Bill No. CS for SB's 1906 & 550

Amendment No. ___ Barcode 781650

CHAMBER ACTION

Senate		House
	.	

Senators Constantine, Peaden and Clary moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. 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

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

1 (b) In the case of chartered counties, the planning
2 responsibility between the county and the several
3 municipalities therein shall be as stipulated in the charter.
4 Section 2. Subsection (4) and paragraphs (a), (c),
5 (d), and (h) of subsection (6) of section 163.3177, Florida
6 Statutes, are amended to read:
7 163.3177 Required and optional elements of
8 comprehensive plan; studies and surveys.--
9 (4)(a) Coordination of the local comprehensive plan
10 with the comprehensive plans of adjacent municipalities, the
11 county, adjacent counties, or the region; with the appropriate
12 water management district's regional water supply plans
13 approved pursuant to s. 373.0361;with adopted rules
14 pertaining to designated areas of critical state concern; and
15 with the state comprehensive plan shall be a major objective
16 of the local comprehensive planning process. To that end, in
17 the preparation of a comprehensive plan or element thereof,
18 and in the comprehensive plan or element as adopted, the
19 governing body shall include a specific policy statement
20 indicating the relationship of the proposed development of the
21 area to the comprehensive plans of adjacent municipalities,
22 the county, adjacent counties, or the region and to the state
23 comprehensive plan, as the case may require and as such
24 adopted plans or plans in preparation may exist.
25 (b) When all or a portion of the land in a local
26 government jurisdiction is or becomes part of a designated
27 area of critical state concern, the local government shall
28 clearly identify those portions of the local comprehensive
29 plan that shall be applicable to the critical area and shall
30 indicate the relationship of the proposed development of the
31 area to the rules for the area of critical state concern.

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Each ~~The~~ future land use category must be defined in terms of uses included and must ~~plan shall~~ include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. ~~Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use.~~The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special

1 regulations may be necessary to ensure development in accord
2 with the principles and standards of the comprehensive plan
3 and this act. In addition, for rural communities, the amount
4 of land designated for future planned industrial use shall be
5 based upon surveys and studies that reflect the need for job
6 creation, capital investment, and the necessity to strengthen
7 and diversify the local economies, and shall not be limited
8 solely by the projected population of the rural community. The
9 future land use plan of a county may also designate areas for
10 possible future municipal incorporation. The land use maps or
11 map series shall generally identify and depict historic
12 district boundaries and shall designate historically
13 significant properties meriting protection. The future land
14 use element must clearly identify the land use categories in
15 which public schools are an allowable use. When delineating
16 the land use categories in which public schools are an
17 allowable use, a local government shall include in the
18 categories sufficient land proximate to residential
19 development to meet the projected needs for schools in
20 coordination with public school boards and may establish
21 differing criteria for schools of different type or size.
22 Each local government shall include lands contiguous to
23 existing school sites, to the maximum extent possible, within
24 the land use categories in which public schools are an
25 allowable use. All comprehensive plans must comply with the
26 school siting requirements of this paragraph no later than
27 October 1, 1999. The failure by a local government to comply
28 with these school siting requirements by October 1, 1999, will
29 result in the prohibition of the local government's ability to
30 amend the local comprehensive plan, except for plan amendments
31 described in s. 163.3187(1)(b), until the school siting

requirements are met. Amendments ~~An amendment~~ proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use or for adopting or amending the school-siting maps pursuant to s. 163.31776(3) are ~~is~~ exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that ~~which~~ encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management

1 district as prime groundwater recharge areas for the Floridan
2 or Biscayne aquifers, pursuant to s. 373.0395. These areas
3 shall be given special consideration when the local government
4 is engaged in zoning or considering future land use for said
5 designated areas. For areas served by septic tanks, soil
6 surveys shall be provided which indicate the suitability of
7 soils for septic tanks. By January 1, 2005, or the Evaluation
8 and Appraisal Report adoption deadline established for the
9 local government pursuant to s. 163.3191(a), whichever date
10 occurs first, the element must consider the appropriate water
11 management district's regional water supply plan approved
12 pursuant to s. 373.0361. The element must include a workplan,
13 covering at least a 10-year planning period, for building
14 water supply facilities that are identified in the element as
15 necessary to serve existing and new development and for which
16 the local government is responsible.
17 (d) A conservation element for the conservation, use,
18 and protection of natural resources in the area, including
19 air, water, water recharge areas, wetlands, waterwells,
20 estuarine marshes, soils, beaches, shores, flood plains,
21 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
22 marine habitat, minerals, and other natural and environmental
23 resources. Local governments shall assess their current, as
24 well as projected, water needs and sources for at least a
25 10-year period, considering the appropriate regional water
26 supply plan approved pursuant to s. 373.0361, or, in the
27 absence of an approved regional water supply plan, the
28 district water management plan approved pursuant to s.
29 373.036(2). This information shall be submitted to the
30 appropriate agencies. The land use map or map series
31 contained in the future land use element shall generally

1 identify and depict the following:
2 1. Existing and planned waterwells and cones of
3 influence where applicable.
4 2. Beaches and shores, including estuarine systems.
5 3. Rivers, bays, lakes, flood plains, and harbors.
6 4. Wetlands.
7 5. Minerals and soils.
8
9 The land uses identified on such maps shall be consistent with
10 applicable state law and rules.
11 (h)1. An intergovernmental coordination element
12 showing relationships and stating principles and guidelines to
13 be used in the accomplishment of coordination of the adopted
14 comprehensive plan with the plans of school boards and other
15 units of local government providing services but not having
16 regulatory authority over the use of land, with the
17 comprehensive plans of adjacent municipalities, the county,
18 adjacent counties, or the region, ~~and~~ with the state
19 comprehensive plan and with the applicable regional water
20 supply plan approved pursuant to s. 373.0361, as the case may
21 require and as such adopted plans or plans in preparation may
22 exist. This element of the local comprehensive plan shall
23 demonstrate consideration of the particular effects of the
24 local plan, when adopted, upon the development of adjacent
25 municipalities, the county, adjacent counties, or the region,
26 or upon the state comprehensive plan, as the case may require.
27 a. The intergovernmental coordination element shall
28 provide for procedures to identify and implement joint
29 planning areas, especially for the purpose of annexation,
30 municipal incorporation, and joint infrastructure service
31 areas.

1 b. The intergovernmental coordination element shall
2 provide for recognition of campus master plans prepared
3 pursuant to s. 240.155.
4 c. The intergovernmental coordination element may
5 provide for a voluntary dispute resolution process as
6 established pursuant to s. 186.509 for bringing to closure in
7 a timely manner intergovernmental disputes. A local
8 government may develop and use an alternative local dispute
9 resolution process for this purpose.
10 2. The intergovernmental coordination element shall
11 further state principles and guidelines to be used in the
12 accomplishment of coordination of the adopted comprehensive
13 plan with the plans of school boards and other units of local
14 government providing facilities and services but not having
15 regulatory authority over the use of land. In addition, the
16 intergovernmental coordination element shall describe joint
17 processes for collaborative planning and decisionmaking on
18 population projections and public school siting, the location
19 and extension of public facilities subject to concurrency, and
20 siting facilities with countywide significance, including
21 locally unwanted land uses whose nature and identity are
22 established in an agreement. Within 1 year of adopting their
23 intergovernmental coordination elements, each county, all the
24 municipalities within that county, the district school board,
25 and any unit of local government service providers in that
26 county shall establish by interlocal or other formal agreement
27 executed by all affected entities, the joint processes
28 described in this subparagraph consistent with their adopted
29 intergovernmental coordination elements.
30 3. To foster coordination between special districts
31 and local general-purpose governments as local general-purpose

1 governments implement local comprehensive plans, each
2 independent special district must submit a public facilities
3 report to the appropriate local government as required by s.
4 189.415.
5 4.a. Local governments adopting a public educational
6 facilities element pursuant to s. 163.31776 must execute an
7 interlocal agreement with the district school board, the
8 county, and nonexempt municipalities, as defined by s.
9 163.31776(1), which includes the items listed in s.
10 163.31777(2). The local government shall amend the
11 intergovernmental coordination element to provide that
12 coordination between the local government and school board is
13 pursuant to the agreement and shall state the obligations of
14 the local government under the agreement.
15 b. Plan amendments that comply with this subparagraph
16 are exempt from the provisions of s. 163.3187(1).
17 5. The state land planning agency shall establish a
18 schedule for phased completion and transmittal of plan
19 amendments to implement subparagraphs 1., 2., and 3. from all
20 jurisdictions so as to accomplish their adoption by December
21 31, 1999. A local government may complete and transmit its
22 plan amendments to carry out these provisions prior to the
23 scheduled date established by the state land planning agency.
24 The plan amendments are exempt from the provisions of s.
25 163.3187(1).
26 6. By January 1, 2004, any county having a population
27 greater than 100,000, and the municipalities and special
28 districts within that county, shall submit a report to the
29 Department of Community Affairs which:
30 a. Identifies all existing or proposed interlocal
31 service-delivery agreements regarding the following:

1 education; sanitary sewer; public safety; solid waste;
2 drainage; potable water; parks and recreation; and
3 transportation facilities.
4 b. Identifies any deficits or duplication in the
5 provision of services within its jurisdiction, whether capital
6 or operational. Upon request, the Department of Community
7 Affairs shall provide technical assistance to the local
8 governments in identifying deficits or duplication.
9 7. Within 6 months after submission of the report, the
10 Department of Community Affairs shall, through the appropriate
11 regional planning council, coordinate a meeting of all local
12 governments within the regional planning area to discuss the
13 reports and potential strategies to remedy any identified
14 deficiencies or duplications.
15 8. Each local government shall update its
16 intergovernmental coordination element based upon the findings
17 in the report submitted pursuant to subparagraph 6. The report
18 may be used as supporting data and analysis for the
19 intergovernmental coordination element.
20 9. By February 1, 2003, representatives of
21 municipalities, counties, and special districts shall provide
22 to the Legislature recommended statutory changes for
23 annexation, including any changes that address the delivery of
24 local government services in areas planned for annexation.
25 Section 3. Section 163.31775, Florida Statutes, is
26 repealed.
27 Section 4. Section 163.31776, Florida Statutes, is
28 created to read:
29 163.31776 Public educational facilities element.--
30 (1) A county, in conjunction with the municipalities
31 within the county, may adopt an optional public educational

1 facilities element in cooperation with the applicable school
2 district. In order to enact an optional public educational
3 facilities element, the county and each municipality, unless
4 the municipality is exempt as defined in this subsection, must
5 adopt a consistent public educational facilities element and
6 enter the interlocal agreement pursuant to ss.
7 163.3177(6)(h)4. and 163.31777(2). A municipality is exempt if
8 it has no established need for a new school facility and it
9 meets the following criteria:
10 (a) The municipality has no public schools located
11 within its boundaries; and
12 (b) The district school board's 5-year facilities work
13 program and the long-term 10-year work program, as provided in
14 s. 235.185, demonstrate that no new school facility is needed
15 in the municipality. In addition, the district school board
16 must verify in writing that no new school facility will be
17 needed in the municipality within the 5-year and 10-year
18 timeframes.
19 (2) The public educational facilities element must be
20 based on data and analysis, including the interlocal agreement
21 defined by ss. 163.3177(6)(h)4. and 163.31777(2), and on the
22 educational facilities plan required by s. 235.185. Each local
23 government public educational facilities element within a
24 county must be consistent with the other elements and must
25 address:
26 (a) The need for, strategies for, and commitments to
27 addressing improvements to infrastructure, safety, and
28 community conditions in areas proximate to existing public
29 schools.
30 (b) The need for and strategies for providing adequate
31 infrastructure necessary to support proposed schools,

1 including potable water, wastewater, drainage, solid waste,
2 transportation, and means by which to assure safe access to
3 schools, including sidewalks, bicycle paths, turn lanes, and
4 signalization.
5 (c) Colocation of other public facilities, such as
6 parks, libraries, and community centers, in proximity to
7 public schools.
8 (d) Location of schools proximate to residential areas
9 and to complement patterns of development, including using
10 elementary schools as focal points for neighborhoods.
11 (e) Use of public schools to serve as emergency
12 shelters.
13 (f) Consideration of the existing and planned capacity
14 of public schools when reviewing comprehensive plan amendments
15 and rezonings that are likely to increase residential
16 development and that are reasonably expected to have an impact
17 on the demand for public school facilities, with the review to
18 be based on uniform, level-of-service standards, availability
19 standards for public schools, and the financially feasible
20 5-year district facilities work program adopted by the school
21 board pursuant to s. 235.185.
22 (g) A uniform methodology for determining school
23 capacity consistent with the interlocal agreement entered
24 pursuant to ss. 163.3177(6)(h)4. and 163.31777(2).
25 (3) The future land-use map series must incorporate
26 maps that are the result of a collaborative process for
27 identifying school sites in the educational facilities plan
28 adopted by the school board pursuant to s. 235.185 and must
29 show the locations of existing public schools and the general
30 locations of improvements to existing schools or new schools
31 anticipated over the 5-year, 10-year, and 20-year time

1 periods, or such maps must constitute data and analysis in
2 support of the future land-use map series. Maps indicating
3 general locations of future schools or school improvements
4 should not prescribe a land use on a particular parcel of
5 land.
6 (4) The process for adopting a public educational
7 facilities element is as provided in s. 163.3184. The state
8 land planning agency shall submit a copy of the proposed pubic
9 school facilities element pursuant to the procedures outlined
10 in s. 163.3184(4) to the Office of Educational Facilities and
11 SMART Schools Clearinghouse of the Commissioner of Education
12 for review and comment.
13 (5) Plan amendments to adopt a public educational
14 facilities element are exempt from the provisions of s.
15 163.3187(1).
16 Section 5. Section 163.31777, Florida Statutes, is
17 created to read:
18 163.31777 Public schools interlocal agreement.--
19 (1)(a) The county and municipalities located within
20 the geographic area of a school district shall enter into an
21 interlocal agreement with the district school board which
22 jointly establishes the specific ways in which the plans and
23 processes of the district school board and the local
24 governments are to be coordinated. The interlocal agreements
25 shall be submitted to the state land planning agency and the
26 Office of Educational Facilities and the SMART Schools
27 Clearinghouse in accordance with a schedule published by the
28 state land planning agency.
29 (b) The schedule must establish staggered due dates
30 for submission of interlocal agreements that are executed by
31 both the local government and the district school board,

1 commencing on March 1, 2003, and concluding by December 1,
2 2004, and must set the same date for all governmental entities
3 within a school district. However, if the county where the
4 school district is located contains more than 20
5 municipalities, the state land planning agency may establish
6 staggered due dates for the submission of interlocal
7 agreements by these municipalities. The schedule must begin
8 with those areas where both the number of districtwide
9 capital-outlay full-time-equivalent students equals 80 percent
10 or more of the current year's school capacity and the
11 projected 5-year student growth is 1,000 or greater, or where
12 the projected 5-year student growth rate is 10 percent or
13 greater.
14 (c) If the student population has declined over the
15 5-year period preceding the due date for submittal of an
16 interlocal agreement by the local government and the district
17 school board, the local government and the district school
18 board may petition the state land planning agency for a waiver
19 of one or more requirements of subsection (2). The waiver must
20 be granted if the procedures called for in subsection (2) are
21 unnecessary because of the school district's declining school
22 age population, considering the district's 5-year facilities
23 work program prepared pursuant to s. 235.185. The state land
24 planning agency may modify or revoke the waiver upon a finding
25 that the conditions upon which the waiver was granted no
26 longer exist. The district school board and local governments
27 must submit an interlocal agreement within 1 year after
28 notification by the state land planning agency that the
29 conditions for a waiver no longer exist.
30 (d) Interlocal agreements between local governments
31 and district school boards adopted pursuant to s. 163.3177

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

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 on-site and off-site improvements to support new, proposed
16 expansion, or redevelopment of existing schools. The process
17 must address identification of the party or parties
18 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 relating to 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 district school
27 board's 5-year district facilities work program and
28 educational plant survey 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.

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 into
15 pursuant to this section must be consistent with the adopted
16 comprehensive plan and land development regulations of any
17 local government that is a signatory.
18 (3)(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 it is consistent with the requirements of subsection (2), the
25 adopted local government comprehensive plan, and other
26 requirements of law. Within 60 days after receipt of an
27 executed interlocal agreement, the state land planning agency
28 shall publish a notice of intent in the Florida Administrative
29 Weekly and shall post a copy of the notice on the agency's
30 Internet site. The notice of intent must state whether the
31 interlocal agreement is consistent or inconsistent with the

1 requirements of subsection (2) and this subsection, as
2 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 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 (2) 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 school board and local government.
14 The district school board and local governments are parties to
15 any such proceeding. In this proceeding, when the state land
16 planning agency finds the interlocal agreement to be
17 consistent with the criteria in subsection (2) and this
18 subsection, the interlocal agreement shall be determined to be
19 consistent with subsection (2) and this subsection if the
20 local government's and school board's determination of
21 consistency is fairly debatable. When the state planning
22 agency finds the interlocal agreement to be inconsistent with
23 the requirements of subsection (2) 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 (2) or this subsection, it
31 shall forward it to the Administration Commission, which may

1 impose sanctions against the local government pursuant to s.
2 163.3184(11) and may impose sanctions against the district
3 school board by directing the Department of Education to
4 withhold from the district school board an equivalent amount
5 of funds for school construction available pursuant to ss.
6 235.187, 235.216, 235.2195, and 235.42.
7 (4) 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 ss. 235.187, 235.216,
23 235.2195, 235.42.
24 (5) 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 this section if
29 the element is adopted prior to or within 1 year after the
30 effective date of this section and remains in effect.
31 (6) Except as provided in subsection (7),

1 municipalities having no established need for a new school
2 facility and meeting the following criteria are exempt from
3 the requirements of subsections (1), (2), and (3):
4 (a) The municipality has no public schools located
5 within its boundaries.
6 (b) The district school board's 5-year facilities work
7 program and the long-term 10-year and 20-year work programs,
8 as provided in s. 235.185, demonstrate that no new school
9 facility is needed in the municipality. In addition, the
10 district school board must verify in writing that no new
11 school facility will be needed in the municipality within the
12 5-year and 10-year timeframes.
13 (7) At the time of the evaluation and appraisal
14 report, each exempt municipality shall assess the extent to
15 which it continues to meet the criteria for exemption under
16 subsection (6). If the municipality continues to meet these
17 criteria and the district school board verifies in writing
18 that no new school facilities will be needed within the 5-year
19 and 10-year timeframes, the municipality shall continue to be
20 exempt from the interlocal-agreement requirement. Each
21 municipality exempt under subsection (6) must comply with the
22 provisions of this section within 1 year after the district
23 school board proposes, in its 5-year district facilities work
24 program, a new school within the municipality's jurisdiction.
25 Section 6. Subsection (4) of section 163.3180, Florida
26 Statutes, is amended to read:
27 163.3180 Concurrency.--
28 (4)(a) The concurrency requirement as implemented in
29 local comprehensive plans applies to state and other public
30 facilities and development to the same extent that it applies
31 to all other facilities and development, as provided by law.

1 (b) The concurrency requirement as implemented in
2 local comprehensive plans does not apply to public transit
3 facilities. For the purposes of this paragraph, public
4 transit facilities include transit stations and terminals,
5 transit station parking, park-and-ride lots, intermodal public
6 transit connection or transfer facilities, and fixed bus,
7 guideway, and rail stations. As used in this paragraph, the
8 terms "terminals" and "transit facilities" do not include
9 airports or seaports or commercial or residential development
10 constructed in conjunction with a public transit facility.
11 (c) The concurrency requirement, except as it relates
12 to transportation facilities, as implemented in local
13 government comprehensive plans may be waived by a local
14 government for urban infill and redevelopment areas designated
15 pursuant to s. 163.2517 if such a waiver does not endanger
16 public health or safety as defined by the local government in
17 its local government comprehensive plan. The waiver shall be
18 adopted as a plan amendment pursuant to the process set forth
19 in s. 163.3187(3)(a). A local government may grant a
20 concurrency exception pursuant to subsection (5) for
21 transportation facilities located within these urban infill
22 and redevelopment areas.
23 Section 7. Subsections (1), (3), (4), (6), (7), (8),
24 and (15) and paragraph (d) of subsection (16) of section
25 163.3184, Florida Statutes, are amended to read:
26 163.3184 Process for adoption of comprehensive plan or
27 plan amendment.--
28 (1) DEFINITIONS.--As used in this section, the term:
29 (a) "Affected person" includes the affected local
30 government; persons owning property, residing, or owning or
31 operating a business within the boundaries of the local

1 government whose plan is the subject of the review; owners of
2 real property abutting real property that is the subject of a
3 proposed change to a future land-use map;and adjoining local
4 governments that can demonstrate that the plan or plan
5 amendment will produce substantial impacts on the increased
6 need for publicly funded infrastructure or substantial impacts
7 on areas designated for protection or special treatment within
8 their jurisdiction. Each person, other than an adjoining local
9 government, in order to qualify under this definition, shall
10 also have submitted oral or written comments, recommendations,
11 or objections to the local government during the period of
12 time beginning with the transmittal hearing for the plan or
13 plan amendment and ending with the adoption of the plan or
14 plan amendment.
15 (b) "In compliance" means consistent with the
16 requirements of ss. 163.3177, 163.31776, when a local
17 government adopts an educational facilities element,163.3178,
18 163.3180, 163.3191, and 163.3245, with the state comprehensive
19 plan, with the appropriate strategic regional policy plan, and
20 with chapter 9J-5, Florida Administrative Code, where such
21 rule is not inconsistent with this part and with the
22 principles for guiding development in designated areas of
23 critical state concern.
24 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
25 AMENDMENT.--
26 (a) Each local governing body shall transmit the
27 complete proposed comprehensive plan or plan amendment to the
28 state land planning agency, the appropriate regional planning
29 council and water management district, the Department of
30 Environmental Protection, the Department of State,and the
31 Department of Transportation, and, in the case of municipal

1 plans, to the appropriate county, and, in the case of county
2 plans, to the Fish and Wildlife Conservation Commission and
3 the Department of Agriculture and Consumer Services,
4 immediately following a public hearing pursuant to subsection
5 (15) as specified in the state land planning agency's
6 procedural rules. The local governing body shall also transmit
7 a copy of the complete proposed comprehensive plan or plan
8 amendment to any other unit of local government or government
9 agency in the state that has filed a written request with the
10 governing body for the plan or plan amendment. The local
11 government may request a review by the state land planning
12 agency pursuant to subsection (6) at the time of the
13 transmittal of an amendment.
14 (b) A local governing body shall not transmit portions
15 of a plan or plan amendment unless it has previously provided
16 to all state agencies designated by the state land planning
17 agency a complete copy of its adopted comprehensive plan
18 pursuant to subsection (7) and as specified in the agency's
19 procedural rules. In the case of comprehensive plan
20 amendments, the local governing body shall transmit to the
21 state land planning agency, the appropriate regional planning
22 council and water management district, the Department of
23 Environmental Protection, the Department of State, and the
24 Department of Transportation, and, in the case of municipal
25 plans, to the appropriate county and, in the case of county
26 plans, to the Fish and Wildlife Conservation Commission and
27 the Department of Agriculture and Consumer Services the
28 materials specified in the state land planning agency's
29 procedural rules and, in cases in which the plan amendment is
30 a result of an evaluation and appraisal report adopted
31 pursuant to s. 163.3191, a copy of the evaluation and

appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

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

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

(4) INTERGOVERNMENTAL REVIEW.--~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency.~~ The ~~These~~ governmental agencies specified in paragraph (3)(a)shall provide comments to the state land planning agency within 30

days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

notice.

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

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency.~~The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.~~ When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections,

1 recommendations, and comments or making compliance
2 determinations regarding densities and intensities consistent
3 with the provisions of this part. In preparing its comments,
4 the state land planning agency shall only base its
5 considerations on written, and not oral, comments, from any
6 source.
7 (d) The state land planning agency review shall
8 identify all written communications with the agency regarding
9 the proposed plan amendment. If the state land planning agency
10 does not issue such a review, it shall identify in writing to
11 the local government all written communications received 30
12 days after transmittal. The written identification must
13 include a list of all documents received or generated by the
14 agency, which list must be of sufficient specificity to enable
15 the documents to be identified and copies requested, if
16 desired, and the name of the person to be contacted to request
17 copies of any identified document. The list of documents must
18 be made a part of the public records of the state land
19 planning agency.
20 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF
21 PLAN OR AMENDMENTS AND TRANSMITTAL.--
22 (a) The local government shall review the written
23 comments submitted to it by the state land planning agency,
24 and any other person, agency, or government. Any comments,
25 recommendations, or objections and any reply to them shall be
26 public documents, a part of the permanent record in the
27 matter, and admissible in any proceeding in which the
28 comprehensive plan or plan amendment may be at issue. The
29 local government, upon receipt of written comments from the
30 state land planning agency, shall have 120 days to adopt or
31 adopt with changes the proposed comprehensive plan or s.

1 163.3191 plan amendments. In the case of comprehensive plan
2 amendments other than those proposed pursuant to s. 163.3191,
3 the local government shall have 60 days to adopt the
4 amendment, adopt the amendment with changes, or determine that
5 it will not adopt the amendment. The adoption of the proposed
6 plan or plan amendment or the determination not to adopt a
7 plan amendment, other than a plan amendment proposed pursuant
8 to s. 163.3191, shall be made in the course of a public
9 hearing pursuant to subsection (15). The local government
10 shall transmit the complete adopted comprehensive plan or
11 ~~adopted~~ plan amendment, including the names and addresses of
12 person compiled pursuant to paragraph (15)(c),to the state
13 land planning agency as specified in the agency's procedural
14 rules within 10 working days after adoption. The local
15 governing body shall also transmit a copy of the adopted
16 comprehensive plan or plan amendment to the regional planning
17 agency and to any other unit of local government or
18 governmental agency in the state that has filed a written
19 request with the governing body for a copy of the plan or plan
20 amendment.
21 (b) If the adopted plan amendment is unchanged from
22 the proposed plan amendment transmitted pursuant to subsection
23 (3) and an affected person as defined in paragraph (1)(a) did
24 not raise any objection, the state land planning agency did
25 not review the proposed plan amendment, and the state land
26 planning agency did not raise any objections during its review
27 pursuant to subsection (6), the local government may state in
28 the transmittal letter that the plan amendment is unchanged
29 and was not the subject of objections.
30 (8) NOTICE OF INTENT.--
31 (a) If the transmittal letter correctly states that

the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.

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

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

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

(c)~~(b)~~1. ~~During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government and to persons who request notice. The required advertisement shall be no less than 2 columns~~

~~wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(c) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.~~

~~2. For fiscal year 2001-2002 only, the provisions of this subparagraph shall supersede the provisions of subparagraph 1.~~During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(e)~~(15)(c)~~and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land

1 planning agency shall post a copy of the notice of intent on
2 the agency's Internet site. The agency shall, no later than
3 the date the notice of intent is transmitted to the newspaper,
4 send by regular mail a courtesy informational statement to
5 persons who provide their names and addresses to the local
6 government at the transmittal hearing or at the adoption
7 hearing where the local government has provided the names and
8 addresses of such persons to the department at the time of
9 transmittal of the adopted amendment. The informational
10 statements shall include the name of the newspaper in which
11 the notice of intent will appear, the approximate date of
12 publication, the ordinance number of the plan or plan
13 amendment, and a statement that affected persons have 21 days
14 after the actual date of publication of the notice to file a
15 petition. ~~This subparagraph expires July 1, 2002.~~
16 2. A local government that has an Internet site shall
17 post a copy of the state land planning agency's notice of
18 intent on the site within 5 days after receipt of the mailed
19 copy of the agency's notice of intent.
20 (15) PUBLIC HEARINGS.--
21 (a) The procedure for transmittal of a complete
22 proposed comprehensive plan or plan amendment pursuant to
23 subsection (3) and for adoption of a comprehensive plan or
24 plan amendment pursuant to subsection (7) shall be by
25 affirmative vote of not less than a majority of the members of
26 the governing body present at the hearing. The adoption of a
27 comprehensive plan or plan amendment shall be by ordinance.
28 For the purposes of transmitting or adopting a comprehensive
29 plan or plan amendment, the notice requirements in chapters
30 125 and 166 are superseded by this subsection, except as
31 provided in this part.

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

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

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

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

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

(e)~~(c)~~ If the proposed comprehensive plan or plan

amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.--

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

Section 8. Paragraph (c) is amended and paragraph (k) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.--

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

(c) Any local government comprehensive plan amendments directly related to proposed small scale development

1 activities may be approved without regard to statutory limits
2 on the frequency of consideration of amendments to the local
3 comprehensive plan. A small scale development amendment may be
4 adopted only under the following conditions:
5 1. The proposed amendment involves a use of 10 acres
6 or fewer and:
7 a. The cumulative annual effect of the acreage for all
8 small scale development amendments adopted by the local
9 government shall not exceed:
10 (I) A maximum of 120 acres in a local government that
11 contains areas specifically designated in the local
12 comprehensive plan for urban infill, urban redevelopment, or
13 downtown revitalization as defined in s. 163.3164, urban
14 infill and redevelopment areas designated under s. 163.2517,
15 transportation concurrency exception areas approved pursuant
16 to s. 163.3180(5), or regional activity centers and urban
17 central business districts approved pursuant to s.
18 380.06(2)(e); however, amendments under this paragraph may be
19 applied to no more than 60 acres annually of property outside
20 the designated areas listed in this sub-sub-subparagraph.
21 (II) A maximum of 80 acres in a local government that
22 does not contain any of the designated areas set forth in
23 sub-sub-subparagraph (I).
24 (III) A maximum of 120 acres in a county established
25 pursuant to s. 9, Art. VIII of the State Constitution.
26 b. The proposed amendment does not involve the same
27 property granted a change within the prior 12 months.
28 c. The proposed amendment does not involve the same
29 owner's property within 200 feet of property granted a change
30 within the prior 12 months.
31 d. The proposed amendment does not involve a text

1 change to the goals, policies, and objectives of the local
2 government's comprehensive plan, but only proposes a land use
3 change to the future land use map for a site-specific small
4 scale development activity.
5 e. The property that is the subject of the proposed
6 amendment is not located within an area of critical state
7 concern, unless the project subject to the proposed amendment
8 involves the construction of affordable housing units meeting
9 the criteria of s. 420.0004(3), and is located within an area
10 of critical state concern designated by s. 380.0552 or by the
11 Administration Commission pursuant to s. 380.05(1). Such
12 amendment is not subject to the density limitations of
13 sub-subparagraph f., and shall be reviewed by the state land
14 planning agency for consistency with the principles for
15 guiding development applicable to the area of critical state
16 concern where the amendment is located and shall not become
17 effective until a final order is issued under s. 380.05(6).
18 f. If the proposed amendment involves a residential
19 land use, the residential land use has a density of 10 units
20 or less per acre, except that this limitation does not apply
21 to small scale amendments described in sub-sub-subparagraph
22 a.(I) that are designated in the local comprehensive plan for
23 urban infill, urban redevelopment, or downtown revitalization
24 as defined in s. 163.3164, urban infill and redevelopment
25 areas designated under s. 163.2517, transportation concurrency
26 exception areas approved pursuant to s. 163.3180(5), or
27 regional activity centers and urban central business districts
28 approved pursuant to s. 380.06(2)(e).
29 2.a. A local government that proposes to consider a
30 plan amendment pursuant to this paragraph is not required to
31 comply with the procedures and public notice requirements of

1 s. 163.3184(15)(c) for such plan amendments if the local
2 government complies with the provisions in s. 125.66(4)(a) for
3 a county or in s. 166.041(3)(c) for a municipality. If a
4 request for a plan amendment under this paragraph is initiated
5 by other than the local government, public notice is required.
6 b. The local government shall send copies of the
7 notice and amendment to the state land planning agency, the
8 regional planning council, and any other person or entity
9 requesting a copy. This information shall also include a
10 statement identifying any property subject to the amendment
11 that is located within a coastal high hazard area as
12 identified in the local comprehensive plan.
13 3. Small scale development amendments adopted pursuant
14 to this paragraph require only one public hearing before the
15 governing board, which shall be an adoption hearing as
16 described in s. 163.3184(7), and are not subject to the
17 requirements of s. 163.3184(3)-(6) unless the local government
18 elects to have them subject to those requirements.
19 (k) A comprehensive plan amendment to adopt a public
20 educational facilities element pursuant to s. 163.31776 and
21 future land-use-map amendments for school siting may be
22 approved notwithstanding statutory limits on the frequency of
23 adopting plan amendments.
24 Section 9. Paragraph (k) of subsection (2) of section
25 163.3191, Florida Statutes, is amended and paragraphs (l) and
26 (m) are added to that subsection to read:
27 163.3191 Evaluation and appraisal of comprehensive
28 plan.--
29 (2) The report shall present an evaluation and
30 assessment of the comprehensive plan and shall contain
31 appropriate statements to update the comprehensive plan,

1 including, but not limited to, words, maps, illustrations, or
2 other media, related to:
3 (k) The coordination of the comprehensive plan with
4 existing public schools and those identified in the applicable
5 educational ~~5-year school district~~ facilities plan ~~work~~
6 ~~program~~ adopted pursuant to s. 235.185. The assessment shall
7 address, where relevant, the success or failure of the
8 coordination of the future land use map and associated planned
9 residential development with public schools and their
10 capacities, as well as the joint decisionmaking processes
11 engaged in by the local government and the school board in
12 regard to establishing appropriate population projections and
13 the planning and siting of public school facilities. If the
14 issues are not relevant, the local government shall
15 demonstrate that they are not relevant.
16 (l) The evaluation must consider the appropriate water
17 management district's regional water supply plan approved
18 pursuant to s. 373.0361. The potable water element must be
19 revised to include a work plan, covering at least a 10-year
20 planning period, for building any water supply facilities that
21 are identified in the element as necessary to serve existing
22 and new development and for which the local government is
23 responsible.
24 (m) If any of the jurisdiction of the local government
25 is located within the coastal high-hazard area, an evaluation
26 of whether any past reduction in land use density impairs the
27 property rights of current residents when redevelopment
28 occurs, including, but not limited to, redevelopment following
29 a natural disaster. The local government must identify
30 strategies to address redevelopment feasibility and the
31 property rights of affected residents. These strategies may

1 include the authorization of redevelopment up to the actual
2 built density in existence on the property prior to the
3 natural disaster or redevelopment.
4 Section 10. Section 163.3215, Florida Statutes, is
5 amended to read:
6 163.3215 Standing to enforce local comprehensive plans
7 through development orders.--
8 (1) Subsections (3) and (4) provide the exclusive
9 methods for an aggrieved or adversely affected party to appeal
10 and challenge the consistency of a development order with a
11 comprehensive plan adopted under this part. The local
12 government that issues the development order is to be named as
13 a respondent in all proceedings under this section. Subsection
14 (3) shall not apply to development orders for which a local
15 government has established a process consistent with the
16 requirements of subsection (4). A local government may decide
17 which types of development orders will proceed under
18 subsection (4). Subsection (3) shall apply to all other
19 development orders that are not subject to subsection (4).
20 (2) As used in this section, the term "aggrieved or
21 adversely affected party" means any person or local government
22 that will suffer an adverse effect to an interest protected or
23 furthered by the local government comprehensive plan,
24 including interests related to health and safety, police and
25 fire protection service systems, densities or intensities of
26 development, transportation facilities, health care
27 facilities, equipment or services, and environmental or
28 natural resources. The alleged adverse interest may be shared
29 in common with other members of the community at large but
30 must exceed in degree the general interest in community good
31 shared by all persons. The term includes the owner, developer,

or applicant for a development order.

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

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

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

~~(b) Suit under this section shall be the sole action~~

~~available to challenge the consistency of a development order with a comprehensive plan adopted under this part.~~

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

(a) The local process must make provision for notice of an application for a development order that materially alters the use or density or intensity of use on a particular piece of property, including notice by publication or mailed notice consistent with the provisions of s. 166.041(3)(c)2.b. and c. and s. 125.66(4)(b)2. and 3., and must require prominent posting at the job site. The notice must be given within 10 days after the filing of an application for development order; however, notice under this subsection is not required for an application for a building permit or any

1 other official action of local government which does not
2 materially alter the use or density or intensity of use on a
3 particular piece of property. The notice must clearly
4 delineate that an aggrieved or adversely affected person has
5 the right to request a quasi-judicial hearing before the local
6 government for which the application is made, must explain the
7 conditions precedent to the appeal of any development order
8 ultimately rendered upon the application, and must specify the
9 location where written procedures can be obtained that
10 describe the process, including how to initiate the
11 quasi-judicial process, the timeframes for initiating the
12 process, and the location of the hearing. The process may
13 include an opportunity for an alternative dispute resolution.
14 (b) The local process must provide a clear point of
15 entry consisting of a written preliminary decision, at a time
16 and in a manner to be established in the local ordinance, with
17 the time to request a quasi-judicial hearing running from the
18 issuance of the written preliminary decision; the local
19 government, however, is not bound by the preliminary decision.
20 A party may request a hearing to challenge or support a
21 preliminary decision.
22 (c) The local process must provide an opportunity for
23 participation in the process by an aggrieved or adversely
24 affected party, allowing a reasonable time for the party to
25 prepare and present a case for the quasi-judicial hearing.
26 (d) The local process must provide, at a minimum, an
27 opportunity for the disclosure of witnesses and exhibits prior
28 to hearing and an opportunity for the depositions of witnesses
29 to be taken.
30 (e) The local process may not require that a party be
31 represented by an attorney in order to participate in a

1 hearing.
2 (f) The local process must provide for a
3 quasi-judicial hearing before an impartial special master who
4 is an attorney who has at least 5 years' experience and who
5 shall, at the conclusion of the hearing, recommend written
6 findings of fact and conclusions of law. The special master
7 shall have the power to swear witnesses and take their
8 testimony under oath, to issue subpoenas and other orders
9 regarding the conduct of the proceedings, and to compel entry
10 upon the land. The standard of review applied by the special
11 master in determining whether a proposed development order is
12 consistent with the comprehensive plan shall be strict
13 scrutiny in accordance with Florida law.
14 (g) At the quasi-judicial hearing, all parties must
15 have the opportunity to respond, to present evidence and
16 argument on all issues involved which are related to the
17 development order, and to conduct cross-examination and submit
18 rebuttal evidence. Public testimony must be allowed.
19 (h) The local process must provide for a duly noticed
20 public hearing before the local government at which public
21 testimony is allowed. At the quasi-judicial hearing, the local
22 government is bound by the special master's findings of fact
23 unless the findings of fact are not supported by competent
24 substantial evidence. The governing body may modify the
25 conclusions of law if it finds that the special master's
26 application or interpretation of law is erroneous. The
27 governing body may make reasonable legal interpretations of
28 its comprehensive plan and land development regulations
29 without regard to whether the special master's interpretation
30 is labeled as a finding of fact or a conclusion of law. The
31 local government's final decision must be reduced to writing,

including the findings of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by the city or county clerk.

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

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

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

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

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

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

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

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

Section 11. Section 163.3246, Florida Statutes, is

1 created to read:
2 163.3246 Local government comprehensive planning
3 certification program.--
4 (1) There is created the Local Government
5 Comprehensive Planning Certification Program to be
6 administered by the Department of Community Affairs. The
7 purpose of the program is to create a certification process
8 for local governments who identify a geographic area for
9 certification within which they commit to directing growth and
10 who, because of a demonstrated record of effectively adopting,
11 implementing, and enforcing its comprehensive plan, the level
12 of technical planning experience exhibited by the local
13 government, and a commitment to implement exemplary planning
14 practices, require less state and regional oversight of the
15 comprehensive plan amendment process. The purpose of the
16 certification area is to designate areas that are contiguous,
17 compact, and appropriate for urban growth and development
18 within a 10-year planning timeframe. Municipalities and
19 counties are encouraged to jointly establish the certification
20 area, and subsequently enter into joint certification
21 agreement with the department.
22 (2) In order to be eligible for certification under
23 the program, the local government must:
24 (a) Demonstrate a record of effectively adopting,
25 implementing, and enforcing its comprehensive plan;
26 (b) Demonstrate technical, financial, and
27 administrative expertise to implement the provisions of this
28 part without state oversight;
29 (c) Obtain comments from the state and regional review
30 agencies regarding the appropriateness of the proposed
31 certification;

1 (d) Hold at least one public hearing soliciting public
2 input concerning the local government's proposal for
3 certification; and
4 (e) Demonstrate that it has adopted programs in its
5 local comprehensive plan and land development regulations
6 which:
7 1. Promote infill development and redevelopment,
8 including prioritized and timely permitting processes in which
9 applications for local development permits within the
10 certification area are acted upon expeditiously for proposed
11 development that is consistent with the local comprehensive
12 plan.
13 2. Promote the development of housing for low-income
14 and very-low-income households or specialized housing to
15 assist elderly and disabled persons to remain at home or in
16 independent living arrangements.
17 3. Achieve effective intergovernmental coordination
18 and address the extrajurisdictional effects of development
19 within the certified area.
20 4. Promote economic diversity and growth while
21 encouraging the retention of rural character, where rural
22 areas exist, and the protection and restoration of the
23 environment.
24 5. Provide and maintain public urban and rural open
25 space and recreational opportunities.
26 6. Manage transportation and land uses to support
27 public transit and promote opportunities for pedestrian and
28 nonmotorized transportation.
29 7. Use design principles to foster individual
30 community identity, create a sense of place, and promote
31 pedestrian-oriented safe neighborhoods and town centers.

1 8. Redevelop blighted areas.
2 9. Adopt a local mitigation strategy and have programs
3 to improve disaster preparedness and the ability to protect
4 lives and property, especially in coastal high-hazard areas.
5 10. Encourage clustered, mixed-use development that
6 incorporates greenspace and residential development within
7 walking distance of commercial development.
8 11. Encourage urban infill at appropriate densities
9 and intensities and separate urban and rural uses and
10 discourage urban sprawl while preserving public open space and
11 planning for buffer-type land uses and rural development
12 consistent with their respective character along and outside
13 the certification area.
14 12. Assure protection of key natural areas and
15 agricultural lands that are identified using state and local
16 inventories of natural areas. Key natural areas include, but
17 are not limited to:
18 a. Wildlife corridors.
19 b. Lands with high native biological diversity,
20 important areas for threatened and endangered species, species
21 of special concern, migratory bird habitat, and intact natural
22 communities.
23 c. Significant surface waters and springs, aquatic
24 preserves, wetlands, and outstanding Florida waters.
25 d. Water resources suitable for preservation of
26 natural systems and for water resource development.
27 e. Representative and rare native Florida natural
28 systems.
29 13. Ensure the cost-efficient provision of public
30 infrastructure and services.
31 (3) Portions of local governments located within areas

1 of critical state concern cannot be included in a
2 certification area.
3 (4) A local government or group of local governments
4 seeking certification of all or part of a jurisdiction or
5 jurisdictions must submit an application to the department
6 which demonstrates that the area sought to be certified meets
7 the criteria of subsections (2) and (5). The application shall
8 include copies of the applicable local government
9 comprehensive plan, land development regulations, interlocal
10 agreements, and other relevant information supporting the
11 eligibility criteria for designation. Upon receipt of a
12 complete application, the department must provide the local
13 government with an initial response to the application within
14 90 days after receipt of the application.
15 (5) If the local government meets the eligibility
16 criteria of subsection (2), the department shall certify all
17 or part of a local government by written agreement, which
18 shall be considered final agency action subject to challenge
19 under s. 120.569. The agreement must include the following
20 components:
21 (a) The basis for certification.
22 (b) The boundary of the certification area, which
23 encompasses areas that are contiguous, compact, appropriate
24 for urban growth and development, and in which public
25 infrastructure is existing or planned within a 10-year
26 planning timeframe. The certification area is required to
27 include sufficient land to accommodate projected population
28 growth, housing demand, including choice in housing types and
29 affordability, job growth and employment, appropriate
30 densities and intensities of use to be achieved in new
31 development and redevelopment, existing or planned

1 infrastructure, including transportation and central water and
2 sewer facilities. The certification area must be adopted as
3 part of the local government's comprehensive plan.
4 (c) A demonstration that the capital-improvements plan
5 governing the certified area is updated annually.
6 (d) A visioning plan or a schedule for the development
7 of a visioning plan.
8 (e) A description of baseline conditions related to
9 the evaluation criteria in paragraph (g) in the certified
10 area.
11 (f) A work program setting forth specific planning
12 strategies and projects that will be undertaken to achieve
13 improvement in the baseline conditions as measured by the
14 criteria identified in paragraph (g).
15 (g) Criteria to evaluate the effectiveness of the
16 certification process in achieving the community-development
17 goals for the certification area including:
18 1. Measuring the compactness of growth, expressed as
19 the ratio between population growth and land consumed;
20 2. Increasing residential density and intensities of
21 use;
22 3. Measuring and reducing vehicle miles traveled and
23 increasing the interconnectedness of the street system,
24 pedestrian access, and mass transit;
25 4. Measuring the balance between the location of jobs
26 and housing;
27 5. Improving the housing mix within the certification
28 area, including the provision of mixed-use neighborhoods,
29 affordable housing, and the creation of an affordable housing
30 program if such a program is not already in place;
31 6. Promoting mixed-use developments as an alternative

1 to single-purpose centers;
2 7. Promoting clustered development having dedicated
3 open space;
4 8. Linking commercial, educational, and recreational
5 uses directly to residential growth;
6 9. Reducing per capita water and energy consumption;
7 10. Prioritizing environmental features to be
8 protected and adopting measures or programs to protect
9 identified features;
10 11. Reducing hurricane shelter deficits and evacuation
11 times and implementing the adopted mitigation strategies; and
12 12. Improving coordination between the local
13 government and school board.
14 (h) A commitment to change any land development
15 regulations that restrict compact development and adopt
16 alternative design codes that encourage desirable densities
17 and intensities of use and patterns of compact development
18 identified in the agreement.
19 (i) A plan for increasing public participation in
20 comprehensive planning and land use decision making which
21 includes outreach to neighborhood and civic associations
22 through community planning initiatives.
23 (j) A demonstration that the intergovernmental
24 coordination element of the local government's comprehensive
25 plan includes joint processes for coordination between the
26 school board and local government pursuant to s.
27 163.3177(6)(h)2. and other requirements of law.
28 (k) A method of addressing the extrajurisdictional
29 effects of development within the certified area which is
30 integrated by amendment into the intergovernmental
31 coordination element of the local government comprehensive

1 plan.
2 (l) A requirement for the annual reporting to the
3 department of plan amendments adopted during the year, and the
4 progress of the local government in meeting the terms and
5 conditions of the certification agreement. Prior to the
6 deadline for the annual report, the local government must hold
7 a public hearing soliciting public input on the progress of
8 the local government in satisfying the terms of the
9 certification agreement.
10 (m) An expiration date that is no later than 10 years
11 after execution of the agreement.
12 (6) The department may enter up to eight new
13 certification agreements each fiscal year. The department
14 shall adopt procedural rules governing the application and
15 review of local government requests for certification. Such
16 procedural rules may establish a phased schedule for review of
17 local government requests for certification.
18 (7) The department shall revoke the local government's
19 certification if it determines that the local government is
20 not substantially complying with the terms of the agreement.
21 (8) An affected person, as defined by s.
22 163.3184(1)(a), may petition for administrative hearing
23 alleging that a local government is not substantially
24 complying with the terms of the agreement, using the
25 procedures and timeframes for notice and conditions precedent
26 described in s. 163.3213. Such a petition must be filed within
27 30 days after the annual public hearing required by paragraph
28 (5)(l).
29 (9)(a) Upon certification all comprehensive plan
30 amendments associated with the area certified must be adopted
31 and reviewed in the manner described in ss. 163.3184(1), (2),

1 (7), (14), (15), and (16) and 163.3187, such that state and
2 regional agency review is eliminated. The department may not
3 issue any objections, recommendations, and comments report on
4 proposed plan amendments or a notice of intent on adopted plan
5 amendments; however, affected persons, as defined by s.
6 163.3184(1)(a), may file a petition for administrative review
7 pursuant to the requirements of s. 163.3187(3)(a) to challenge
8 the compliance of an adopted plan amendment.
9 (b) Plan amendments that change the boundaries of the
10 certification area; propose a rural land stewardship area
11 pursuant to s. 163.3177(11)(d); propose an optional sector
12 plan pursuant to s. 163.3245; propose a school facilities
13 element; update a comprehensive plan based on an evaluation
14 and appraisal report; impact lands outside the certification
15 boundary; implement new statutory requirements that require
16 specific comprehensive plan amendments; or increase hurricane
17 evacuation times or the need for shelter capacity on lands
18 within the coastal high hazard area shall be reviewed pursuant
19 to ss. 163.3184 and 163.3187.
20 (10) A local government's certification shall be
21 reviewed by the local government and the department as part of
22 the evaluation and appraisal process pursuant to s. 163.3191.
23 Within 1 year after the deadline for the local government to
24 update its comprehensive plan based on the evaluation and
25 appraisal report, the department shall renew or revoke the
26 certification. The local government's failure to adopt a
27 timely evaluation and appraisal report, failure to adopt an
28 evaluation and appraisal report found to be sufficient, or
29 failure to timely adopt amendments based on an evaluation and
30 appraisal report found to be in compliance by the department
31 shall be cause for revoking the certification agreement. The

1 department's decision to renew or revoke shall be considered
2 agency action subject to challenge under s. 120.569.
3 (11) The department shall, by July 1 of each
4 odd-numbered year, submit to the Governor, the President of
5 the Senate, and the Speaker of the House of Representatives a
6 report listing certified local governments, evaluating the
7 effectiveness of the certification, and including any
8 recommendations for legislative actions.
9 (12) The Office of Program Policy Analysis and
10 Government Accountability shall prepare a report evaluating
11 the certification program, which shall be submitted to the
12 Governor, the President of the Senate, and the Speaker of the
13 House of Representatives by December 1, 2007.
14 Section 12. Paragraph (c) of subsection (2) and
15 subsection (3) of section 186.504, Florida Statutes, are
16 amended to read:
17 186.504 Regional planning councils; creation;
18 membership.--
19 (2) Membership on the regional planning council shall
20 be as follows:
21 (c) Representatives appointed by the Governor from the
22 geographic area covered by the regional planning council,
23 including an elected school board member from the geographic
24 area covered by the regional planning council, to be nominated
25 by the Florida School Board Association.
26 (3) Not less than two-thirds of the representatives
27 serving as voting members on the governing bodies of such
28 regional planning councils shall be elected officials of local
29 general-purpose governments chosen by the cities and counties
30 of the region, provided each county shall have at least one
31 vote. The remaining one-third of the voting members on the

1 governing board shall be appointed by the Governor, to include
2 one elected school board member, subject to confirmation by
3 the Senate, and shall reside in the region. No two appointees
4 of the Governor shall have their places of residence in the
5 same county until each county within the region is represented
6 by a Governor's appointee to the governing board. Nothing
7 contained in this section shall deny to local governing bodies
8 or the Governor the option of appointing either locally
9 elected officials or lay citizens provided at least two-thirds
10 of the governing body of the regional planning council is
11 composed of locally elected officials.
12 Section 13. Paragraphs (a) and (d) of subsection (2)
13 and subsection (6) of section 212.055, Florida Statutes, are
14 amended to read:
15 212.055 Discretionary sales surtaxes; legislative
16 intent; authorization and use of proceeds.--It is the
17 legislative intent that any authorization for imposition of a
18 discretionary sales surtax shall be published in the Florida
19 Statutes as a subsection of this section, irrespective of the
20 duration of the levy. Each enactment shall specify the types
21 of counties authorized to levy; the rate or rates which may be
22 imposed; the maximum length of time the surtax may be imposed,
23 if any; the procedure which must be followed to secure voter
24 approval, if required; the purpose for which the proceeds may
25 be expended; and such other requirements as the Legislature
26 may provide. Taxable transactions and administrative
27 procedures shall be as provided in s. 212.054.
28 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--
29 (a)1. The governing authority in each county may levy
30 a discretionary sales surtax of 0.5 percent or 1 percent. The
31 levy of the surtax shall be pursuant to ordinance enacted by a

1 two-thirds vote ~~majority~~ of the members of the county
2 governing authority or pursuant to ordinance enacted by a
3 majority of the members of the county governing authority and
4 approved by a majority of the electors of the county voting in
5 a referendum on the surtax. If the governing bodies of the
6 municipalities representing a majority of the county's
7 population adopt uniform resolutions establishing the rate of
8 the surtax and calling for a referendum on the surtax, the
9 levy of the surtax shall be placed on the ballot and shall
10 take effect if approved by a majority of the electors of the
11 county voting in the referendum on the surtax.
12 2. If the surtax was levied pursuant to a referendum
13 held before July 1, 1993, the surtax may not be levied beyond
14 the time established in the ordinance, or, if the ordinance
15 did not limit the period of the levy, the surtax may not be
16 levied for more than 15 years. The levy of such surtax may be
17 extended only by approval of a majority of the electors of the
18 county voting in a referendum on the surtax or pursuant to
19 ordinance enacted by a two-thirds vote of the members of the
20 county governing authority.
21 (d)1. The proceeds of the surtax authorized by this
22 subsection and approved by referendum and any interest accrued
23 thereto shall be expended by the school district or within the
24 county and municipalities within the county, or, in the case
25 of a negotiated joint county agreement, within another county,
26 to finance, plan, and construct infrastructure and to acquire
27 land for public recreation or conservation or protection of
28 natural resources and to finance the closure of county-owned
29 or municipally owned solid waste landfills that are already
30 closed or are required to close by order of the Department of
31 Environmental Protection. Any use of such proceeds or interest

1 for purposes of landfill closure prior to July 1, 1993, is
2 ratified. Neither the proceeds nor any interest accrued
3 thereto shall be used for operational expenses of any
4 infrastructure, except that any county with a population of
5 less than 75,000 that is required to close a landfill by order
6 of the Department of Environmental Protection may use the
7 proceeds or any interest accrued thereto for long-term
8 maintenance costs associated with landfill closure. Counties,
9 as defined in s. 125.011(1), and charter counties may, in
10 addition, use the proceeds and any interest accrued thereto to
11 retire or service indebtedness incurred for bonds issued prior
12 to July 1, 1987, for infrastructure purposes, and for bonds
13 subsequently issued to refund such bonds. Any use of such
14 proceeds or interest for purposes of retiring or servicing
15 indebtedness incurred for such refunding bonds prior to July
16 1, 1999, is ratified.
17 2. The proceeds of the surtax where the surtax is
18 levied by a two-thirds vote of the governing body of the
19 county and any interest accrued thereto shall be expended by
20 the school district or within the county and municipalities
21 within the county for infrastructure located within the urban
22 service area that is identified in the local government
23 comprehensive plan of the county or municipality and is
24 identified in that local government's capital improvements
25 element adopted pursuant to s. 163.3177(3) or that is
26 identified in the school district's educational facilities
27 plan adopted pursuant to s. 235.185.
28 3.~~2.~~ For the purposes of this paragraph,
29 "infrastructure" means:
30 a. Any fixed capital expenditure or fixed capital
31 outlay associated with the construction, reconstruction, or

1 improvement of public facilities which have a life expectancy
2 of 5 or more years and any land acquisition, land improvement,
3 design, and engineering costs related thereto.
4 b. A fire department vehicle, an emergency medical
5 service vehicle, a sheriff's office vehicle, a police
6 department vehicle, or any other vehicle, and such equipment
7 necessary to outfit the vehicle for its official use or
8 equipment that has a life expectancy of at least 5 years.
9 4.~~3.~~ Notwithstanding any other provision of this
10 subsection, a discretionary sales surtax imposed or extended
11 after the effective date of this act may provide for an amount
12 not to exceed 15 percent of the local option sales surtax
13 proceeds to be allocated for deposit to a trust fund within
14 the county's accounts created for the purpose of funding
15 economic development projects of a general public purpose
16 targeted to improve local economies, including the funding of
17 operational costs and incentives related to such economic
18 development. If applicable,the ballot statement must indicate
19 the intention to make an allocation under the authority of
20 this subparagraph.
21 (6) SCHOOL CAPITAL OUTLAY SURTAX.--
22 (a) The school board in each county may levy, pursuant
23 to resolution conditioned to take effect only upon approval by
24 a majority vote of the electors of the county voting in a
25 referendum, a discretionary sales surtax at a rate that may
26 not exceed 0.5 percent.
27 (b) The resolution shall include a statement that
28 provides a brief and general description of the school capital
29 outlay projects to be funded by the surtax. If applicable, the
30 resolution must state that the district school board has been
31 recognized by the State Board of Education as having a Florida

1 Frugal Schools Program. The statement shall conform to the
2 requirements of s. 101.161 and shall be placed on the ballot
3 by the governing body of the county. The following question
4 shall be placed on the ballot:
5
6 ....FOR THE ....CENTS TAX
7 ....AGAINST THE ....CENTS TAX
8
9 (c) As an alternative method of levying the
10 discretionary sales surtax, the district school board may
11 levy, pursuant to resolution adopted by a two-thirds vote of
12 the members of the school board, a discretionary sales surtax
13 at a rate not to exceed 0.5 percent when the following
14 conditions are met:
15 1. The district school board and local governments in
16 the county where the school district is located have adopted
17 the interlocal agreement and public educational facilities
18 element required by s. 163.31776;
19 2. The district school board has adopted a district
20 educational facilities plan pursuant to s. 235.185; and
21 3. The district's use of surtax proceeds for new
22 construction must not exceed the cost-per-student criteria
23 established for the SIT Program in s. 235.216(2).
24 (d) ~~(c)~~ The resolution providing for the imposition of
25 the surtax shall set forth a plan for use of the surtax
26 proceeds for fixed capital expenditures or fixed capital costs
27 associated with the construction, reconstruction, or
28 improvement of school facilities and campuses which have a
29 useful life expectancy of 5 or more years, and any land
30 acquisition, land improvement, design, and engineering costs
31 related thereto. Additionally, the plan shall include the

1 costs of retrofitting and providing for technology
2 implementation, including hardware and software, for the
3 various sites within the school district. Surtax revenues may
4 be used for the purpose of servicing bond indebtedness to
5 finance projects authorized by this subsection, and any
6 interest accrued thereto may be held in trust to finance such
7 projects. Neither the proceeds of the surtax nor any interest
8 accrued thereto shall be used for operational expenses. If the
9 district school board has been recognized by the State Board
10 of Education as having a Florida Frugal Schools Program, the
11 district's plan for use of the surtax proceeds must be
12 consistent with this subsection and with uses assured under
13 the Florida Frugal Schools Program.
14 (e)~~(d)~~ Any school board imposing the surtax shall
15 implement a freeze on noncapital local school property taxes,
16 at the millage rate imposed in the year prior to the
17 implementation of the surtax, for a period of at least 3 years
18 from the date of imposition of the surtax. This provision
19 shall not apply to existing debt service or required state
20 taxes.
21 (f)~~(e)~~ Surtax revenues collected by the Department of
22 Revenue pursuant to this subsection shall be distributed to
23 the school board imposing the surtax in accordance with law.
24 Section 14. Section 235.002, Florida Statutes, is
25 amended to read:
26 235.002 Intent.--
27 (1) The intent of the Legislature is to:
28 ~~(a) To provide each student in the public education~~
29 ~~system the availability of an educational environment~~
30 ~~appropriate to his or her educational needs which is~~
31 ~~substantially equal to that available to any similar student,~~

~~notwithstanding geographic differences and varying local economic factors, and to provide facilities for the Florida School for the Deaf and the Blind and other educational institutions and agencies as may be defined by law.~~

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

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

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

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

(e) Establish a systematic process by which school boards and local governments can cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system, including the

needs placed on the public education system as a result of growth and development decisions by local governments.

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

(2) The Legislature finds and declares that:

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

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

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

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

Section 15. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 235.15, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that act, but that section is reenacted and amended to read:

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

1 (1) At least every 5 years, each board~~, including the~~
2 ~~Board of Regents,~~shall arrange for an educational plant
3 survey, to aid in formulating plans for housing the
4 educational program and student population, faculty,
5 administrators, staff, and auxiliary and ancillary services of
6 the district or campus, including consideration of the local
7 comprehensive plan. The Office ~~Division~~ of Workforce and
8 Economic Development shall document the need for additional
9 career and adult education programs and the continuation of
10 existing programs before facility construction or renovation
11 related to career or adult education may be included in the
12 educational plant survey of a school district or community
13 college that delivers career or adult education programs.
14 Information used by the Office ~~Division~~ of Workforce and
15 Economic Development to establish facility needs must include,
16 but need not be limited to, labor market data, needs analysis,
17 and information submitted by the school district or community
18 college.
19 (a) Survey preparation and required data.--Each survey
20 shall be conducted by the board or an agency employed by the
21 board. Surveys shall be reviewed and approved by the board,
22 and a file copy shall be submitted to the Office of
23 Educational Facilities and SMART Schools Clearinghouse within
24 the Office of the Commissioner of Education. The survey report
25 shall include at least an inventory of existing educational
26 and ancillary plants, including safe access facilities;
27 recommendations for existing educational and ancillary plants;
28 recommendations for new educational or ancillary plants,
29 including the general location of each in coordination with
30 the land use plan and safe access facilities; campus master
31 plan update and detail for community colleges; the utilization

of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the Florida ~~State~~ Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

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

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

~~student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student

1 enrollment data prepared by the department for school
2 districts, community colleges, colleges and universities ~~by~~
3 ~~the Division of Community Colleges for community colleges, and~~
4 ~~by the Board of Regents for state universities~~. A survey of
5 space needs of a joint-use facility shall be based upon the
6 respective space needs of the school districts, community
7 colleges, colleges and universities, as appropriate.
8 Projections of a school district's facility space needs may
9 not exceed the norm space and occupant design criteria
10 established by the State Requirements for Educational
11 Facilities.
12 3. Each community college's survey must reflect the
13 capacity of existing facilities as specified in the inventory
14 maintained by the Division of Community Colleges. Projections
15 of facility space needs must comply with standards for
16 determining space needs as specified by rule of the Florida
17 ~~State~~ Board of Education. The 5-year projection of capital
18 outlay student enrollment must be consistent with the annual
19 report of capital outlay full-time student enrollment prepared
20 by the Division of Community Colleges.
21 4. Each college and state university's survey must
22 reflect the capacity of existing facilities as specified in
23 the inventory maintained and validated by the Division of
24 Colleges and Universities ~~Board of Regents~~. Projections of
25 facility space needs must be consistent with standards for
26 determining space needs approved by the Division of Colleges
27 and Universities ~~Board of Regents~~. The projected capital
28 outlay full-time equivalent student enrollment must be
29 consistent with the 5-year planned enrollment cycle for the
30 State University System approved by the Division of Colleges
31 and Universities ~~Board of Regents~~.

1 5. The district educational facilities plan
2 ~~educational plant survey~~ of a school district and the
3 educational plant survey of a~~,~~community college, or college
4 or state university may include space needs that deviate from
5 approved standards for determining space needs if the
6 deviation is justified by the district or institution and
7 approved by the department ~~or the Board of Regents, as~~
8 ~~appropriate~~, as necessary for the delivery of an approved
9 educational program.
10 (c) Review and validation.--The Office of Educational
11 Facilities and SMART Schools Clearinghouse ~~department~~ shall
12 review and validate the surveys of school districts,~~and~~
13 community colleges, and colleges and universities,and any
14 amendments thereto for compliance with the requirements of
15 this chapter and~~, when required by the State Constitution,~~
16 shall recommend those in compliance for approval by the
17 Florida ~~State~~ Board of Education.
18 (2) Only the superintendent,~~or the~~ college president,
19 or the university president shall certify to the Office of
20 Educational Facilities and SMART Schools Clearinghouse
21 ~~department~~ a project's compliance with the requirements for
22 expenditure of PECO funds prior to release of funds.
23 (a) Upon request for release of PECO funds for
24 planning purposes, certification must be made to the Office of
25 Educational Facilities and SMART Schools Clearinghouse
26 ~~department~~ that the need for and location of the facility are
27 in compliance with the board-approved survey recommendations,
28 ~~and~~ that the project meets the definition of a PECO project
29 and the limiting criteria for expenditures of PECO funding,
30 and that the plan is consistent with the local government
31 comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the Office of Educational Facilities and SMART Schools Clearinghouse ~~department~~ that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida ~~State~~ ~~Uniform~~ Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 16. Subsection (3) of section 235.175, Florida Statutes, is amended to read:

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

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

Section 17. Section 235.18, Florida Statutes, is amended to read:

235.18 Annual capital outlay budget.--Each board~~, including the Board of Regents,~~shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the board's capital outlay plan ~~educational plant and ancillary facilities plan~~. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative district education facilities plan ~~facilities work program~~ as required by s. 235.185 before adopting the capital outlay budget.

Section 18. Section 235.185, Florida Statutes, is amended to read:

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

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

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

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

(b) "~~Tentative~~ District facilities work program" means the 5-year listing of capital outlay projects adopted by the district school board as provided in subparagraph (2)(a)2. and

1 paragraph (2)(b) as part of the district educational
2 facilities plan, which is required in order to:
3 1. ~~To~~ Properly maintain the educational plant and
4 ancillary facilities of the district.
5 2. ~~To~~ Provide an adequate number of satisfactory
6 student stations for the projected student enrollment of the
7 district in K-12 programs in accordance with the goal in s.
8 235.062.
9 (c) "Tentative educational facilities plan" means the
10 comprehensive planning document prepared annually by the
11 district school board and submitted to the Office of
12 Educational Facilities and SMART Schools Clearinghouse and the
13 affected general-purpose local governments.
14 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
15 FACILITIES PLAN ~~WORK PROGRAM~~.--
16 (a) Annually, prior to the adoption of the district
17 school budget, each school board shall prepare a tentative
18 district educational facilities plan that includes long-range
19 planning for facilities needs over 5-year, 10-year, and
20 20-year periods. The plan must be developed in coordination
21 with the general-purpose local governments and be consistent
22 with the local government comprehensive plans. The school
23 board's plan for provision of new schools must meet the needs
24 of all growing communities in the district, ranging from small
25 rural communities to large urban cities. The plan must include
26 ~~work program that includes~~:
27 1. Projected student populations apportioned
28 geographically at the local level. The projections must be
29 based on information produced by the demographic, revenue, and
30 education estimating conferences pursuant to s. 216.136, where
31 available, as modified by the district based on development

1 data and agreement with the local governments and the Office
2 of Educational Facilities and SMART Schools Clearinghouse. The
3 projections must be apportioned geographically with assistance
4 from the local governments using local development trend data
5 and the school district student enrollment data.
6 2. An inventory of existing school facilities. Any
7 anticipated expansions or closures of existing school sites
8 over the 5-year, 10-year, and 20-year periods must be
9 identified. The inventory must include an assessment of areas
10 proximate to existing schools and identification of the need
11 for improvements to infrastructure, safety, including safe
12 access routes, and conditions in the community. The plan must
13 also provide a listing of major repairs and renovation
14 projects anticipated over the period of the plan.
15 3. Projections of facilities space needs, which may
16 not exceed the norm space and occupant design criteria
17 established in the State Requirements for Educational
18 Facilities.
19 4. Information on leased, loaned, and donated space
20 and relocatables used for conducting the district's
21 instructional programs.
22 5. The general location of public schools proposed to
23 be constructed over the 5-year, 10-year, and 20-year time
24 periods, including a listing of the proposed schools' site
25 acreage needs and anticipated capacity and maps showing the
26 general locations. The school board's identification of
27 general locations of future school sites must be based on the
28 school siting requirements of s. 163.3177(6)(a) and policies
29 in the comprehensive plan which provide guidance for
30 appropriate locations for school sites.
31 6. The identification of options deemed reasonable and

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

1 whether those locations are consistent with the comprehensive
2 plans of all affected local governments, and recommendations
3 for infrastructure and other improvements to land adjacent to
4 existing facilities. The provisions of ss. 235.19 and
5 235.193(12), (13), and (14) must be addressed for new
6 facilities planned within the first 3 years of the work plan,
7 as appropriate.
8 c. Plans for the use and location of relocatable
9 facilities, leased facilities, and charter school facilities.
10 d. Plans for multitrack scheduling, grade level
11 organization, block scheduling, or other alternatives that
12 reduce the need for additional permanent student stations.
13 e. Information concerning average class size and
14 utilization rate by grade level within the district which ~~that~~
15 will result if the tentative district facilities work program
16 is fully implemented. ~~The average shall not include~~
17 ~~exceptional student education classes or prekindergarten~~
18 ~~classes.~~
19 f. The number and percentage of district students
20 planned to be educated in relocatable facilities during each
21 year of the tentative district facilities work program. For
22 determining future needs, student capacity may not be assigned
23 to any relocatable classroom that is scheduled for elimination
24 or replacement with a permanent educational facility in the
25 current year of the adopted district educational facilities
26 plan and in the district facilities work program adopted under
27 this section. Those relocatable classrooms clearly identified
28 and scheduled for replacement in a school-board-adopted,
29 financially feasible, 5-year district facilities work program
30 shall be counted at zero capacity at the time the work program
31 is adopted and approved by the school board. However, if the

1 district facilities work program is changed and the
2 relocatable classrooms are not replaced as scheduled in the
3 work program, the classrooms must be reentered into the system
4 and be counted at actual capacity. Relocatable classrooms may
5 not be perpetually added to the work program or continually
6 extended for purposes of circumventing this section. All
7 relocatable classrooms not identified and scheduled for
8 replacement, including those owned, lease-purchased, or leased
9 by the school district, must be counted at actual student
10 capacity. The district educational facilities plan must
11 identify the number of relocatable student stations scheduled
12 for replacement during the 5-year survey period and the total
13 dollar amount needed for that replacement.
14 g. Plans for the closure of any school, including
15 plans for disposition of the facility or usage of facility
16 space, and anticipated revenues.
17 h. Projects for which capital outlay and debt service
18 funds accruing under s. 9(d), Art. XII of the State
19 Constitution are to be used shall be identified separately in
20 priority order on a project priority list within the district
21 facilities work program.
22 3. The projected cost for each project identified in
23 the ~~tentative~~ district facilities work program. For proposed
24 projects for new student stations, a schedule shall be
25 prepared comparing the planned cost and square footage for
26 each new student station, by elementary, middle, and high
27 school levels, to the low, average, and high cost of
28 facilities constructed throughout the state during the most
29 recent fiscal year for which data is available from the
30 Department of Education.
31 4. A schedule of estimated capital outlay revenues

from each currently approved source which is estimated to be available for expenditure on the projects included in the ~~tentative~~ district facilities work program.

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

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

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

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

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

(f) Commencing on October 1, 2002, and not less than once every 5 years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district. An audit conducted by the Office of Program Policy

1 Analysis and Government Accountability and the Auditor General
2 pursuant to s. 230.23025 satisfies this requirement.
3 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL
4 FACILITIES PLAN TO LOCAL GOVERNMENT.--The district school
5 board shall submit a copy of its tentative district
6 educational facilities plan to all affected local governments
7 prior to adoption by the board. The affected local governments
8 shall review the tentative district educational facilities
9 plan and comment to the district school board on the
10 consistency of the plan with the local comprehensive plan,
11 whether a comprehensive plan amendment will be necessary for
12 any proposed educational facility, and whether the local
13 government supports a necessary comprehensive plan amendment.
14 If the local government does not support a comprehensive plan
15 amendment for a proposed educational facility, the matter
16 shall be resolved pursuant to the interlocal agreement when
17 required by ss. 163.3177(6)(h), 163.31777, and 235.193(2). The
18 process for the submittal and review shall be detailed in the
19 interlocal agreement when required pursuant to ss.
20 163.3177(6)(h), 163.31777, and 235.193(2).
21 (4)~~(3)~~ ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN
22 ~~WORK PROGRAM~~.--Annually, the district school board shall
23 consider and adopt the tentative district educational
24 facilities plan ~~work program~~ completed pursuant to subsection
25 (2). Upon giving proper ~~public~~ notice to the public and local
26 governments and opportunity for public comment, the district
27 school board may amend the plan ~~program~~ to revise the priority
28 of projects, to add or delete projects, to reflect the impact
29 of change orders, or to reflect the approval of new revenue
30 sources which may become available. The adopted district
31 educational facilities plan ~~work program~~ shall:

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

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

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

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

Section 19. Section 235.1851, Florida Statutes, is created to read:

235.1851 Educational facilities benefit districts.--

(1) It is the intent of the Legislature to encourage and authorize public cooperation among district school boards, affected local general purpose governments, and benefited

1 private interests in order to implement financing for timely
2 construction and maintenance of school facilities, including
3 facilities identified in individual district facilities work
4 programs or proposed by charter schools. It is the further
5 intent of the Legislature to provide efficient alternative
6 mechanisms and incentives to allow for sharing costs of
7 educational facilities necessary to accommodate new growth and
8 development among public agencies, including district school
9 boards, affected local general purpose governments, and
10 benefited private development interests.
11 (2) The Legislature hereby authorizes the creation of
12 educational facilities benefit districts pursuant to
13 interlocal cooperation agreements between a district school
14 board and all local general purpose governments within whose
15 jurisdiction a district is located. The purpose of
16 educational facilities benefit districts is to assist in
17 financing the construction and maintenance of educational
18 facilities.
19 (3)(a) An educational facilities benefit district may
20 be created pursuant to this act and chapters 125, 163, 166,
21 and 189. An educational facilities benefit district charter
22 may be created by a county or municipality by entering into an
23 interlocal agreement, as authorized by s. 163.01, with the
24 district school board and any local general purpose government
25 within whose jurisdiction a portion of the district is located
26 and adoption of an ordinance that includes all provisions
27 contained within s. 189.4041. The creating entity shall be
28 the local general purpose government within whose boundaries a
29 majority of the educational facilities benefit district's
30 lands are located.
31 (b) Creation of any educational facilities benefit

1 district shall be conditioned upon the consent of the district
2 school board, all local general purpose governments within
3 whose jurisdiction any portion of the educational facilities
4 benefit district is located, and all landowners within the
5 district. The membership of the governing board of any
6 educational facilities benefit district shall include
7 representation of the district school board, each cooperating
8 local general purpose government, and the landowners within
9 the district. In the case of an educational facilities
10 benefit district's decision to create a charter school, the
11 board of directors of the charter school may constitute the
12 members of the governing board for the educational facilities
13 benefit district.
14 (4) The educational facilities benefit district shall
15 have, and its governing board may exercise, the following
16 powers:
17 (a) To finance and construct educational facilities
18 within the district's boundaries.
19 (b) To sue and be sued in the name of the district; to
20 adopt and use a seal and authorize the use of a facsimile
21 thereof; to acquire, by purchase, gift, devise, or otherwise,
22 and to dispose of real and personal property or any estate
23 therein; and to make and execute contracts and other
24 instruments necessary or convenient to the exercise of its
25 powers.
26 (c) To contract for the services of consultants to
27 perform planning, engineering, legal, or other appropriate
28 services of a professional nature. Such contracts shall be
29 subject to the public bidding or competitive negotiations
30 required of local general purpose governments.
31 (d) To borrow money and accept gifts; to apply for

1 unused grants or loans of money or other property from the
2 United States, the state, a unit of local government, or any
3 person for any district purposes and enter into agreements
4 required in connection therewith; and to hold, use, and
5 dispose of such moneys or property for any district purposes
6 in accordance with the terms of the gift, grant, loan, or
7 agreement relating thereto.
8 (e) To adopt resolutions and polices prescribing the
9 powers, duties, and functions of the officers of the district,
10 the conduct of the business of the district, and the
11 maintenance of records and documents of the district.
12 (f) To maintain an office at such place or places as
13 it may designate within the district or within the boundaries
14 of the local general purpose government that created the
15 district.
16 (g) To lease as lessor or lessee to or from any
17 person, firm, corporation, association, or body, public or
18 private, any projects of the type that the district is
19 authorized to undertake and facilities or property of any
20 nature for use of the district to carry out any of the
21 purposes authorized by this act.
22 (h) To borrow money and issue bonds, certificates,
23 warrants, notes, or other evidence of indebtedness pursuant to
24 this act for periods not longer than 30 years, provided such
25 bonds, certificates, warrants, notes, or other indebtedness
26 shall only be guaranteed by non-ad valorem assessments legally
27 imposed by the district and other available sources of funds
28 provided in this act and shall not pledge the full faith and
29 credit of any local general purpose government or the district
30 school board.
31 (i) To cooperate with or contract with other

1 governmental agencies as may be necessary, convenient,
2 incidental, or proper in connection with any of the powers,
3 duties, or purposes authorized by this act and to accept
4 funding from local and state agencies as provided in this act.
5 (j) To levy, impose, collect, and enforce non-ad
6 valorem assessments, as defined by s. 197.3632(1)(d), pursuant
7 to this act, chapters 125 and 166, and ss. 197.3631, 197.3632,
8 and 197.3635.
9 (k) To exercise all powers necessary, convenient,
10 incidental, or proper in connection with any of the powers,
11 duties, or purposes authorized by this act.
12 (5) As an alternative to the creation of an
13 educational facilities benefit district, the Legislature
14 hereby recognizes and encourages the consideration of
15 community development district creation pursuant to chapter
16 190 as a viable alternative for financing the construction and
17 maintenance of educational facilities as described in this
18 act. Community development districts are granted the authority
19 to determine, order, levy, impose, collect, and enforce non-ad
20 valorem assessments for such purposes pursuant to this act and
21 chapters 170, 190, and 197. This authority is in addition to
22 any authority granted community development districts under
23 chapter 190. Community development districts are therefore
24 deemed eligible for the financial enhancements available to
25 educational facilities benefit districts providing for
26 financing the construction and maintenance of educational
27 facilities pursuant to s. 235.1852. In order to receive such
28 financial enhancements, a community development district must
29 enter into an interlocal agreement with the district school
30 board and affected local general purpose governments that
31 specifies the obligations of all parties to the agreement.

1 Nothing in this act or in any interlocal agreement entered
2 into pursuant to this act requires any change in the method of
3 election of a board of supervisors of a community development
4 district provided in chapter 190.
5 Section 20. Section 235.1852, Florida Statutes, is
6 created to read:
7 235.1852 Local funding for educational facilities
8 benefit districts or community development districts.--Upon
9 confirmation by a district school board of the commitment of
10 revenues by an educational facilities benefit district or
11 community development district necessary to construct and
12 maintain an educational facility contained within an
13 individual district facilities work program or proposed by an
14 approved charter school or a charter school applicant, the
15 following funds shall be provided to the educational
16 facilities benefit district or community development district
17 annually, beginning with the next fiscal year after
18 confirmation until the district's financial obligations are
19 completed:
20 (1) All educational facilities impact fee revenue
21 collected for new development within the educational
22 facilities benefit district or community development district.
23 Funds provided under this subsection shall be used to fund the
24 construction and capital maintenance costs of educational
25 facilities.
26 (2) For construction and capital maintenance costs not
27 covered by the funds provided under subsection (1), an annual
28 amount contributed by the district school board equal to
29 one-half of the remaining costs of construction and capital
30 maintenance of the educational facility. Any construction
31 costs above the cost-per-student criteria established for the

1 SIT Program in s. 235.216(2) shall be funded exclusively by
2 the educational facilities benefit district or the community
3 development district. Funds contributed by a district school
4 board shall not be used to fund operational costs.
5
6 Educational facilities funded pursuant to this act may be
7 constructed on land that is owned by any person after the
8 district school board has acquired from the owner of the land
9 a long-term lease for the use of this land for a period of not
10 less than 40 years or the life expectancy of the permanent
11 facilities constructed thereon, whichever is longer. All
12 interlocal agreements entered into pursuant to this act shall
13 provide for ownership of educational facilities funded
14 pursuant to this act to revert to the district school board if
15 such facilities cease to be used for public educational
16 purposes prior to 40 years after construction or prior to the
17 end of the life expectancy of the educational facilities,
18 whichever is longer.
19 Section 21. Section 235.1853, Florida Statutes, is
20 created to read:
21 235.1853 Educational facilities benefit district or
22 community development district facility utilization.--The
23 student population of all facilities funded pursuant to this
24 act shall reflect the racial balance of the school district
25 pursuant to state and federal law. However, to the extent
26 allowable pursuant to state and federal law, the interlocal
27 agreement providing for the establishment of the educational
28 facilities benefit district or the interlocal agreement
29 between the community development district and the district
30 school board and affected local general purpose governments
31 may provide for the district school board to establish school

1 attendance zones that allow students residing within a
2 reasonable distance of facilities financed through the
3 interlocal agreement to attend such facilities.
4 Section 22. Section 235.188, Florida Statutes, is
5 amended to read:
6 235.188 Full bonding required to participate in
7 programs.--Any district with unused bonding capacity in its
8 Capital Outlay and Debt Service Trust Fund allocation that
9 certifies in its district educational facilities plan ~~work~~
10 ~~program~~ that it will not be able to meet all of its need for
11 new student stations within existing revenues must fully bond
12 its Capital Outlay and Debt Service Trust Fund allocation
13 before it may participate in Classrooms First, the School
14 Infrastructure Thrift (SIT) Program, or the Effort Index
15 Grants Program.
16 Section 23. Section 235.19, Florida Statutes, is
17 amended to read:
18 235.19 Site planning and selection.--
19 (1) Before acquiring property for sites, each board
20 shall determine the location of proposed educational centers
21 or campuses for the board. In making this determination, the
22 board shall consider existing and anticipated site needs and
23 the most economical and practicable locations of sites. The
24 board shall coordinate with the long-range or comprehensive
25 plans of local, regional, and state governmental agencies to
26 assure the consistency ~~compatibility~~ of such plans ~~with site~~
27 ~~planning~~. Boards are encouraged to locate district educational
28 facilities ~~schools~~ proximate to urban residential areas to the
29 extent possible, and shall seek to collocate district
30 educational facilities ~~schools~~ with other public facilities,
31 such as parks, libraries, and community centers, to the extent

1 possible, and to encourage using elementary schools as focal
2 points for neighborhoods.
3 (2) Each new site selected must be adequate in size to
4 meet the educational needs of the students to be served on
5 that site by the original educational facility or future
6 expansions of the facility through renovation or the addition
7 of relocatables. ~~The Commissioner of Education shall prescribe~~
8 ~~by rule recommended sizes for new sites according to~~
9 ~~categories of students to be housed and other appropriate~~
10 ~~factors determined by the commissioner. Less-than-recommended~~
11 ~~site sizes are allowed if the board, by a two-thirds majority,~~
12 ~~recommends such a site and finds that it can provide an~~
13 ~~appropriate and equitable educational program on the site.~~
14 (3) Sites recommended for purchase, or purchased, in
15 accordance with chapter 230 or chapter 240 must meet standards
16 prescribed therein and such supplementary standards as the
17 commissioner prescribes to promote the educational interests
18 of the students. Each site must be well drained and suitable
19 for outdoor educational purposes as appropriate for the
20 educational program or collocated with facilities to serve
21 this purpose. As provided in s. 333.03, the site must not be
22 located within any path of flight approach of any airport.
23 Insofar as is practicable, the site must not adjoin a
24 right-of-way of any railroad or through highway and must not
25 be adjacent to any factory or other property from which noise,
26 odors, or other disturbances, or at which conditions, would be
27 likely to interfere with the educational program. To the
28 extent practicable, sites must be chosen which will provide
29 safe access from neighborhoods to schools.
30 (4) It shall be the responsibility of the board to
31 provide adequate notice to appropriate municipal, county,

1 regional, and state governmental agencies for requested
2 traffic control and safety devices so they can be installed
3 and operating prior to the first day of classes or to satisfy
4 itself that every reasonable effort has been made in
5 sufficient time to secure the installation and operation of
6 such necessary devices prior to the first day of classes. It
7 shall also be the responsibility of the board to review
8 annually traffic control and safety device needs and to
9 request all necessary changes indicated by such review.
10 (5) Each board may request county and municipal
11 governments to construct and maintain sidewalks and bicycle
12 trails within a 2-mile radius of each educational facility
13 within the jurisdiction of the local government. When a board
14 discovers or is aware of an existing hazard on or near a
15 public sidewalk, street, or highway within a 2-mile radius of
16 a school site and the hazard endangers the life or threatens
17 the health or safety of students who walk, ride bicycles, or
18 are transported regularly between their homes and the school
19 in which they are enrolled, the board shall, within 24 hours
20 after discovering or becoming aware of the hazard, excluding
21 Saturdays, Sundays, and legal holidays, report such hazard to
22 the governmental entity within the jurisdiction of which the
23 hazard is located. Within 5 days after receiving notification
24 by the board, excluding Saturdays, Sundays, and legal
25 holidays, the governmental entity shall investigate the
26 hazardous condition and either correct it or provide such
27 precautions as are practicable to safeguard students until the
28 hazard can be permanently corrected. However, if the
29 governmental entity that has jurisdiction determines upon
30 investigation that it is impracticable to correct the hazard,
31 or if the entity determines that the reported condition does

1 not endanger the life or threaten the health or safety of
2 students, the entity shall, within 5 days after notification
3 by the board, excluding Saturdays, Sundays, and legal
4 holidays, inform the board in writing of its reasons for not
5 correcting the condition. The governmental entity, to the
6 extent allowed by law, shall indemnify the board from any
7 liability with respect to accidents or injuries, if any,
8 arising out of the hazardous condition.
9 (6) If the school board and local government have
10 entered into an interlocal agreement pursuant to s. 235.193(2)
11 and either s. 163.3177(6)(h)4. or s. 163.31777 or have
12 developed a process to ensure consistency between the local
13 government comprehensive plan and the school district
14 educational facilities plan, site planning and selection must
15 be consistent with the interlocal agreements and the plans.
16 Section 24. Section 235.193, Florida Statutes, is
17 amended to read:
18 235.193 Coordination of planning with local governing
19 bodies.--
20 (1) It is the policy of this state to require the
21 coordination of planning between boards and local governing
22 bodies to ensure that plans for the construction and opening
23 of public educational facilities are facilitated and
24 coordinated in time and place with plans for residential
25 development, concurrently with other necessary services. Such
26 planning shall include the integration of the educational
27 facilities plan ~~plant survey~~ and applicable policies and
28 procedures of a board with the local comprehensive plan and
29 land development regulations of local governments ~~governing~~
30 ~~bodies~~. The planning must include the consideration of
31 allowing students to attend the school located nearest their

1 homes when a new housing development is constructed near a
2 county boundary and it is more feasible to transport the
3 students a short distance to an existing facility in an
4 adjacent county than to construct a new facility or transport
5 students longer distances in their county of residence. The
6 planning must also consider the effects of the location of
7 public education facilities, including the feasibility of
8 keeping central city facilities viable, in order to encourage
9 central city redevelopment and the efficient use of
10 infrastructure and to discourage uncontrolled urban sprawl. In
11 addition, all parties to the planning process must consult
12 with state and local road departments to assist in
13 implementing the Safe Paths to Schools program administered by
14 the Department of Transportation.
15 (2)(a) The school board, county, and nonexempt
16 municipalities located within the geographic area of a school
17 district shall enter into an interlocal agreement that jointly
18 establishes the specific ways in which the plans and processes
19 of the district school board and the local governments are to
20 be coordinated. The interlocal agreements shall be submitted
21 to the state land planning agency and the Office of
22 Educational Facilities and the SMART Schools Clearinghouse in
23 accordance with a schedule published by the state land
24 planning agency.
25 (b) The schedule must establish staggered due dates
26 for submission of interlocal agreements that are executed by
27 both the local government and district school board,
28 commencing on March 1, 2003, and concluding by December 1,
29 2004, and must set the same date for all governmental entities
30 within a school district. However, if the county where the
31 school district is located contains more than 20

1 municipalities, the state land planning agency may establish
2 staggered due dates for the submission of interlocal
3 agreements by these municipalities. The schedule must begin
4 with those areas where both the number of districtwide
5 capital-outlay full-time-equivalent students equals 80 percent
6 or more of the current year's school capacity and the
7 projected 5-year student growth rate is 1,000 or greater, or
8 where the projected 5-year student growth rate is 10 percent
9 or greater.
10 (c) If the student population has declined over the
11 5-year period preceding the due date for submittal of an
12 interlocal agreement by the local government and the district
13 school board, the local government and district school board
14 may petition the state land planning agency for a waiver of
15 one or more of the requirements of subsection (3). The waiver
16 must be granted if the procedures called for in subsection (3)
17 are unnecessary because of the school district's declining
18 school age population, considering the district's 5-year work
19 program prepared pursuant to s. 235.185. The state land
20 planning agency may modify or revoke the waiver upon a finding
21 that the conditions upon which the waiver was granted no
22 longer exist. The district school board and local governments
23 must submit an interlocal agreement within 1 year after
24 notification by the state land planning agency that the
25 conditions for a waiver no longer exist.
26 (d) Interlocal agreements between local governments
27 and district school boards adopted pursuant to s. 163.3177
28 before the effective date of subsections (2)-(9) must be
29 updated and executed pursuant to the requirements of
30 subsections (2)-(9), if necessary. Amendments to interlocal
31 agreements adopted pursuant to subsections (2)-(9) must be

1 submitted to the state land planning agency within 30 days
2 after execution by the parties for review consistent with
3 subsections (3) and (4). Local governments and the district
4 school board in each school district are encouraged to adopt a
5 single interlocal agreement in which all join as parties. The
6 state land planning agency shall assemble and make available
7 model interlocal agreements meeting the requirements of
8 subsections (2)-(9) and shall notify local governments and,
9 jointly with the Department of Education, the district school
10 boards of the requirements of subsections (2)-(9), the dates
11 for compliance, and the sanctions for noncompliance. The state
12 land planning agency shall be available to informally review
13 proposed interlocal agreements. If the state land planning
14 agency has not received a proposed interlocal agreement for
15 informal review, the state land planning agency shall, at
16 least 60 days before the deadline for submission of the
17 executed agreement, renotify the local government and the
18 district school board of the upcoming deadline and the
19 potential for sanctions.
20 (3) At a minimum, the interlocal agreement must
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. The geographic
26 distribution of jurisdiction-wide growth forecasts is a major
27 objective of the process.
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 of evaluating
3 potential school closures, significant renovations to existing
4 schools, and new school site selection before land
5 acquisition. Local governments shall advise the district
6 school board as to the consistency of the proposed closure,
7 renovation, or new site with the local comprehensive plan,
8 including appropriate circumstances and criteria under which a
9 district school board may request an amendment to the
10 comprehensive plan for school siting.
11 (d) A process for determining the need for and timing
12 of on-site and off-site improvements to support new
13 construction, proposed expansion, or redevelopment of existing
14 schools. The process shall address identification of the party
15 or parties responsible for the improvements.
16 (e) A process for the school board to inform the local
17 government regarding school capacity. The capacity reporting
18 must be consistent with laws and rules regarding measurement
19 of school facility capacity and must also identify how the
20 district school board will meet the public school demand based
21 on the facilities work program adopted pursuant to s. 235.185.
22 (f) Participation of the local governments in the
23 preparation of the annual update to the school board's 5-year
24 district facilities work program and educational plant survey
25 prepared pursuant to s. 235.185.
26 (g) A process for determining where and how joint use
27 of either school board or local government facilities can be
28 shared for mutual benefit and efficiency.
29 (h) A procedure for the resolution of disputes between
30 the district school board and local governments, which may
31 include the dispute-resolution processes contained in chapters

1 164 and 186.
2 (i) An oversight process, including an opportunity for
3 public participation, for the implementation of the interlocal
4 agreement.
5
6 A signatory to the interlocal agreement may elect not to
7 include a provision meeting the requirements of paragraph (e);
8 however, such a decision may be made only after a public
9 hearing on such election, which may include the public hearing
10 in which a district school board or a local government adopts
11 the interlocal agreement. An interlocal agreement entered into
12 pursuant to this section must be consistent with the adopted
13 comprehensive plan and land development regulations of any
14 local government that is a signatory.
15 (4)(a) The Office of Educational Facilities and SMART
16 Schools Clearinghouse shall submit any comments or concerns
17 regarding the executed interlocal agreement to the state land
18 planning agency within 30 days after receipt of the executed
19 interlocal agreement. The state land planning agency shall
20 review the executed interlocal agreement to determine whether
21 it is consistent with the requirements of subsection (3), the
22 adopted local government comprehensive plan, and other
23 requirements of law. Within 60 days after receipt of an
24 executed interlocal agreement, the state land planning agency
25 shall publish a notice of intent in the Florida Administrative
26 Weekly and shall post a copy of the notice on the agency's
27 Internet site. The notice of intent must state that the
28 interlocal agreement is consistent or inconsistent with the
29 requirements of subsection (3) and this subsection as
30 appropriate.
31 (b) The state land planning agency's notice is subject

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

1 directing the Department of Education to withhold an
2 equivalent amount of funds for school construction available
3 pursuant to ss. 235.187, 235.216, 235.2195, and 235.42.
4 (5) If an executed interlocal agreement is not timely
5 submitted to the state land planning agency for review, the
6 state land planning agency shall, within 15 working days after
7 the deadline for submittal, issue to the local government and
8 the district school board a Notice to Show Cause why sanctions
9 should not be imposed for failure to submit an executed
10 interlocal agreement by the deadline established by the
11 agency. The agency shall forward the notice and the responses
12 to the Administration Commission, which may enter a final
13 order citing the failure to comply and imposing sanctions
14 against the local government and district school board by
15 directing the appropriate agencies to withhold at least 5
16 percent of state funds pursuant to s. 163.3184(11) and by
17 directing the Department of Education to withhold from the
18 district school board at least 5 percent of funds for school
19 construction available pursuant to ss. 235.187, 235.216,
20 235.2195, and 235.42.
21 (6) Any local government transmitting a public school
22 element to implement school concurrency pursuant to the
23 requirements of s. 163.3180 before the effective date of this
24 section is not required to amend the element or any interlocal
25 agreement to conform with the provisions of subsections
26 (2)-(8) if the element is adopted prior to or within 1 year
27 after the effective date of subsections (2)-(8) and remains in
28 effect.
29 (7) Except as provided in subsection (8),
30 municipalities having no established need for a new facility
31 and meeting the following criteria are exempt from the

1 requirements of subsections (2), (3) and (4):
2 (a) The municipality has no public schools located
3 within its boundaries.
4 (b) The district school board's 5-year facilities work
5 program and the long-term 10-year and 20-year work programs,
6 as provided in s. 235.185, demonstrate that no new school
7 facility is needed in the municipality. In addition, the
8 district school board must verify in writing that no new
9 school facility will be needed in the municipality within the
10 5-year and 10-year timeframes.
11 (8) At the time of the evaluation and appraisal
12 report, each exempt municipality shall assess the extent to
13 which it continues to meet the criteria for exemption under
14 subsection (7). If the municipality continues to meet these
15 criteria and the district school board verifies in writing
16 that no new school facilities will be needed within the 5-year
17 and 10-year timeframes, the municipality shall continue to be
18 exempt from the interlocal-agreement requirement. Each
19 municipality exempt under subsection (7) must comply with the
20 provisions of subsections (2)-(8) within 1 year after the
21 district school board proposes, in its 5-year district
22 facilities work program, a new school within the
23 municipality's jurisdiction.
24 (9)~~(2)~~ A school board and the local governing body
25 must share and coordinate information related to existing and
26 planned public school facilities; proposals for development,
27 redevelopment, or additional development; and infrastructure
28 required to support the public school facilities, concurrent
29 with proposed development. A school board shall use
30 information produced by the demographic, revenue, and
31 education estimating conferences pursuant to s. 216.136

~~Department of Education enrollment projections~~ when preparing the ~~5-year~~ district educational facilities plan ~~work program~~ pursuant to s. 235.185, as modified and agreed to by the local governments, when provided by interlocal agreement, and the Office of Educational Facilities and SMART Schools Clearinghouse, in ~~and a school board shall affirmatively demonstrate in the educational facilities report~~ consideration of local governments' population projections, to ensure that the district educational facilities plan ~~5-year work program~~ not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. The projections must be apportioned geographically with assistance from the local governments using local government trend data and the school district student enrollment data. A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan ~~report~~ for the prior year required pursuant to s. 235.185 ~~s. 235.194~~ unless the failure is corrected.

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

(11)~~(4)~~ To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority

over the use of the land consistent with an interlocal agreement entered pursuant to subsections (2)-(8)at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection(12)~~(5)~~.

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

consistency shall be considered an approval of the school board's application.

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

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

(15)~~(8)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and~~

~~levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida ~~State Uniform~~ Building Code, unless mutually agreed upon. Local government review or approval is not required for:

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

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

Section 25. Section 235.194, Florida Statutes, is repealed.

Section 26. Section 235.218, Florida Statutes, is amended to read:

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

(1) The Office of Educational Facilities and SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district educational facilities plans ~~work programs~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the

1 districts' control. The measures must, at a minimum, assess
2 performance in the following areas:
3 (a) Frugal production of high-quality projects.
4 (b) Efficient finance and administration.
5 (c) Optimal school and classroom size and utilization
6 rate.
7 (d) Safety.
8 (e) Core facility space needs and cost-effective
9 capacity improvements that consider demographic projections.
10 (f) Level of district local effort.
11 (2) The office ~~clearinghouse~~ shall establish annual
12 performance objectives and standards that can be used to
13 evaluate district performance and productivity.
14 (3) The office ~~clearinghouse~~ shall conduct ongoing
15 evaluations of district educational facilities program
16 performance and productivity, using the measures adopted under
17 this section. If, using these measures, the office
18 ~~clearinghouse~~ finds that a district failed to perform
19 satisfactorily, the office ~~clearinghouse~~ must recommend to the
20 district school board actions to be taken to improve the
21 district's performance.
22 Section 27. Paragraph (c) of subsection (2) of section
23 235.2197, Florida Statutes, is amended to read:
24 235.2197 Florida Frugal Schools Program.--
25 (2) The "Florida Frugal Schools Program" is created to
26 recognize publicly each district school board that agrees to
27 build frugal yet functional educational facilities and that
28 implements "best financial management practices" when
29 planning, constructing, and operating educational facilities.
30 The Florida ~~State~~ Board of Education shall recognize a
31 district school board as having a Florida Frugal Schools

1 Program if the district requests recognition and satisfies two
2 or more of the following criteria:
3 (c) The district school board submits a plan to the
4 Commissioner of Education certifying how the revenues
5 generated by the levy of the capital outlay sales surtax
6 authorized by s. 212.055(6) will be spent. The plan must
7 include at least the following assurances about the use of the
8 proceeds of the surtax and any accrued interest:
9 1. The district school board will use the surtax and
10 accrued interest only for the fixed capital outlay purposes
11 identified by s. 212.055(6)(d) which will reduce school
12 overcrowding that has been validated by the Department of
13 Education, or for the repayment of bonded indebtedness related
14 to such capital outlay purposes.
15 2. The district school board will not spend the surtax
16 or accrued interest to pay for operational expenses or for the
17 construction, renovation, or remodeling of any administrative
18 building or any other ancillary facility that is not directly
19 related to the instruction, feeding, or transportation of
20 students enrolled in the public schools.
21 3. The district school board's use of the surtax and
22 accrued interest will be consistent with the best financial
23 management practices identified and approved under s.
24 230.23025.
25 4. The district school board will apply the
26 educational facilities contracting and construction techniques
27 authorized by s. 235.211 or other construction management
28 techniques to reduce the cost of educational facilities.
29 5. The district school board will discontinue the
30 surtax levy when the district has provided the
31 survey-recommended educational facilities that were determined

1 to be necessary to relieve school overcrowding; when the
2 district has satisfied any bonded indebtedness incurred for
3 such educational facilities; or when the district's other
4 sources of capital outlay funds are sufficient to provide such
5 educational facilities, whichever occurs first.
6 6. The district school board will use any excess
7 surtax collections or accrued interest to reduce the
8 discretionary outlay millage levied under s. 236.25(2).
9 Section 28. Section 235.321, Florida Statutes, is
10 amended to read:
11 235.321 Changes in construction requirements after
12 award of contract.--The board may, at its option and by
13 written policy duly adopted and entered in its official
14 minutes, authorize the superintendent or president or other
15 designated individual to approve change orders in the name of
16 the board for preestablished amounts. Approvals shall be for
17 the purpose of expediting the work in progress and shall be
18 reported to the board and entered in its official minutes. For
19 accountability, the school district shall monitor and report
20 the impact of change orders on its district educational
21 facilities plan ~~work program~~ pursuant to s. 235.185.
22 Section 29. Paragraph (d) of subsection (5) of section
23 236.25, Florida Statutes, is amended to read:
24 236.25 District school tax.--
25 (5)
26 (d) Notwithstanding any other provision of this
27 subsection, if through its adopted educational facilities plan
28 ~~work program~~ a district has clearly identified the need for an
29 ancillary plant, has provided opportunity for public input as
30 to the relative value of the ancillary plant versus an
31 educational plant, and has obtained public approval, the

1 district may use revenue generated by the millage levy
2 authorized by subsection (2) for the acquisition,
3 construction, renovation, remodeling, maintenance, or repair
4 of an ancillary plant.
5
6 A district that violates these expenditure restrictions shall
7 have an equal dollar reduction in funds appropriated to the
8 district under s. 236.081 in the fiscal year following the
9 audit citation. The expenditure restrictions do not apply to
10 any school district that certifies to the Commissioner of
11 Education that all of the district's instructional space needs
12 for the next 5 years can be met from capital outlay sources
13 that the district reasonably expects to receive during the
14 next 5 years or from alternative scheduling or construction,
15 leasing, rezoning, or technological methodologies that exhibit
16 sound management.
17 Section 30. Subsection (3) of section 380.04, Florida
18 Statutes, is amended to read:
19 380.04 Definition of development.--
20 (3) The following operations or uses shall not be
21 taken for the purpose of this chapter to involve "development"
22 as defined in this section:
23 (a) Work by a highway or road agency or railroad
24 company for the maintenance or improvement of a road or
25 railroad track, if the work is carried out on land within the
26 boundaries of the right-of-way or any work or construction
27 within the boundaries of the right-of-way on the federal
28 interstate highway system.
29 (b) Work by any utility and other persons engaged in
30 the distribution or transmission of electricity, gas, or
31 water, for the purpose of inspecting, repairing, renewing, or

1 constructing on established rights-of-way any sewers, mains,
2 pipes, cables, utility tunnels, power lines, towers, poles,
3 tracks, or the like.
4 (c) Work for the maintenance, renewal, improvement, or
5 alteration of any structure, if the work affects only the
6 interior or the color of the structure or the decoration of
7 the exterior of the structure.
8 (d) The use of any structure or land devoted to
9 dwelling uses for any purpose customarily incidental to
10 enjoyment of the dwelling.
11 (e) The use of any land for the purpose of growing
12 plants, crops, trees, and other agricultural or forestry
13 products; raising livestock; or for other agricultural
14 purposes.
15 (f) A change in use of land or structure from a use
16 within a class specified in an ordinance or rule to another
17 use in the same class.
18 (g) A change in the ownership or form of ownership of
19 any parcel or structure.
20 (h) The creation or termination of rights of access,
21 riparian rights, easements, covenants concerning development
22 of land, or other rights in land.
23 Section 31. Paragraph (d) of subsection (2), paragraph
24 (b) of subsection (4), paragraph (a) of subsection (8),
25 subsection (12), paragraph (c) of subsection (15), subsection
26 (18), and paragraphs (b), (c), (e), and (f) of subsection (19)
27 of section 380.06, Florida Statutes, are amended, and
28 paragraphs (i) and (j) are added to subsection (24) of that
29 section, to read:
30 380.06 Developments of regional impact.--
31 (2) STATEWIDE GUIDELINES AND STANDARDS.--

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.--

a. A development that is at or below 100 ~~80~~ percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and (i), are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption ~~presumptions~~.--

~~a. It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo development-of-regional-impact review.~~

~~b.~~ It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(4) BINDING LETTER.--

(b) Unless a developer waives the requirements of this paragraph by agreeing to undergo

development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if~~:~~

~~1.~~ the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards.~~; or~~

~~2. The development is between a presumptive numerical threshold and 20 percent below the numerical threshold and the local government or the state land planning agency is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of citizens of more than one county.~~

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.--

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state

1 land planning agency agrees to a different time for good cause
2 shown. Failure to timely file an application and to otherwise
3 diligently proceed in good faith to obtain a final development
4 order shall constitute a breach of the preliminary development
5 agreement.
6 3. The agreement shall include maps and legal
7 descriptions of both the preliminary development area and the
8 total proposed development area and shall specifically
9 describe the preliminary development in terms of magnitude and
10 location. The area approved for preliminary development must
11 be included in the application for development approval and
12 shall be subject to the terms and conditions of the final
13 development order.
14 4. The preliminary development shall be limited to
15 lands that the state land planning agency agrees are suitable
16 for development and shall only be allowed in areas where
17 adequate public infrastructure exists to accommodate the
18 preliminary development, when such development will utilize
19 public infrastructure. The developer must also demonstrate
20 that the preliminary development will not result in material
21 adverse impacts to existing resources or existing or planned
22 facilities.
23 5. The preliminary development agreement may allow
24 development which is:
25 a. Less than or equal to 100 ~~80~~ percent of any
26 applicable threshold if the developer demonstrates that such
27 development is consistent with subparagraph 4.; or
28 b. Less than 120 percent of any applicable threshold
29 if the developer demonstrates that such development is part of
30 a proposed downtown development of regional impact specified
31 in subsection (22) or part of any areawide development of

1 regional impact specified in subsection (25) and that the
2 development is consistent with subparagraph 4.
3 6. The developer and owners of the land may not claim
4 vested rights, or assert equitable estoppel, arising from the
5 agreement or any expenditures or actions taken in reliance on
6 the agreement to continue with the total proposed development
7 beyond the preliminary development. The agreement shall not
8 entitle the developer to a final development order approving
9 the total proposed development or to particular conditions in
10 a final development order.
11 7. The agreement shall not prohibit the regional
12 planning agency from reviewing or commenting on any regional
13 issue that the regional agency determines should be included
14 in the regional agency's report on the application for
15 development approval.
16 8. The agreement shall include a disclosure by the
17 developer and all the owners of the land in the total proposed
18 development of all land or development within 5 miles of the
19 total proposed development in which they have an interest and
20 shall describe such interest.
21 9. In the event of a breach of the agreement or
22 failure to comply with any condition of the agreement, or if
23 the agreement was based on materially inaccurate information,
24 the state land planning agency may terminate the agreement or
25 file suit to enforce the agreement as provided in this section
26 and s. 380.11, including a suit to enjoin all development.
27 10. A notice of the preliminary development agreement
28 shall be recorded by the developer in accordance with s.
29 28.222 with the clerk of the circuit court for each county in
30 which land covered by the terms of the agreement is located.
31 The notice shall include a legal description of the land

covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:

a. A final development order under this section has been rendered that approves all of the development actually constructed; or

b. The amount of development is less than 100 ~~80~~ percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.

In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to

1 the state land planning agency. Within 30 days of receipt of
2 adequate documentation of such notice, the state land planning
3 agency shall make its determination as to whether or not the
4 developer meets the criteria for abandonment. Once the state
5 land planning agency determines that the developer meets the
6 criteria for abandonment, the state land planning agency shall
7 issue a notice of abandonment which shall be recorded by the
8 developer in accordance with s. 28.222 with the clerk of the
9 circuit court for each county in which land covered by the
10 terms of the agreement is located.
11 (12) REGIONAL REPORTS.--
12 (a) Within 50 days after receipt of the notice of
13 public hearing required in paragraph (11)(c), the regional
14 planning agency, if one has been designated for the area
15 including the local government, shall prepare and submit to
16 the local government a report and recommendations on the
17 regional impact of the proposed development. In preparing its
18 report and recommendations, the regional planning agency shall
19 identify regional issues based upon the following review
20 criteria and make recommendations to the local government on
21 these regional issues, specifically considering whether, and
22 the extent to which:
23 1. The development will have a favorable or
24 unfavorable impact on state or regional resources or
25 facilities identified in the applicable state or regional
26 plans. For the purposes of this subsection, "applicable state
27 plan" means the state comprehensive plan. For the purposes of
28 this subsection, "applicable regional plan" means an adopted
29 comprehensive regional policy plan until the adoption of a
30 strategic regional policy plan pursuant to s. 186.508, and
31 thereafter means an adopted strategic regional policy plan.

1 2. The development will significantly impact adjacent
2 jurisdictions. At the request of the appropriate local
3 government, regional planning agencies may also review and
4 comment upon issues that affect only the requesting local
5 government.
6 3. As one of the issues considered in the review in
7 subparagraphs 1. and 2., the development will favorably or
8 adversely affect the ability of people to find adequate
9 housing reasonably accessible to their places of employment.
10 The determination should take into account information on
11 factors that are relevant to the availability of reasonably
12 accessible adequate housing. Adequate housing means housing
13 that is available for occupancy and that is not substandard.
14 (b) At the request of the regional planning agency,
15 other appropriate agencies shall review the proposed
16 development and shall prepare reports and recommendations on
17 issues that are clearly within the jurisdiction of those
18 agencies. Such agency reports shall become part of the
19 regional planning agency report; however, the regional
20 planning agency may attach dissenting views. When water
21 management district and Department of Environmental Protection
22 permits have been issued pursuant to chapter 373 or chapter
23 403, the regional planning council may comment on the regional
24 implications of the permits but may not offer conflicting
25 recommendations.
26 (c) The regional planning agency shall afford the
27 developer or any substantially affected party reasonable
28 opportunity to present evidence to the regional planning
29 agency head relating to the proposed regional agency report
30 and recommendations.
31 (d) When the location of a proposed development

1 involves land within the boundaries of multiple regional
2 planning councils, the state land planning agency shall
3 designate a lead regional planning council. The lead regional
4 planning council shall prepare the regional report.
5 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--
6 (c) The development order shall include findings of
7 fact and conclusions of law consistent with subsections (13)
8 and (14). The development order:
9 1. Shall specify the monitoring procedures and the
10 local official responsible for assuring compliance by the
11 developer with the development order.
12 2. Shall establish compliance dates for the
13 development order, including a deadline for commencing
14 physical development and for compliance with conditions of
15 approval or phasing requirements, and shall include a
16 termination date that reasonably reflects the time required to
17 complete the development.
18 3. Shall establish a date until which the local
19 government agrees that the approved development of regional
20 impact shall not be subject to downzoning, unit density
21 reduction, or intensity reduction, unless the local government
22 can demonstrate that substantial changes in the conditions
23 underlying the approval of the development order have occurred
24 or the development order was based on substantially inaccurate
25 information provided by the developer or that the change is
26 clearly established by local government to be essential to the
27 public health, safety, or welfare.
28 4. Shall specify the requirements for the biennial
29 ~~annual~~ report designated under subsection (18), including the
30 date of submission, parties to whom the report is submitted,
31 and contents of the report, based upon the rules adopted by

1 the state land planning agency. Such rules shall specify the
2 scope of any additional local requirements that may be
3 necessary for the report.
4 5. May specify the types of changes to the development
5 which shall require submission for a substantial deviation
6 determination under subsection (19).
7 6. Shall include a legal description of the property.
8 (18) BIENNIAL ~~ANNUAL~~ REPORTS.--The developer shall
9 submit a biennial ~~an annual~~ report on the development of
10 regional impact to the local government, the regional planning
11 agency, the state land planning agency, and all affected
12 permit agencies in alternate years on the date specified in
13 the development order, unless the development order by its
14 terms requires more frequent monitoring. If the ~~annual~~ report
15 is not received, the regional planning agency or the state
16 land planning agency shall notify the local government. If
17 the local government does not receive the ~~annual~~ report or
18 receives notification that the regional planning agency or the
19 state land planning agency has not received the report, the
20 local government shall request in writing that the developer
21 submit the report within 30 days. The failure to submit the
22 report after 30 days shall result in the temporary suspension
23 of the development order by the local government. If no
24 additional development pursuant to the development order has
25 occurred since the submission of the previous report, then a
26 letter from the developer stating that no development has
27 occurred shall satisfy the requirement for a report.
28 Development orders that require annual reports may be amended
29 to require biennial reports at the option of the local
30 government.
31 (19) SUBSTANTIAL DEVIATIONS.--

1 (b) Any proposed change to a previously approved
2 development of regional impact or development order condition
3 which, either individually or cumulatively with other changes,
4 exceeds any of the following criteria shall constitute a
5 substantial deviation and shall cause the development to be
6 subject to further development-of-regional-impact review
7 without the necessity for a finding of same by the local
8 government:
9 1. An increase in the number of parking spaces at an
10 attraction or recreational facility by 5 percent or 300
11 spaces, whichever is greater, or an increase in the number of
12 spectators that may be accommodated at such a facility by 5
13 percent or 1,000 spectators, whichever is greater.
14 2. A new runway, a new terminal facility, a 25-percent
15 lengthening of an existing runway, or a 25-percent increase in
16 the number of gates of an existing terminal, but only if the
17 increase adds at least three additional gates. However, if an
18 airport is located in two counties, a 10-percent lengthening
19 of an existing runway or a 20-percent increase in the number
20 of gates of an existing terminal is the applicable criteria.
21 3. An increase in the number of hospital beds by 5
22 percent or 60 beds, whichever is greater.
23 4. An increase in industrial development area by 5
24 percent or 32 acres, whichever is greater.
25 5. An increase in the average annual acreage mined by
26 5 percent or 10 acres, whichever is greater, or an increase in
27 the average daily water consumption by a mining operation by 5
28 percent or 300,000 gallons, whichever is greater. An increase
29 in the size of the mine by 5 percent or 750 acres, whichever
30 is less.
31 6. An increase in land area for office development by

5 percent ~~or 6 acres, whichever is greater,~~ or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

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

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

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

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

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

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

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

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

1 percent has been reached or exceeded.
2 15. A 15-percent increase in the number of external
3 vehicle trips generated by the development above that which
4 was projected during the original
5 development-of-regional-impact review.
6 16. Any change which would result in development of
7 any area which was specifically set aside in the application
8 for development approval or in the development order for
9 preservation or special protection of endangered or threatened
10 plants or animals designated as endangered, threatened, or
11 species of special concern and their habitat, primary dunes,
12 or archaeological and historical sites designated as
13 significant by the Division of Historical Resources of the
14 Department of State. The further refinement of such areas by
15 survey shall be considered under sub-subparagraph (e)5.b.
16
17 The substantial deviation numerical standards in subparagraphs
18 4., 6., 10., 14., excluding residential uses, and 15., are
19 increased by 100 percent for a project certified under s.
20 403.973 which creates jobs and meets criteria established by
21 the Office of Tourism, Trade, and Economic Development as to
22 its impact on an area's economy, employment, and prevailing
23 wage and skill levels. The substantial deviation numerical
24 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
25 increased by 50 percent for a project located wholly within an
26 urban infill and redevelopment area designated on the
27 applicable adopted local comprehensive plan future land use
28 map and not located within the coastal high hazard area.
29 (c) An extension of the date of buildout of a
30 development, or any phase thereof, by 7 or more years shall be
31 presumed to create a substantial deviation subject to further

development-of-regional-impact review. An extension of 6 years or more, but less than 7 years, shall be presumed not to create a substantial deviation.~~An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation.~~These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of the date of buildout, or any phase thereof, of less than 6 ~~5~~ years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

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

~~2.~~ Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any

1 previous change is less than ~~40 percent of~~ any numerical
2 criterion contained in subparagraphs (b)1.-15. and does not
3 exceed any other criterion, or that involves an extension of
4 the buildout date of a development, or any phase thereof, of
5 less than 6 ~~5~~ years is not a substantial deviation,is not
6 subject to the public hearing requirements of subparagraph
7 (f)3., and is not subject to a determination pursuant to
8 subparagraph (f)5. Notice of the proposed change shall be
9 made to the regional planning council and the state land
10 planning agency. Such notice shall include a description of
11 previous individual changes made to the development, including
12 changes previously approved by the local government, and shall
13 include appropriate amendments to the development order.
14 2. The following changes, individually or cumulatively
15 with any previous changes, are not substantial deviations:
16 a. Changes in the name of the project, developer,
17 owner, or monitoring official.
18 b. Changes to a setback that do not affect noise
19 buffers, environmental protection or mitigation areas, or
20 archaeological or historical resources.
21 c. Changes to minimum lot sizes.
22 d. Changes in the configuration of internal roads that
23 do not affect external access points.
24 e. Changes to the building design or orientation that
25 stay approximately within the approved area designated for
26 such building and parking lot, and which do not affect
27 historical buildings designated as significant by the Division
28 of Historical Resources of the Department of State.
29 f. Changes to increase the acreage in the development,
30 provided that no development is proposed on the acreage to be
31 added.

1 g. Changes to eliminate an approved land use, provided
2 that there are no additional regional impacts.
3 h. Changes required to conform to permits approved by
4 any federal, state, or regional permitting agency, provided
5 that these changes do not create additional regional impacts.
6 i. Any renovation or redevelopment of development
7 within a previously approved development of regional impact
8 which does not change land use or increase density or
9 intensity of use.
10 (j)~~i.~~ Any other change which the state land planning
11 agency agrees in writing is similar in nature, impact, or
12 character to the changes enumerated in sub-subparagraphs a.-i.
13 ~~a.-h.~~and which does not create the likelihood of any
14 additional regional impact.
15
16 This subsection does not require a development order amendment
17 for any change listed in sub-subparagraphs a.-j.~~a.-i.~~unless
18 such issue is addressed either in the existing development
19 order or in the application for development approval, but, in
20 the case of the application, only if, and in the manner in
21 which, the application is incorporated in the development
22 order.
23 3. Except for the change authorized by
24 sub-subparagraph 2.f., any addition of land not previously
25 reviewed or any change not specified in paragraph (b) or
26 paragraph (c) shall be presumed to create a substantial
27 deviation. This presumption may be rebutted by clear and
28 convincing evidence.
29 4. Any submittal of a proposed change to a previously
30 approved development shall include a description of individual
31 changes previously made to the development, including changes

1 previously approved by the local government. The local
2 government shall consider the previous and current proposed
3 changes in deciding whether such changes cumulatively
4 constitute a substantial deviation requiring further
5 development-of-regional-impact review.
6 5. The following changes to an approved development of
7 regional impact shall be presumed to create a substantial
8 deviation. Such presumption may be rebutted by clear and
9 convincing evidence.
10 a. A change proposed for 15 percent or more of the
11 acreage to a land use not previously approved in the
12 development order. Changes of less than 15 percent shall be
13 presumed not to create a substantial deviation.
14 b. Except for the types of uses listed in subparagraph
15 (b)16., any change which would result in the development of
16 any area which was specifically set aside in the application
17 for development approval or in the development order for
18 preservation, buffers, or special protection, including
19 habitat for plant and animal species, archaeological and
20 historical sites, dunes, and other special areas.
21 c. Notwithstanding any provision of paragraph (b) to
22 the contrary, a proposed change consisting of simultaneous
23 increases and decreases of at least two of the uses within an
24 authorized multiuse development of regional impact which was
25 originally approved with three or more uses specified in s.
26 380.0651(3)(c), (d), (f), and (g) and residential use.
27 (f)1. The state land planning agency shall establish
28 by rule standard forms for submittal of proposed changes to a
29 previously approved development of regional impact which may
30 require further development-of-regional-impact review. At a
31 minimum, the standard form shall require the developer to

provide the precise language that the developer proposes to delete or add as an amendment to the development order.

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

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

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (e)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph

1 (b), and the presumptions set forth in paragraphs (c) and (d)
2 and subparagraph (e)3.~~subparagraphs (e)1. and 3.~~shall be
3 applicable in determining whether further
4 development-of-regional-impact review is required.
5 6. If the local government determines that the
6 proposed change does not require further
7 development-of-regional-impact review and is otherwise
8 approved, or if the proposed change is not subject to a
9 hearing and determination pursuant to subparagraphs 3. and 5.
10 and is otherwise approved, the local government shall issue an
11 amendment to the development order incorporating the approved
12 change and conditions of approval relating to the change. The
13 decision of the local government to approve, with or without
14 conditions, or to deny the proposed change that the developer
15 asserts does not require further review shall be subject to
16 the appeal provisions of s. 380.07. However, the state land
17 planning agency may not appeal the local government decision
18 if it did not comply with subparagraph 4. The state land
19 planning agency may not appeal a change to a development order
20 made pursuant to subparagraph (e)1. or subparagraph (e)2. for
21 developments of regional impact approved after January 1,
22 1980, unless the change would result in a significant impact
23 to a regionally significant archaeological, historical, or
24 natural resource not previously identified in the original
25 development-of-regional-impact review.
26 (24) STATUTORY EXEMPTIONS.--
27 (i) Any proposed facility for the storage of any
28 petroleum product or any expansion of an existing facility is
29 exempt from the provisions of this section, if the facility is
30 consistent with a local comprehensive plan that is in
31 compliance with s. 163.3177 or is consistent with a

1 comprehensive port master plan that is in compliance with s.
2 163.3178.
3 (j) Any renovation or redevelopment within the same
4 land parcel which does not change land use or increase density
5 or intensity of use.
6 Section 32. Paragraphs (d) and (f) of subsection (3)
7 of section 380.0651, Florida Statutes, are amended to read:
8 380.0651 Statewide guidelines and standards.--
9 (3) The following statewide guidelines and standards
10 shall be applied in the manner described in s. 380.06(2) to
11 determine whether the following developments shall be required
12 to undergo development-of-regional-impact review:
13 (d) Office development.--Any proposed office building
14 or park operated under common ownership, development plan, or
15 management that:
16 1. Encompasses 300,000 or more square feet of gross
17 floor area; or
18 2. ~~Has a total site size of 30 or more acres; or~~
19 ~~3.~~ Encompasses more than 600,000 square feet of gross
20 floor area in a county with a population greater than 500,000
21 and only in a geographic area specifically designated as
22 highly suitable for increased threshold intensity in the
23 approved local comprehensive plan and in the strategic
24 regional policy plan.
25 (f) Retail and service development.--Any proposed
26 retail, service, or wholesale business establishment or group
27 of establishments which deals primarily with the general
28 public onsite, operated under one common property ownership,
29 development plan, or management that:
30 1. Encompasses more than 400,000 square feet of gross
31 area; or

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

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

3 Section 33. (1) Nothing contained in this act
4 abridges or modifies any vested or other right or any duty or
5 obligation pursuant to any development order or agreement that
6 is applicable to a development of regional impact on the
7 effective date of this act. A development that has received a
8 development-of-regional-impact development order pursuant to
9 section 380.06, Florida Statutes, but is no longer required to
10 undergo development-of-regional-impact review by operation of
11 this act, shall be governed by the following procedures:

12 (a) The development shall continue to be governed by
13 the development-of-regional-impact development order and may
14 be completed in reliance upon and pursuant to the development
15 order. The development-of-regional-impact development order
16 may be enforced by the local government as provided by
17 sections 380.06(17) and 380.11, Florida Statutes.

18 (b) If requested by the developer or landowner, the
19 development-of-regional-impact development order may be
20 abandoned pursuant to the process in s. 380.06(26).

21 (2) A development with an application for development
22 approval pending, and determined sufficient pursuant to
23 section 380.06(10), Florida Statutes, on the effective date of
24 this act, or a notification of proposed change pending on the
25 effective date of this act, may elect to continue such review
26 pursuant to section 380.06, Florida Statutes. At the
27 conclusion of the pending review, including any appeals
28 pursuant to section 380.07, Florida Statutes, the resulting
29 development order shall be governed by the provisions of
30 subsection (1).

31 Section 34. It is the intent of the Legislature that

1 section 5 or section 24 of this act shall not affect the
2 outcome of any litigation pending on the effective date of
3 this act, including any future appeals. It is the further
4 intent of the Legislature that section 5 or section 24 of this
5 act do not serve as legal authority support of any party to
6 such litigation or any appeal thereof.
7 Section 35. It is the intent of the Legislature that
8 section 10 of this act shall not affect the outcome of
9 Pinecrest Lakes, Inc. v. Schidel, 795 So.2d 191 (Fla. 4th DCA
10 2001), rehearing denied, 802 So.2d 486.
11 Section 36. The Legislature finds that the integration
12 of the growth management system and the planning of public
13 educational facilities is a matter of great public importance.
14 Section 37. This act shall take effect upon becoming a
15 law.
16
17
18 =============== T I T L E   A M E N D M E N T ===============
19 And the title is amended as follows:
20 Delete everything before the enacting clause
21
22 and insert:
23 A bill to be entitled
24 An act relating to growth management; amending
25 s. 163.3174, F.S.; requiring that the
26 membership of all local planning agencies or
27 equivalent agencies that review comprehensive
28 plan amendments and rezonings include a
29 nonvoting representative of the district school
30 board; amending s. 163.3177, F.S.; revising
31 elements of comprehensive plans; revising

1 provisions governing the regulation of
2 intensity of use in the future land use map;
3 providing for intergovernmental coordination
4 between local governments and district school
5 boards where a public-school-facilities element
6 has been adopted; requiring certain local
7 governments to prepare an inventory of
8 service-delivery interlocal agreements;
9 requiring local governments to provide the
10 Legislature with recommendations regarding
11 annexation; requiring local governments to
12 consider water-supply data and analysis in
13 their potable-water and conservation elements;
14 repealing s. 163.31775, F.S., which provides
15 for intergovernmental coordination element
16 rules; creating s. 163.31776, F.S.; providing
17 legislative intent and findings with respect to
18 a public educational facilities element;
19 providing for certain municipalities to be
20 exempt; requiring that the public educational
21 facilities element include certain provisions;
22 providing requirements for future land-use
23 maps; providing a process for adopting the
24 public educational facilities element; creating
25 s.163.31777, F.S.; requiring certain local
26 governments and school boards to enter into a
27 public schools interlocal agreement; providing
28 a schedule; providing for the content of the
29 interlocal agreement; providing a waiver
30 procedure associated with school districts
31 having decreasing student population; providing

1 a procedure for adoption and administrative
2 challenge; providing sanctions for the failure
3 to enter an interlocal agreement; providing
4 that a public school's interlocal agreement may
5 only establish interlocal coordination
6 procedures unless specific goals, objectives,
7 and policies contained in the agreement are
8 incorporated into the plan; amending s.
9 163.3180, F.S.; providing an exemption from
10 concurrency for certain urban infill areas;
11 amending s. 163.3184, F.S.; revising
12 definitions; revising provisions governing the
13 process for adopting comprehensive plans and
14 plan amendments; amending s. 163.3187, F.S.;
15 conforming a cross-reference; authorizing the
16 adoption of a public educational facilities
17 element, notwithstanding certain limitations;
18 amending s. 163.3191, F.S., relating to
19 evaluation and appraisal of comprehensive
20 plans; conforming provisions to changes made by
21 the act; requiring an evaluation of whether the
22 potable-water element considers the appropriate
23 water management district's regional water
24 supply plan and includes a workplan for
25 building new water supply facilities; requiring
26 local governments within coastal high-hazard
27 areas to address certain issues in the
28 evaluation and appraisal of their comprehensive
29 plans; amending s. 163.3215, F.S.; revising the
30 methods for challenging the consistency of a
31 development order with a comprehensive plan;

1 redefining the term "aggrieved or adversely
2 affected party"; creating s. 163.3246, F.S.;
3 creating a Local Government Comprehensive
4 Planning certification Program to be
5 administered by the Department of Community
6 Affairs; defining the purpose of the
7 certification area to designate areas that are
8 appropriate for urban growth within a 10-year
9 timeframe; providing for certification
10 criteria; specifying the contents of the
11 certification agreement; providing evaluation
12 criteria; authorizing the Department of
13 Community Affairs to adopt procedural rules;
14 providing for the revocation of certification
15 agreements; providing for the rights of
16 affected persons to challenge local government
17 compliance with certification agreements;
18 eliminating state and regional review of
19 certain local comprehensive plan amendments
20 within certified areas; providing exceptions;
21 providing for the periodic review of a local
22 government's certification by the Department of
23 Community Affairs; requiring the submission of
24 biennial reports to the Governor and
25 Legislature; providing for review of the
26 certification program by the Office of Program
27 Policy Analysis and Government Accountability;
28 amending s. 186.504, F.S.; adding an elected
29 school board member to the membership of each
30 regional planning council; amending s. 212.055,
31 F.S.; providing for the levy of the

1 infrastructure sales surtax and the school
2 capital outlay surtax by a two-thirds vote and
3 requiring certain educational facility planning
4 prior to the levy of the school capital outlay
5 surtax; providing for the uses of the surtax
6 proceeds; amending s. 235.002, F.S.; revising
7 legislative intent; reenacting and amending s.
8 235.15, F.S.; revising requirements for
9 educational plant surveys; revising
10 requirements for review and validation of such
11 surveys; amending s. 235.175, F.S.; requiring
12 school districts to adopt educational
13 facilities plans; amending s. 235.18, F.S.,
14 relating to capital outlay budgets of school
15 boards; conforming provisions; amending s.
16 235.185, F.S.; requiring school district
17 educational facilities plans; providing
18 definitions; specifying projections and other
19 information to be included in the plans;
20 providing requirements for the plans; requiring
21 district school boards to submit a tentative
22 plan to the local government; providing for
23 adopting and executing the plans; creating s.
24 235.1851, F.S.; providing legislative intent;
25 authorizing the creation of educational
26 facilities benefit districts pursuant to
27 interlocal agreement; providing for creation of
28 an educational facilities benefit district
29 through adoption of an ordinance; specifying
30 content of such ordinances; providing for the
31 creating entity to be the local general purpose

1 government within whose boundaries a majority
2 of the educational facilities benefit
3 district's lands are located; providing that
4 educational facilities benefit districts may
5 only be created with the consent of the
6 district school board, all affected local
7 general purpose governments, and all landowners
8 within the district; providing for the
9 membership of the governing boards of
10 educational facilities benefit districts;
11 providing the powers of educational facilities
12 benefit districts; authorizing community
13 development districts, created pursuant to ch.
14 190, F.S., to be eligible for financial
15 enhancements available to educational
16 facilities benefit districts; conditioning such
17 eligibility upon the establishment of an
18 interlocal agreement; creating s. 235.1852,
19 F.S.; providing funding for educational
20 facilities benefit districts and community
21 development districts; creating s. 235.1853,
22 F.S.; providing for the utilization of
23 educational facilities built pursuant to this
24 act; amending s. 235.188, F.S.; conforming
25 provisions; amending s. 235.19, F.S.; providing
26 that site planning and selection must be
27 consistent with interlocal agreements entered
28 between local governments and school boards;
29 amending s. 235.193, F.S.; requiring school
30 districts to enter certain interlocal
31 agreements with local governments; providing a

1 schedule; providing for the content of the
2 interlocal agreement; providing a waiver
3 procedure associated with school districts
4 having decreasing student population; providing
5 a procedure for adoption and administrative
6 challenge; providing sanctions for failure to
7 enter an agreement; providing that a public
8 school's interlocal agreement may not be used
9 by a local government as the sole basis for
10 denying a comprehensive plan amendment or
11 development order; providing requirements for
12 preparing a district educational facilities
13 report; repealing s. 235.194, F.S., relating to
14 the general educational facilities report;
15 amending s. 235.218, F.S.; requiring the SMART
16 Schools Clearinghouse to adopt measures for
17 evaluating the school district educational
18 facilities plans; amending s. 235.2197, F.S.;
19 correcting a statutory cross-reference;
20 amending ss. 235.321, 236.25, F.S.; conforming
21 provisions; amending s. 380.04, F.S.; revising
22 the definition of "development" with regard to
23 operations that do not involve development to
24 include federal interstate highways and the
25 transmission of electricity within an existing
26 right-of-way; amending s. 380.06, F.S.,
27 relating to developments of regional impact;
28 removing a rebuttable presumption with respect
29 to application of the statewide guidelines and
30 standards and revising the fixed thresholds;
31 providing for designation of a lead regional

1 planning council; providing for submission of
2 biennial, rather than annual, reports by the
3 developer; authorizing submission of a letter,
4 rather than a report, under certain
5 circumstances; providing for amendment of
6 development orders with respect to report
7 frequency; revising provisions governing
8 substantial deviation standards for
9 developments of regional impact; providing that
10 an extension of the date of buildout of less
11 than 6 years is not a substantial deviation;
12 providing that certain renovation or
13 redevelopment of a previously approved
14 development of regional impact is not a
15 substantial deviation; providing a statutory
16 exemption from the
17 development-of-regional-impact process for
18 petroleum storage facilities and certain
19 renovation or redevelopment; amending s.
20 380.0651, F.S.; revising the guidelines and
21 standards for office development, and retail
22 and service development; providing application
23 with respect to developments that have received
24 a development-of-regional-impact development
25 order or that have an application for
26 development approval or notification of
27 proposed change pending; providing legislative
28 intent with respect to the inapplicability of
29 specified portions of the act to pending
30 litigation or future appeals; providing a
31 legislative finding that the act is a matter of

1 great public importance; providing an effective
2 date.
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