

By Senator Brown-Waite

10-1503-02

See HB 753

1                                   A bill to be entitled  
2           An act relating to coordination between  
3           district school boards and local governments;  
4           amending s. 163.3177, F.S.; requiring local  
5           governments and district school boards to enter  
6           into certain interlocal agreements; creating s.  
7           163.31776, F.S.; requiring local governments  
8           and district school boards to enter into  
9           certain interlocal agreements for certain  
10          purposes; providing requirements, procedures,  
11          and criteria; requiring the state land planning  
12          agency to provide certain model agreements;  
13          specifying contents of such agreements;  
14          requiring submittal of such agreements for  
15          review by the the state land planning agency,  
16          the Office of Educational Facilities, and the  
17          SMART Schools Clearinghouse; providing for  
18          review procedures; requiring publication of  
19          certain notice; providing for administrative  
20          actions under certain circumstances; providing  
21          for consequences for failure to enter into such  
22          agreements or timely submit such agreements for  
23          review; providing exceptions; amending s.  
24          235.19, F.S.; revising certain site planning  
25          and selection criteria; amending s. 235.193,  
26          F.S.; requiring local governments and district  
27          school boards to enter into certain interlocal  
28          agreements for certain purposes; specifying  
29          contents of such agreements; requiring  
30          submittal of such agreements for review by the  
31          state land planning agency, the Office of

1 Educational Facilities, and the SMART Schools  
2 Clearinghouse; providing for review procedures;  
3 requiring publication of certain notice;  
4 providing for administrative actions under  
5 certain circumstances; providing for  
6 consequences for failure to enter into such  
7 agreements or timely submit such agreements for  
8 review; providing exceptions; providing an  
9 effective date.

10

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

12

13 Section 1. Paragraph (h) of subsection (6) of section  
14 163.3177, Florida Statutes, is amended to read:

15 163.3177 Required and optional elements of  
16 comprehensive plan; studies and surveys.--

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

20 (h)1. An intergovernmental coordination element  
21 showing relationships and stating principles and guidelines to  
22 be used in the accomplishment of coordination of the adopted  
23 comprehensive plan with the plans of school boards and other  
24 units of local government providing services but not having  
25 regulatory authority over the use of land, with the  
26 comprehensive plans of adjacent municipalities, the county,  
27 adjacent counties, or the region, and with the state  
28 comprehensive plan, as the case may require and as such  
29 adopted plans or plans in preparation may exist. This element  
30 of the local comprehensive plan shall demonstrate  
31 consideration of the particular effects of the local plan,

1 when adopted, upon the development of adjacent municipalities,  
2 the county, adjacent counties, or the region, or upon the  
3 state comprehensive plan, as the case may require.

4 a. The intergovernmental coordination element shall  
5 provide for procedures to identify and implement joint  
6 planning areas, especially for the purpose of annexation,  
7 municipal incorporation, and joint infrastructure service  
8 areas.

9 b. The intergovernmental coordination element shall  
10 provide for recognition of campus master plans prepared  
11 pursuant to s. 240.155.

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

18 2. The intergovernmental coordination element shall  
19 further state principles and guidelines to be used in the  
20 accomplishment of coordination of the adopted comprehensive  
21 plan with the plans of school boards and other units of local  
22 government providing facilities and services but not having  
23 regulatory authority over the use of land. In addition, the  
24 intergovernmental coordination element shall describe joint  
25 processes for collaborative planning and decisionmaking on  
26 population projections and public school siting, the location  
27 and extension of public facilities subject to concurrency, and  
28 siting facilities with countywide significance, including  
29 locally unwanted land uses whose nature and identity are  
30 established in an agreement. Within 1 year of adopting their  
31 intergovernmental coordination elements, each county, all the

1 municipalities within that county, ~~the district school board,~~  
2 and any unit of local government service providers in that  
3 county shall establish by interlocal or other formal agreement  
4 executed by all affected entities, the joint processes  
5 described in this subparagraph consistent with their adopted  
6 intergovernmental coordination elements. To foster  
7 intergovernmental coordination, local governments within a  
8 school district and the district school board shall enter into  
9 an interlocal agreement consistent with s. 163.31776.

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

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

25 Section 2. Section 163.31776, Florida Statutes, is  
26 created to read:

27 163.31776 Public schools interlocal agreement.--

28 (1) Each local government within a school district  
29 shall enter into an interlocal agreement with the district  
30 school board which jointly establishes the specific ways in  
31 which the plans and processes of the district school board and

1 the local government shall be coordinated. The interlocal  
2 agreements shall be submitted to the state land planning  
3 agency and the Office of Educational Facilities and the SMART  
4 Schools Clearinghouse in accordance with a schedule published  
5 by the state land planning agency. The schedule shall  
6 establish staggered due dates for submission of interlocal  
7 agreements executed by both the local government and the  
8 district school board, commencing on March 1, 2003, and  
9 concluding no later than December 1, 2004, and shall set a  
10 single date for all governmental entities within a school  
11 district. The schedule shall begin with those areas where the  
12 number of district-wide capital outlay full-time equivalent  
13 students equals 80 percent or more of the most recent current  
14 year's school capacity and the projected 5-year student growth  
15 is 1,000 or greater, or the projected 5-year student growth  
16 rate is 10 percent or greater. Interlocal agreements between  
17 local governments and district school boards adopted pursuant  
18 to s. 163.3177 prior to the effective date of this act shall  
19 be updated and executed pursuant to the requirements of this  
20 section, if necessary. Amendments to interlocal agreements  
21 adopted pursuant to this section shall be submitted to the  
22 state land planning agency, within 30 days after execution, by  
23 the parties for review consistent with this section. All local  
24 governments within a school district and the district school  
25 board are encouraged to adopt a single interlocal agreement to  
26 which all join as parties. The state land planning agency  
27 shall assemble and make available model interlocal agreements  
28 meeting the requirements of this section; notify local  
29 governments and, jointly with the Department of Education, the  
30 district school boards of the requirements of this section,  
31 the dates for compliance, and the sanctions for noncompliance;

1 and be available to informally review proposed interlocal  
2 agreements. If the state land planning agency has not received  
3 a proposed interlocal agreement for informal review, the state  
4 land planning agency shall, at least 60 days prior to the  
5 deadline for submission of the executed agreement, renotify  
6 the local government and the district school board of the  
7 upcoming deadline and the potential for sanctions.

8 (2) At a minimum, the interlocal agreement shall  
9 address the following issues:

10 (a) A process by which each local government and the  
11 district school board agree and base their plans on consistent  
12 projections of the amount, type, and distribution of  
13 population growth and student enrollment. It is the intent of  
14 the Legislature that the geographic distribution of  
15 jurisdiction-wide growth forecasts be a major objective of the  
16 process.

17 (b) A process to coordinate and share information  
18 relating to existing and planned public school facilities,  
19 including school renovations and closures, and local  
20 government plans for development and redevelopment.

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

31

1           (d) A process for determining the need for and timing  
2 of onsite and offsite improvements to support new schools or a  
3 proposed expansion or redevelopment of existing schools. The  
4 process shall address identification of the party or parties  
5 responsible for the improvements.

6           (e) Participation of the district school board in the  
7 local government comprehensive plan amendment, rezoning, and  
8 development approval processes. The interlocal agreement shall  
9 express how the district school board will report on school  
10 capacity available at the time of the projected impact on  
11 schools. Such report shall be consistent with laws and rules  
12 regarding measurement of school facility capacity. The report  
13 shall also identify how the district school board anticipates  
14 meeting the public school demand.

15           (f) Participation of the local governments in the  
16 preparation of the annual update to the district school  
17 board's 5-year district facilities work program and  
18 educational plant survey.

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

22           (h) A procedure for resolving disputes between the  
23 district school board and local governments within the school  
24 district which may include the dispute resolution processes  
25 contained in chapters 164 and 186.

26           (3) The Office of Educational Facilities and SMART  
27 Schools Clearinghouse shall submit any comments or concerns  
28 regarding the executed interlocal agreement to the state land  
29 planning agency within 30 days after receipt of the executed  
30 interlocal agreement. The state land planning agency shall  
31 review the executed interlocal agreement to determine whether

1 it is consistent with the requirements of subsection (2), the  
2 adopted local government comprehensive plan, and other  
3 requirements of law. Within 60 days after receipt of an  
4 executed interlocal agreement, the state land planning agency  
5 shall publish a notice of intent in the Florida Administrative  
6 Weekly and shall post a copy of the notice on the agency's  
7 Internet site. The notice of intent shall state that the  
8 interlocal agreement is consistent or inconsistent with the  
9 requirements of subsection (2), the adopted local government  
10 comprehensive plan, and other requirements of law. The  
11 agency's notice shall be an order subject to challenge under  
12 the provisions of chapter 120 and the procedures in such  
13 chapter shall be the sole means available to challenge the  
14 consistency of an interlocal agreement required by this  
15 section with the criteria contained in subsection (2), the  
16 adopted local government comprehensive plan, and other  
17 requirements of law. The district school board and local  
18 governments shall be parties to any such proceeding. If the  
19 department enters a final order which finds that the  
20 interlocal agreement is inconsistent with the requirements of  
21 subsection (2), the adopted local government comprehensive  
22 plan, and other requirements of law, the department shall  
23 forward the order to the Administration Commission which may  
24 impose sanctions against the local government pursuant to s.  
25 163.3184(11) and the commission may impose sanctions against  
26 the district school board by directing the Department of  
27 Education to withhold an equivalent amount of funds for school  
28 construction available pursuant to ss. 235.187, 235.216,  
29 235.2195, and 235.42.

30 (4) If an executed interlocal agreement is not timely  
31 submitted for review, the state land planning agency shall,



1 within 15 working days after the deadline for submittal, issue  
2 to the local government and the district school board a notice  
3 to show cause why sanctions should not be imposed for failure  
4 to submit an executed interlocal agreement by the deadline  
5 established by the agency. The agency shall forward the  
6 notice and the responses to the Administration Commission  
7 which may enter a final order citing the failure to comply and  
8 imposing sanctions against the local government and district  
9 school board by directing the appropriate agencies to withhold  
10 at least 5 percent of state funds pursuant to s. 163.3184(11)  
11 and by directing the Department of Education to withhold at  
12 least 5 percent of funds for school construction available  
13 pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 from  
14 the district school board.

15 (5) Any local government transmitting a public school  
16 element to implement school concurrency pursuant to the  
17 requirements of s. 163.3180 prior to the effective date of  
18 this act shall not be required to amend the element or any  
19 interlocal agreement to conform with the provisions of this  
20 section, provided that the element is adopted after the  
21 effective date of this act and remains effective.

22 (6)(a) Except as provided in paragraph (b),  
23 municipalities having no established need for a new school  
24 facility and meeting the following criteria shall be exempt  
25 from the requirements of subsections (1) and (2):

26 1. The municipality has no public school located  
27 within its boundaries.

28 2. The school district's 5-year facilities work  
29 program and the long-term 10-year and 20-year work programs,  
30 as provided in s. 235.185, demonstrate that no new school  
31 facility in the municipality is required. In addition, the

1 school board shall verify in writing that no new school  
2 facility will be required in the municipality within the  
3 5-year and 10-year timeframes.

4 (b) At the time of the evaluation and appraisal  
5 report, each exempt municipality shall assess the extent to  
6 which such municipality continues to meet the criteria in  
7 paragraph (a) for exemption. If the municipality continues to  
8 meet the criteria, and the school board verifies in writing  
9 that no new school facilities will be required in such  
10 municipality within the 5-year and 10-year timeframes, the  
11 municipality shall continue to be exempt from the interlocal  
12 agreement requirements of this section. Each municipality  
13 exempt pursuant to paragraph (a) shall comply with the  
14 provisions of subsections (1) and (2) no later than 1 year  
15 after the school board proposes, within its 5-year district  
16 facilities work program, a new school within the municipality.

17 Section 3. Subsections (2) and (3) of section 235.19,  
18 Florida Statutes, are amended to read:

19 235.19 Site planning and selection.--

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

31

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

17           Section 4. Section 235.193, Florida Statutes, is  
18 amended to read:

19           235.193 Coordination of planning with local governing  
20 bodies.--

21           (1) It is the policy of this state to require the  
22 coordination of planning between boards and local governing  
23 bodies to ensure that plans for the construction and opening  
24 of public educational facilities are facilitated and  
25 coordinated in time and place with plans for residential  
26 development, concurrently with other necessary services. Such  
27 planning shall include the integration of the educational  
28 plant survey and applicable policies and procedures of a board  
29 with the local comprehensive plan and land development  
30 regulations of local governing bodies. The planning must  
31 include the consideration of allowing students to attend the

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

12 (2) The district school board shall enter into an  
13 interlocal agreement with the county and the municipalities  
14 within the school district which jointly establishes the  
15 specific ways in which the plans and processes of the school  
16 board and the local government shall be coordinated. All local  
17 governments within a school district and the district school  
18 board are encouraged to adopt a single interlocal agreement to  
19 which all join as parties.

20 (3) At a minimum, the interlocal agreement shall  
21 address the following issues:

22 (a) A process by which each local government and the  
23 district school board agree and base their plans on consistent  
24 projections of the amount, type, and distribution of  
25 population growth and student enrollment for purposes of  
26 determining the geographic distribution of jurisdiction-wide  
27 growth forecasts.

28 (b) A process to coordinate and share information  
29 relating to existing and planned public school facilities,  
30 including school renovations and closures, and local  
31 government plans for development and redevelopment.

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

11           (d) A process for determining the need for and timing  
12 of onsite and offsite improvements to support new schools or a  
13 proposed expansion or redevelopment of existing schools. The  
14 process shall address identification of the party or parties  
15 responsible for the improvements.

16           (e) Participation of the district school board in the  
17 local government comprehensive plan amendment, rezoning, and  
18 development approval processes. The interlocal agreement shall  
19 express how the district school board will report on school  
20 capacity available at the time of the projected impact on  
21 schools. Such report shall be consistent with laws and rules  
22 regarding measurement of school facility capacity. The report  
23 shall also identify how the district school board anticipates  
24 meeting the public school demand.

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

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.

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

5           (4) The Office of Educational Facilities and SMART  
6 Schools Clearinghouse shall submit any comments or concerns  
7 regarding the executed interlocal agreement to the state land  
8 planning agency within 30 days after receipt of the executed  
9 interlocal agreement. The state land planning agency shall  
10 review the executed interlocal agreement to determine whether  
11 it is consistent with the requirements of subsection (3), the  
12 adopted local government comprehensive plan, and other  
13 requirements of law. Within 60 days after receipt of an  
14 executed interlocal agreement, the state land planning agency  
15 shall publish a notice of intent in the Florida Administrative  
16 Weekly and shall post a copy of the notice on the agency's  
17 Internet site. The notice of intent shall state that the  
18 interlocal agreement is consistent or inconsistent with the  
19 requirements of subsection (3), the adopted local government  
20 comprehensive plan, and other requirements of law. The  
21 agency's notice shall be an order subject to challenge under  
22 the provisions of chapter 120 and the procedures in such  
23 chapter shall be the sole means available to challenge the  
24 consistency of an interlocal agreement required by this  
25 section with the criteria contained in subsection (3), the  
26 adopted local government comprehensive plan, and other  
27 requirements of law. The district school board and local  
28 governments shall be parties to any such proceeding. If the  
29 department enters a final order which finds that the  
30 interlocal agreement is inconsistent with the requirements of  
31 subsection (3), the adopted local government comprehensive

1 plan, and other requirements of law, the department shall  
2 forward the order to the Administration Commission which may  
3 impose sanctions against the local government pursuant to s.  
4 163.3184(11) and the commission may impose sanctions against  
5 the district school board by directing the Department of  
6 Education to withhold an equivalent amount of funds for school  
7 construction available pursuant to ss. 235.187, 235.216,  
8 235.2195, and 235.42.

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

25 (6)~~(2)~~ A school board and the local governing body  
26 must share and coordinate information related to existing and  
27 planned public school facilities; proposals for development,  
28 redevelopment, or additional development; and infrastructure  
29 required to support the public school facilities, concurrent  
30 with proposed development. A school board shall use  
31 information produced by the demographic, revenue, and

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

20 (7)(3) The location of public educational facilities  
21 shall be consistent with the comprehensive plan of the  
22 appropriate local governing body developed under part II of  
23 chapter 163 and the plan's implementing land development  
24 regulations, ~~to the extent that the regulations are not in~~  
25 ~~conflict with or the subject regulated is not specifically~~  
26 ~~addressed by this chapter or the State Uniform Building Code,~~  
27 ~~unless mutually agreed by the local government and the board.~~

28 (8)(4) To improve coordination relative to potential  
29 educational facility sites, a board shall provide written  
30 notice to the local government that has regulatory authority  
31 over the use of the land, consistent with the interlocal



1 agreement required by subsection (2),at least 60 days prior  
2 to acquiring or leasing property that may be used for a new  
3 public educational facility. The local government, upon  
4 receipt of this notice, shall notify the board within 45 days  
5 if the site proposed for acquisition or lease is consistent  
6 with the land use categories and policies of the local  
7 government's comprehensive plan. This preliminary notice does  
8 not constitute the local government's determination of  
9 consistency pursuant to subsection(9)(5).

10 (9)(5) As early in the design phase as feasible and  
11 consistent with the interlocal agreement required by  
12 subsection (2) but no later than 90 days prior to commencing  
13 construction, the school board shall request, in writing, a  
14 determination of consistency with the local government's  
15 comprehensive plan., but at least before commencing  
16 construction of a new public educational facility,The local  
17 governing body that regulates the use of land shall determine,  
18 in writing within 45 ~~90~~ days after receiving the necessary  
19 information and a school board's request for a determination,  
20 whether a proposed public educational facility is consistent  
21 with the local comprehensive plan and local land development  
22 regulations, ~~to the extent that the regulations are not in~~  
23 ~~conflict with or the subject regulated is not specifically~~  
24 ~~addressed by this chapter or the State Uniform Building Code,~~  
25 ~~unless mutually agreed.~~ If the determination is affirmative,  
26 school construction may commence ~~proceed~~ and further local  
27 government approvals are not required, except as provided in  
28 this section. Failure of the local governing body to make a  
29 determination in writing within 45 ~~90~~ days after a school  
30 board's request for a determination of consistency shall be  
31 considered an approval of the school board's application.

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

15           ~~(11)(7)~~ This section does not prohibit a local  
16 governing body and district school board from agreeing and  
17 establishing an alternative process for reviewing a proposed  
18 educational facility and site plan, and offsite impacts  
19 pursuant to an interlocal agreement adopted in accordance with  
20 subsection (2).

21           ~~(12)(8)~~ Existing schools shall be considered  
22 consistent with the applicable local government comprehensive  
23 plan adopted under part II of chapter 163. The collocation of  
24 a new proposed public educational facility with an existing  
25 public educational facility, or the expansion of an existing  
26 public educational facility is not inconsistent with the local  
27 comprehensive plan, if the site is consistent with the  
28 comprehensive plan's future land use policies and categories  
29 in which public schools are identified as allowable uses, and  
30 levels of service adopted by the local government for any  
31 facilities affected by the proposed location for the new

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

9 (a) The placement of temporary or portable classroom  
10 facilities; or

11 (b) Proposed renovation or construction on existing  
12 school sites, with the exception of construction that changes  
13 the primary use of a facility, includes stadiums, or results  
14 in a greater than 5 percent increase in student capacity, or  
15 as mutually agreed pursuant to an interlocal agreement adopted  
16 in accordance with subsection (2).

17 Section 5. This act shall take effect upon becoming a  
18 law.

19 \*\*\*\*\*  
20 \*\*\*\*\*

21 LEGISLATIVE SUMMARY

22 Requires local governments and district school boards to  
23 enter into interlocal agreements to establish specific  
24 ways in which the plans and processes of the district  
25 school board and the local government are to be  
26 coordinated. Specifies the contents of such agreements.  
27 Specifies consequences for failure to enter into such  
28 agreements. (See bill for details.)  
29  
30  
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