements of law. Within 60 days after  
9 receipt of an executed interlocal agreement, the state land  
10 planning agency shall publish a notice of intent in the  
11 Florida Administrative Weekly and shall post a copy of the  
12 notice on the agency's Internet site. The notice of intent  
13 must state whether the interlocal agreement is consistent or  
14 inconsistent with the requirements of subsection (2) and this  
15 subsection, as appropriate.

16 (b) The state land planning agency's notice is subject  
17 to challenge under chapter 120; however, an affected person,  
18 as defined in s. 163.3184(1)(a), has standing to initiate the  
19 administrative proceeding and this proceeding is the sole  
20 means available to challenge the consistency of an interlocal  
21 agreement required by this section with the criteria contained  
22 in subsection (2) and this subsection. In order to have  
23 standing, each person must have submitted oral or written  
24 comments, recommendations, or objections to the local  
25 government or the school board before the adoption of the  
26 interlocal agreement by the school board and local government.  
27 The district school board and local governments are parties to  
28 any such proceeding. In such proceeding, when the state land  
29 planning agency finds the interlocal agreement to be  
30 consistent with the criteria in subsection (2) and this  
31 subsection, the interlocal agreement shall be determined to be

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1 consistent with subsection (2) and this subsection if the  
2 local government's and school board's determination of  
3 consistency is fairly debatable. When the state planning  
4 agency finds the interlocal agreement to be inconsistent with  
5 the requirements of subsection (2) and this subsection, the  
6 local government's and school board's determination of  
7 consistency shall be sustained unless it is shown by a  
8 preponderance of the evidence that the interlocal agreement is  
9 inconsistent.

10 (c) If the state land planning agency enters a final  
11 order that finds that the interlocal agreement is inconsistent  
12 with the requirements of subsection (2) or this subsection,  
13 the state land planning agency shall forward the agreement to  
14 the Administration Commission, which may impose sanctions  
15 against the local government pursuant to s. 163.3184(11) and  
16 may impose sanctions against the district school board by  
17 directing the Department of Education to withhold from the  
18 district school board an equivalent amount of funds for school  
19 construction available pursuant to s. 235.187, s. 235.216, s.  
20 235.2195, or s. 235.42.

21 (4) If an executed interlocal agreement is not timely  
22 submitted to the state land planning agency for review, the  
23 state land planning agency shall, within 15 working days after  
24 the deadline for submittal, issue to the local government and  
25 the district school board a notice to show cause why sanctions  
26 should not be imposed for failure to submit an executed  
27 interlocal agreement by the deadline established by the  
28 agency. The agency shall forward the notice and the responses  
29 to the Administration Commission, which may enter a final  
30 order citing the failure to comply and imposing sanctions  
31 against the local government and district school board by



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1 directing the appropriate agencies to withhold at least 5  
2 percent of state funds pursuant to s. 163.3184(11) and by  
3 directing the Department of Education to withhold from the  
4 district school board at least 5 percent of funds for school  
5 construction available pursuant to s. 235.187, s. 235.216, s.  
6 235.2195, or s. 235.42.

7 (5) Any local government transmitting a public school  
8 element to implement school concurrency pursuant to the  
9 requirements of s. 163.3180 before the effective date of this  
10 section is not required to amend the element or any interlocal  
11 agreement to conform with the provisions of this section if  
12 the element is adopted prior to or within 1 year after the  
13 effective date of this section and remains in effect.

14 (6) Except as provided in subsection (7),  
15 municipalities having no established need for a new school  
16 facility and meeting the following criteria are exempt from  
17 the requirements of subsections (1), (2), and (3):

18 (a) The municipality has no public schools located  
19 within its boundaries.

20 (b) The district school board's 5-year facilities work  
21 program and the long-term 10-year and 20-year work programs,  
22 as provided in s. 235.185, demonstrate that no new school  
23 facility is needed in the municipality. In addition, the  
24 district school board must verify in writing that no new  
25 school facility will be needed in the municipality within the  
26 5-year and 10-year timeframes.

27 (7) At the time of the evaluation and appraisal  
28 report, each exempt municipality shall assess the extent to  
29 which it continues to meet the criteria for exemption under  
30 subsection (6). If the municipality continues to meet these  
31 criteria and the district school board verifies in writing

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1 that no new school facilities will be needed within the 5-year  
 2 and 10-year timeframes, the municipality shall continue to be  
 3 exempt from the interlocal-agreement requirement. Each  
 4 municipality exempt under subsection (6) must comply with the  
 5 provisions of this section within 1 year after the district  
 6 school board proposes, in its 5-year district facilities work  
 7 program, a new school within the municipality's jurisdiction.

8 Section 34. Subsections (1), (2), and (3) of section  
 9 235.19, Florida Statutes, are amended to read:

10 235.19 Site planning and selection.--

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

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

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

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

22 Section 35. Section 235.193, Florida Statutes, is  
23 amended to read:

24 235.193 Coordination of planning with local governing  
25 bodies.--

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

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1 planning shall include the integration of the educational  
2 plant survey and applicable policies and procedures of a board  
3 with the local comprehensive plan and land development  
4 regulations of local governing bodies. The planning must  
5 include the consideration of allowing students to attend the  
6 school located nearest their homes when a new housing  
7 development is constructed near a county boundary and it is  
8 more feasible to transport the students a short distance to an  
9 existing facility in an adjacent county than to construct a  
10 new facility or transport students longer distances in their  
11 county of residence. The planning must also consider the  
12 effects of the location of public education facilities,  
13 including the feasibility of keeping central city facilities  
14 viable, in order to encourage central city redevelopment and  
15 the efficient use of infrastructure and to discourage  
16 uncontrolled urban sprawl. In addition, all parties to the  
17 planning process must consult with state and local road  
18 departments to assist in implementing the Safe Paths to  
19 Schools program administered by the Department of  
20 Transportation.

21 (2)(a) The school board, county, and nonexempt  
22 municipalities located within the geographic area of a school  
23 district shall enter into an interlocal agreement that jointly  
24 establishes the specific ways in which the plans and processes  
25 of the district school board and the local governments are to  
26 be coordinated. The interlocal agreements shall be submitted  
27 to the state land planning agency and the Office of  
28 Educational Facilities and the SMART Schools Clearinghouse in  
29 accordance with a schedule published by the state land  
30 planning agency.

31 (b) The schedule must establish staggered due dates

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1 for submission of interlocal agreements that are executed by  
2 both the local government and the district school board,  
3 commencing on March 1, 2003, and concluding by December 1,  
4 2004, and must set the same date for all governmental entities  
5 within a school district. The schedule must begin with those  
6 areas where both the number of districtwide capital-outlay  
7 full-time-equivalent students equals 80 percent or more of the  
8 current year's school capacity and the projected 5-year  
9 student growth is 1,000 or greater, or where the projected  
10 5-year student growth rate is 10 percent or greater.

11 (c) If the student population has declined over the  
12 5-year period preceding the due date for submittal of an  
13 interlocal agreement by the local government and the district  
14 school board, the local government and the district school  
15 board may petition the state land planning agency for a waiver  
16 of one or more of the requirements of subsection (3). The  
17 waiver must be granted if the procedures called for in  
18 subsection (3) are unnecessary because of the school  
19 district's declining school-age population, considering the  
20 district's 5-year facilities work program prepared pursuant to  
21 s. 235.185. The state land planning agency may modify or  
22 revoke the waiver upon a finding that the conditions upon  
23 which the waiver was granted no longer exist. The district  
24 school board and local governments must submit an interlocal  
25 agreement within 1 year after notification by the state land  
26 planning agency that the conditions for a waiver no longer  
27 exist.

28 (d) Interlocal agreements between local governments  
29 and district school boards adopted pursuant to s. 163.3177  
30 before the effective date of this subsection and subsections  
31 (3)-(8) must be updated and executed pursuant to the

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1 requirements of this subsection and subsections (3)-(8), if  
2 necessary. Amendments to interlocal agreements adopted  
3 pursuant to this subsection and subsections (3)-(8) must be  
4 submitted to the state land planning agency within 30 days  
5 after execution by the parties for review consistent with  
6 subsections (3) and (4). Local governments and the district  
7 school board in each school district are encouraged to adopt a  
8 single interlocal agreement in which all join as parties. The  
9 state land planning agency shall assemble and make available  
10 model interlocal agreements meeting the requirements of this  
11 subsection and subsections (3)-(8) and shall notify local  
12 governments and, jointly with the Department of Education, the  
13 district school boards of the requirements of this subsection  
14 and subsections (3)-(8), the dates for compliance, and the  
15 sanctions for noncompliance. The state land planning agency  
16 shall be available to informally review proposed interlocal  
17 agreements. If the state land planning agency has not received  
18 a proposed interlocal agreement for informal review, the state  
19 land planning agency shall, at least 60 days before the  
20 deadline for submission of the executed agreement, renotify  
21 the local government and the district school board of the  
22 upcoming deadline and the potential for sanctions.

23 (3) At a minimum, the interlocal agreement must  
24 address the following issues:

25 (a) A process by which each local government and the  
26 district school board agree and base their plans on consistent  
27 projections of the amount, type, and distribution of  
28 population growth and student enrollment. The geographic  
29 distribution of jurisdictionwide growth forecasts is a major  
30 objective of the process.

31 (b) A process to coordinate and share information

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1 relating to existing and planned public school facilities,  
2 including school renovations and closures, and local  
3 government plans for development and redevelopment.

4 (c) Participation by affected local governments with  
5 the district school board in the process of evaluating  
6 potential school closures, significant renovations to existing  
7 schools, and new school site selection before land  
8 acquisition. Local governments shall advise the district  
9 school board as to the consistency of the proposed closure,  
10 renovation, or new site with the local comprehensive plan,  
11 including appropriate circumstances and criteria under which a  
12 district school board may request an amendment to the  
13 comprehensive plan for school siting.

14 (d) A process for determining the need for and timing  
15 of onsite and offsite improvements to support new  
16 construction, proposed expansion, or redevelopment of existing  
17 schools. The process shall address identification of the party  
18 or parties responsible for the improvements.

19 (e) A process for the school board to inform the local  
20 government regarding school capacity. The capacity reporting  
21 must be consistent with laws and rules regarding measurement  
22 of school facility capacity and must also identify how the  
23 district school board will meet the public school demand based  
24 on the facilities work program adopted pursuant to s. 235.185.

25 (f) Participation of the local governments in the  
26 preparation of the annual update to the school board's 5-year  
27 district facilities work program and educational plant survey  
28 prepared pursuant to s. 235.185.

29 (g) A process for determining where and how joint use  
30 of either school board or local government facilities can be  
31 shared for mutual benefit and efficiency.

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1           (h) A procedure for the resolution of disputes between  
2 the district school board and local governments, which may  
3 include the dispute-resolution processes contained in chapters  
4 164 and 186.

5           (i) An oversight process, including an opportunity for  
6 public participation, for the implementation of the interlocal  
7 agreement.

8  
9 A signatory to the interlocal agreement may elect not to  
10 include a provision meeting the requirements of paragraph (e);  
11 however, such a decision may be made only after a public  
12 hearing on such election, which may include the public hearing  
13 in which a district school board or a local government adopts  
14 the interlocal agreement. An interlocal agreement entered  
15 into pursuant to this section must be consistent with the  
16 adopted comprehensive plan and land development regulations of  
17 any local government that is a signatory.

18           (4)(a) The Office of Educational Facilities and SMART  
19 Schools Clearinghouse shall submit any comments or concerns  
20 regarding the executed interlocal agreement to the state land  
21 planning agency within 30 days after receipt of the executed  
22 interlocal agreement. The state land planning agency shall  
23 review the executed interlocal agreement to determine whether  
24 the agreement is consistent with the requirements of  
25 subsection (3), the adopted local government comprehensive  
26 plan, and other requirements of law. Within 60 days after  
27 receipt of an executed interlocal agreement, the state land  
28 planning agency shall publish a notice of intent in the  
29 Florida Administrative Weekly and shall post a copy of the  
30 notice on the agency's Internet site. The notice of intent  
31 must state that the interlocal agreement is consistent or



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1 inconsistent with the requirements of subsection (3) and this  
2 subsection as appropriate.

3 (b) The state land planning agency's notice is subject  
4 to challenge under chapter 120; however, an affected person,  
5 as defined in s. 163.3184(1)(a), has standing to initiate the  
6 administrative proceeding and this proceeding is the sole  
7 means available to challenge the consistency of an interlocal  
8 agreement required by this section with the criteria contained  
9 in subsection (3) and this subsection. In order to have  
10 standing, each person must have submitted oral or written  
11 comments, recommendations, or objections to the local  
12 government or the school board before the adoption of the  
13 interlocal agreement by the district school board and local  
14 government. The district school board and local governments  
15 are parties to any such proceeding. In such proceeding, when  
16 the state land planning agency finds the interlocal agreement  
17 to be consistent with the criteria in subsection (3) and this  
18 subsection, the interlocal agreement must be determined to be  
19 consistent with subsection (3) and this subsection if the  
20 local government's and school board's determination of  
21 consistency is fairly debatable. When the state land planning  
22 agency finds the interlocal agreement to be inconsistent with  
23 the requirements of subsection (3) and this subsection, the  
24 local government's and school board's determination of  
25 consistency shall be sustained unless it is shown by a  
26 preponderance of the evidence that the interlocal agreement is  
27 inconsistent.

28 (c) If the state land planning agency enters a final  
29 order that finds that the interlocal agreement is inconsistent  
30 with the requirements of subsection (3) or this subsection,  
31 the state land planning agency shall forward it to the

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1 Administration Commission, which may impose sanctions against  
2 the local government pursuant to s. 163.3184(11) and may  
3 impose sanctions against the district school board by  
4 directing the Department of Education to withhold an  
5 equivalent amount of funds for school construction available  
6 pursuant to s. 235.187, s. 235.216, s. 235.2195, or s. 235.42.

7 (5) If an executed interlocal agreement is not timely  
8 submitted to the state land planning agency for review, the  
9 state land planning agency shall, within 15 working days after  
10 the deadline for submittal, issue to the local government and  
11 the district school board a notice to show cause why sanctions  
12 should not be imposed for failure to submit an executed  
13 interlocal agreement by the deadline established by the  
14 agency. The agency shall forward the notice and the responses  
15 to the Administration Commission, which may enter a final  
16 order citing the failure to comply and imposing sanctions  
17 against the local government and district school board by  
18 directing the appropriate agencies to withhold at least 5  
19 percent of state funds pursuant to s. 163.3184(11) and by  
20 directing the Department of Education to withhold from the  
21 district school board at least 5 percent of funds for school  
22 construction available pursuant to s. 235.187, s. 235.216, s.  
23 235.2195, or s. 235.42.

24 (6) Any local government transmitting a public school  
25 element to implement school concurrency pursuant to the  
26 requirements of s. 163.3180 before the effective date of this  
27 section is not required to amend the element or any interlocal  
28 agreement to conform with the provisions of subsections  
29 (2)-(5), this subsection, and subsections (7) and (8) if the  
30 element is adopted prior to or within 1 year after the  
31 effective date of subsections (2)-(5), this subsection, and

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1 subsections (7) and (8) and remains in effect.

2 (7) Except as provided in subsection (8),  
3 municipalities having no established need for a new facility  
4 and meeting the following criteria are exempt from the  
5 requirements of subsections (2), (3), and (4):

6 (a) The municipality has no public schools located  
7 within its boundaries.

8 (b) The district school board's 5-year facilities work  
9 program and the long-term 10-year and 20-year work programs,  
10 as provided in s. 235.185, demonstrate that no new school  
11 facility is needed in the municipality. In addition, the  
12 district school board must verify in writing that no new  
13 school facility will be needed in the municipality within the  
14 5-year and 10-year timeframes.

15 (8) At the time of the evaluation and appraisal  
16 report, each exempt municipality shall assess the extent to  
17 which it continues to meet the criteria for exemption under  
18 subsection (7). If the municipality continues to meet these  
19 criteria and the district school board verifies in writing  
20 that no new school facilities will be needed within the 5-year  
21 and 10-year timeframes, the municipality shall continue to be  
22 exempt from the interlocal-agreement requirement. Each  
23 municipality exempt under subsection (7) must comply with the  
24 provisions of subsections (2)-(7) and this subsection within 1  
25 year after the district school board proposes, in its 5-year  
26 district facilities work program, a new school within the  
27 municipality's jurisdiction.

28 (9)(2) A school board and the local governing body  
29 must share and coordinate information related to existing and  
30 planned public school facilities; proposals for development,  
31 redevelopment, or additional development; and infrastructure

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

23 (10)(3) The location of public educational facilities  
24 shall be consistent with the comprehensive plan of the  
25 appropriate local governing body developed under part II of  
26 chapter 163 and consistent with the plan's implementing land  
27 development regulations, ~~to the extent that the regulations~~  
28 ~~are not in conflict with or the subject regulated is not~~  
29 ~~specifically addressed by this chapter or the State Uniform~~  
30 ~~Building Code, unless mutually agreed by the local government~~  
31 ~~and the board.~~

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1           ~~(11)(4)~~ To improve coordination relative to potential  
 2 educational facility sites, a board shall provide written  
 3 notice to the local government that has regulatory authority  
 4 over the use of the land consistent with an interlocal  
 5 agreement entered into pursuant to subsections (2)-(8) at  
 6 least 60 days prior to acquiring or leasing property that may  
 7 be used for a new public educational facility. The local  
 8 government, upon receipt of this notice, shall notify the  
 9 board within 45 days if the site proposed for acquisition or  
 10 lease is consistent with the land use categories and policies  
 11 of the local government's comprehensive plan. This  
 12 preliminary notice does not constitute the local government's  
 13 determination of consistency pursuant to subsection ~~(12)(5)~~.

14           ~~(12)(5)~~ As early in the design phase as feasible and  
 15 consistent with an interlocal agreement entered into pursuant  
 16 to subsections (2)-(8), but no later than 90 days before  
 17 commencing construction, the district school board shall in  
 18 writing request a determination of consistency with the local  
 19 government's comprehensive plan. ~~but at least before~~  
 20 ~~commencing construction of a new public educational facility,~~  
 21 The local governing body that regulates the use of land shall  
 22 determine, in writing within ~~45~~ 90 days after receiving the  
 23 necessary information and a school board's request for a  
 24 determination, whether a proposed public educational facility  
 25 is consistent with the local comprehensive plan and consistent  
 26 with local land development regulations, ~~to the extent that~~  
 27 ~~the regulations are not in conflict with or the subject~~  
 28 ~~regulated is not specifically addressed by this chapter or the~~  
 29 ~~State Uniform Building Code, unless mutually agreed.~~ If the  
 30 determination is affirmative, school construction may commence  
 31 ~~proceed~~ and further local government approvals are not

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1 required, except as provided in this section. Failure of the  
2 local governing body to make a determination in writing within  
3 90 days after a school board's request for a determination of  
4 consistency shall be considered an approval of the school  
5 board's application.

6 (13)~~(6)~~ A local governing body may not deny the site  
7 applicant based on adequacy of the site plan as it relates  
8 solely to the needs of the school. If the site is consistent  
9 with the comprehensive plan's ~~future~~ land use policies and  
10 categories in which public schools are identified as allowable  
11 uses, the local government may not deny the application but it  
12 may impose reasonable development standards and conditions in  
13 accordance with s. 235.34(1) and consider the site plan and  
14 its adequacy as it relates to environmental concerns, health,  
15 safety and welfare, and effects on adjacent property.  
16 Standards and conditions may not be imposed which conflict  
17 with those established in this chapter or the Florida State  
18 ~~Uniform~~ Building Code, unless mutually agreed and consistent  
19 with the interlocal agreement required by subsections (2)-(8).

20 (14)~~(7)~~ This section does not prohibit a local  
21 governing body and district school board from agreeing and  
22 establishing an alternative process for reviewing a proposed  
23 educational facility and site plan, and offsite impacts,  
24 pursuant to an interlocal agreement adopted in accordance with  
25 subsections (2)-(8).

26 (15)~~(8)~~ Existing schools shall be considered  
27 consistent with the applicable local government comprehensive  
28 plan adopted under part II of chapter 163. ~~The collocation of~~  
29 ~~a new proposed public educational facility with an existing~~  
30 ~~public educational facility, or the expansion of an existing~~  
31 ~~public educational facility is not inconsistent with the local~~

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

14 (a) The placement of temporary or portable classroom  
15 facilities; or

16 (b) Proposed renovation or construction on existing  
17 school sites, with the exception of construction that changes  
18 the primary use of a facility, includes stadiums, or results  
19 in a greater than 5 percent increase in student capacity, or  
20 as mutually agreed, pursuant to an interlocal agreement  
21 adopted in accordance with subsections (2)-(8).

22 Section 36. Nothing in sections 163.3174, 235.19, and  
23 235.193, Florida Statutes, as amended by this act, and section  
24 163.31776, Florida Statutes, as created by this act is  
25 intended to affect the outcome of any litigation pending as of  
26 the effective date of the act, including future appeals. It  
27 is further the intent of the Legislature that this act shall  
28 not serve as legal authority in support of any party to such  
29 litigation and appeals.

30 Section 37. The Legislature finds that the integration  
31 of the growth management system and the planning of public

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1 educational facilities is a matter of great public importance.

2 Section 38. Section 163.3215, Florida Statutes, is  
3 amended to read:

4 163.3215 Standing to enforce local comprehensive plans  
5 through development orders.--

6 (1) Subsections (3) and (4) provide the exclusive  
7 methods for an aggrieved or adversely affected party to appeal  
8 and challenge the consistency of a development order with a  
9 comprehensive plan adopted under this part. The local  
10 government that issues the development order is to be named as  
11 a respondent in all proceedings under this section. Subsection  
12 (3) shall not apply to development orders for which a local  
13 government has established a process consistent with the  
14 requirements of subsection (4). A local government may decide  
15 which types of development orders will proceed under  
16 subsection (4). Subsection (3) shall apply to all other  
17 development orders that are not subject to subsection (4).

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

31 (3)~~(1)~~ Any aggrieved or adversely affected party may



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1 maintain a de novo ~~an~~ action for declaratory, injunctive, or  
 2 other relief against any local government to challenge any  
 3 decision of such local government granting or denying an  
 4 application for, or to prevent such local government from  
 5 taking any action on, a development order, as defined in s.  
 6 163.3164, which materially alters the use or density or  
 7 intensity of use on a particular piece of property which ~~that~~  
 8 is not consistent with the comprehensive plan adopted under  
 9 this part. The de novo action must be filed no later than 30  
 10 days following rendition of a development order or other  
 11 written decision, or when all local administrative appeals, if  
 12 any, are exhausted, whichever occurs later.

13 ~~(2) "Aggrieved or adversely affected party" means any~~  
 14 ~~person or local government which will suffer an adverse effect~~  
 15 ~~to an interest protected or furthered by the local government~~  
 16 ~~comprehensive plan, including interests related to health and~~  
 17 ~~safety, police and fire protection service systems, densities~~  
 18 ~~or intensities of development, transportation facilities,~~  
 19 ~~health care facilities, equipment or services, or~~  
 20 ~~environmental or natural resources. The alleged adverse~~  
 21 ~~interest may be shared in common with other members of the~~  
 22 ~~community at large, but shall exceed in degree the general~~  
 23 ~~interest in community good shared by all persons.~~

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

29 ~~(b) Suit under this section shall be the sole action~~  
 30 ~~available to challenge the consistency of a development order~~  
 31 ~~with a comprehensive plan adopted under this part.~~

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1           (4) If a local government elects to adopt or has  
2 adopted an ordinance establishing, at a minimum, the  
3 requirements listed in this subsection, the sole method by  
4 which an aggrieved and adversely affected party may challenge  
5 any decision of local government granting or denying an  
6 application for a development order, as defined in s.  
7 163.3164, which materially alters the use or density or  
8 intensity of use on a particular piece of property, on the  
9 basis that it is not consistent with the comprehensive plan  
10 adopted under this part, is by an appeal filed by a petition  
11 for writ of certiorari filed in circuit court no later than 30  
12 days following rendition of a development order or other  
13 written decision of the local government, or when all local  
14 administrative appeals, if any, are exhausted, whichever  
15 occurs later. An action for injunctive or other relief may be  
16 joined with the petition for certiorari. Principles of  
17 judicial or administrative res judicata and collateral  
18 estoppel apply to these proceedings. Minimum components of the  
19 local process are as follows:

20           (a) The local process must make provision for notice  
21 of an application for a development order that materially  
22 alters the use or density or intensity of use on a particular  
23 piece of property, including notice by publication or mailed  
24 notice consistent with the provisions of s. 166.041(3)(c)2.b.  
25 and c. and s. 125.66(4)(b)2. and 3., and must require  
26 prominent posting at the job site. The notice must be given  
27 within 10 days after the filing of an application for  
28 development order; however, notice under this subsection is  
29 not required for an application for a building permit or any  
30 other official action of local government which does not  
31 materially alter the use or density or intensity of use on a

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1 particular piece of property. The notice must clearly  
2 delineate that an aggrieved or adversely affected person has  
3 the right to request a quasi-judicial hearing before the local  
4 government for which the application is made, must explain the  
5 conditions precedent to the appeal of any development order  
6 ultimately rendered upon the application, and must specify the  
7 location where written procedures can be obtained that  
8 describe the process, including how to initiate the  
9 quasi-judicial process, the timeframes for initiating the  
10 process, and the location of the hearing. The process may  
11 include an opportunity for an alternative dispute resolution.

12 (b) The local process must provide a clear point of  
13 entry consisting of a written preliminary decision, at a time  
14 and in a manner to be established in the local ordinance, with  
15 the time to request a quasi-judicial hearing running from the  
16 issuance of the written preliminary decision; the local  
17 government, however, is not bound by the preliminary decision.  
18 A party may request a hearing to challenge or support a  
19 preliminary decision.

20 (c) The local process must provide an opportunity for  
21 participation in the process by an aggrieved or adversely  
22 affected party, allowing a reasonable time for the party to  
23 prepare and present a case for the quasi-judicial hearing.

24 (d) The local process must provide, at a minimum, an  
25 opportunity for the disclosure of witnesses and exhibits prior  
26 to hearing and an opportunity for the depositions of witnesses  
27 to be taken.

28 (e) The local process may not require that a party be  
29 represented by an attorney in order to participate in a  
30 hearing.

31 (f) The local process must provide for a

1 quasi-judicial hearing before an impartial special master who  
2 is an attorney who has at least 5 years' experience and who  
3 shall, at the conclusion of the hearing, recommend written  
4 findings of fact and conclusions of law. The special master  
5 shall have the power to swear witnesses and take their  
6 testimony under oath, to issue subpoenas and other orders  
7 regarding the conduct of the proceedings, and to compel entry  
8 upon the land. The standard of review applied by the special  
9 master in determining whether a proposed development order is  
10 consistent with the comprehensive plan shall be strict  
11 scrutiny in accordance with Florida law.

12 (g) At the quasi-judicial hearing, all parties must  
13 have the opportunity to respond, to present evidence and  
14 argument on all issues involved which are related to the  
15 development order, and to conduct cross-examination and submit  
16 rebuttal evidence. Public testimony must be allowed.

17 (h) The local process must provide for a duly noticed  
18 public hearing before the local government at which public  
19 testimony is allowed. At the quasi-judicial hearing, the local  
20 government is bound by the special master's findings of fact  
21 unless the findings of fact are not supported by competent  
22 substantial evidence. The governing body may modify the  
23 conclusions of law if it finds that the special master's  
24 application or interpretation of law is erroneous. The  
25 governing body may make reasonable legal interpretations of  
26 its comprehensive plan and land development regulations  
27 without regard to whether the special master's interpretation  
28 is labeled as a finding of fact or a conclusion of law. The  
29 local government's final decision must be reduced to writing,  
30 including the findings of fact and conclusions of law, and is  
31 not considered rendered or final until officially date-stamped

1 by the city or county clerk.

2 (i) An ex parte communication relating to the merits  
3 of the matter under review may not be made to the special  
4 master. An ex parte communication relating to the merits of  
5 the matter under review may not be made to the governing body  
6 after a time to be established by the local ordinance, which  
7 time must be no later than receipt of the special master's  
8 recommended order by the governing body.

9 (j) At the option of the local government, the process  
10 may require actions to challenge the consistency of a  
11 development order with land development regulations to be  
12 brought in the same proceeding.

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

30 (5) Venue in any cases brought under this section  
31 shall lie in the county or counties where the actions or

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1 inactions giving rise to the cause of action are alleged to  
2 have occurred.

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

18 (7) In any proceeding ~~action~~ under subsection (3) or  
19 subsection (4) ~~this section~~, no settlement shall be entered  
20 into by the local government unless the terms of the  
21 settlement have been the subject of a public hearing after  
22 notice as required by this part.

23 (8) In any proceeding ~~suit~~ under subsection (3) or  
24 subsection (4) ~~this section~~, the Department of Legal Affairs  
25 may intervene to represent the interests of the state.

26 (9) Neither subsection (3) nor subsection (4) relieves  
27 the local government of its obligations to hold public  
28 hearings as required by law.

29 Section 39. Subsection (6) is added to section  
30 163.3194, Florida Statutes to read:

31 163.3194 Legal status of comprehensive plan.--

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1           (1)(a) After a comprehensive plan, or element or  
2 portion thereof, has been adopted in conformity with this act,  
3 all development undertaken by, and all actions taken in regard  
4 to development orders by, governmental agencies in regard to  
5 land covered by such plan or element shall be consistent with  
6 such plan or element as adopted.

7           (b) All land development regulations enacted or  
8 amended shall be consistent with the adopted comprehensive  
9 plan, or element or portion thereof, and any land development  
10 regulations existing at the time of adoption which are not  
11 consistent with the adopted comprehensive plan, or element or  
12 portion thereof, shall be amended so as to be consistent. If  
13 a local government allows an existing land development  
14 regulation which is inconsistent with the most recently  
15 adopted comprehensive plan, or element or portion thereof, to  
16 remain in effect, the local government shall adopt a schedule  
17 for bringing the land development regulation into conformity  
18 with the provisions of the most recently adopted comprehensive  
19 plan, or element or portion thereof. During the interim  
20 period when the provisions of the most recently adopted  
21 comprehensive plan, or element or portion thereof, and the  
22 land development regulations are inconsistent, the provisions  
23 of the most recently adopted comprehensive plan, or element or  
24 portion thereof, shall govern any action taken in regard to an  
25 application for a development order.

26           (2) After a comprehensive plan for the area, or  
27 element or portion thereof, is adopted by the governing body,  
28 no land development regulation, land development code, or  
29 amendment thereto shall be adopted by the governing body until  
30 such regulation, code, or amendment has been referred either  
31 to the local planning agency or to a separate land development

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1 regulation commission created pursuant to local ordinance, or  
2 to both, for review and recommendation as to the relationship  
3 of such proposal to the adopted comprehensive plan, or element  
4 or portion thereof. Said recommendation shall be made within a  
5 reasonable time, but no later than within 2 months after the  
6 time of reference. If a recommendation is not made within the  
7 time provided, then the governing body may act on the  
8 adoption.

9 (3)(a) A development order or land development  
10 regulation shall be consistent with the comprehensive plan if  
11 the land uses, densities or intensities, and other aspects of  
12 development permitted by such order or regulation are  
13 compatible with and further the objectives, policies, land  
14 uses, and densities or intensities in the comprehensive plan  
15 and if it meets all other criteria enumerated by the local  
16 government.

17 (b) A development approved or undertaken by a local  
18 government shall be consistent with the comprehensive plan if  
19 the land uses, densities or intensities, capacity or size,  
20 timing, and other aspects of the development are compatible  
21 with and further the objectives, policies, land uses, and  
22 densities or intensities in the comprehensive plan and if it  
23 meets all other criteria enumerated by the local government.

24 (4)(a) A court, in reviewing local governmental action  
25 or development regulations under this act, may consider, among  
26 other things, the reasonableness of the comprehensive plan, or  
27 element or elements thereof, relating to the issue justiciably  
28 raised or the appropriateness and completeness of the  
29 comprehensive plan, or element or elements thereof, in  
30 relation to the governmental action or development regulation  
31 under consideration. The court may consider the relationship



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1 of the comprehensive plan, or element or elements thereof, to  
2 the governmental action taken or the development regulation  
3 involved in litigation, but private property shall not be  
4 taken without due process of law and the payment of just  
5 compensation.

6 (b) It is the intent of this act that the  
7 comprehensive plan set general guidelines and principles  
8 concerning its purposes and contents and that this act shall  
9 be construed broadly to accomplish its stated purposes and  
10 objectives.

11 (5) The tax-exempt status of lands classified as  
12 agricultural under s. 193.461 shall not be affected by any  
13 comprehensive plan adopted under this act as long as the land  
14 meets the criteria set forth in s. 193.461.

15 (6) If a proposed solid waste management facility is  
16 permitted by the Department of Environmental Protection to  
17 receive materials from the construction or demolition of a  
18 road or other transportation facility, a local government may  
19 not deny an application for a development approval for a  
20 requested land use that would accommodate such a facility,  
21 provided the local government previously approved a land use  
22 classification change to a local comprehensive plan or  
23 approved a rezoning to a category allowing such land use on  
24 the parcel, and the requested land use was disclosed during  
25 the previous comprehensive plan or rezoning hearing as being  
26 an express purpose of the land use changes.

27  
28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 5, line 7 after the semicolon,

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1 insert:  
2 amending s. 163.3174, F.S.; requiring that the  
3 membership of all local planning agencies or  
4 equivalent agencies that review comprehensive  
5 plan amendments and rezonings include a  
6 nonvoting representative of the district school  
7 board; creating s. 163.31776, F.S.; requiring  
8 certain local governments and school boards to  
9 enter into a public schools interlocal  
10 agreement; providing a schedule; providing for  
11 the content of the interlocal agreement;  
12 providing a waiver procedure associated with  
13 school districts having decreasing student  
14 population; providing a procedure for adoption  
15 and administrative challenge; providing  
16 sanctions for the failure to enter an  
17 interlocal agreement; amending s. 235.19, F.S.;  
18 revising certain site planning and selection  
19 criteria; amending s. 235.193, F.S.; requiring  
20 school districts to enter certain interlocal  
21 agreements with local governments; providing a  
22 schedule; providing for the content of the  
23 interlocal agreement; providing a waiver  
24 procedure associated with school districts  
25 having decreasing student population; providing  
26 a procedure for adoption and administrative  
27 challenge; providing sanctions for failure to  
28 enter an agreement; providing legislative  
29 intent as to pending litigation and associated  
30 appeals; providing a legislative finding that  
31 the act is a matter of great public importance;

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Bill No. CS/HB 1535, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

1           amending s. 163.3215, F.S.; revising the  
2           methods for challenging the consistency of a  
3           development order with a comprehensive plan;  
4           redefining the term "aggrieved or adversely  
5           affected party"; amending s. 163.3194, F.S.;  
6           providing that a local government shall not  
7           deny an application for a development approval  
8           for a requested land use for certain approved  
9           solid waste management facilities that have  
10          previously received a land use classification  
11          change allowing the requested land use on the  
12          same property;

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