

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

1 appeals; providing a legislative finding that
2 the act is a matter of great public importance;
3 providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Subsection (1) of section 163.3174, Florida
8 Statutes, is amended to read:

9 163.3174 Local planning agency.--

10 (1) The governing body of each local government,
11 individually or in combination as provided in s. 163.3171,
12 shall designate and by ordinance establish a "local planning
13 agency," unless the agency is otherwise established by law.
14 Notwithstanding any special act to the contrary, all local
15 planning agencies or equivalent agencies that first review
16 rezoning and comprehensive plan amendments in each
17 municipality and county shall include a representative of the
18 school district appointed by the school board as a nonvoting
19 member of the local planning agency or equivalent agency to
20 attend those meetings at which the agency considers
21 comprehensive plan amendments and rezonings that would, if
22 approved, increase residential density on the property that is
23 the subject of the application. However, this subsection does
24 not prevent the governing body of the local government from
25 granting voting status to the school board member.The
26 governing body may designate itself as the local planning
27 agency pursuant to this subsection with the addition of a
28 nonvoting school board representative. The governing body
29 shall notify the state land planning agency of the
30 establishment of its local planning agency. All local planning
31 agencies shall provide opportunities for involvement by

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

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

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

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

26 163.31776 Public schools interlocal agreement.--

27 (1)(a) The county and municipalities located within
28 the geographic area of a school district shall enter into an
29 interlocal agreement with the district school board which
30 jointly establishes the specific ways in which the plans and
31 processes of the district school board and the local

1 governments are to be coordinated. The interlocal agreements
 2 shall be submitted to the state land planning agency and the
 3 Office of Educational Facilities and the SMART Schools
 4 Clearinghouse in accordance with a schedule published by the
 5 state land planning agency.

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

17 (c) If the student population has declined over the
 18 5-year period preceding the due date for submittal of an
 19 interlocal agreement by the local government and the district
 20 school board, the local government and the district school
 21 board may petition the state land planning agency for a waiver
 22 of one or more requirements of subsection (2). The waiver must
 23 be granted if the procedures called for in subsection (2) are
 24 unnecessary because of the school district's declining school
 25 age population, considering the district's 5-year facilities
 26 work program prepared pursuant to s. 235.185. The state land
 27 planning agency may modify or revoke the waiver upon a finding
 28 that the conditions upon which the waiver was granted no
 29 longer exist. The district school board and local governments
 30 must submit an interlocal agreement within 1 year after

1 notification by the state land planning agency that the
2 conditions for a waiver no longer exist.

3 (d) Interlocal agreements between local governments
4 and district school boards adopted pursuant to s. 163.3177
5 before the effective date of this section must be updated and
6 executed pursuant to the requirements of this section, if
7 necessary. Amendments to interlocal agreements adopted
8 pursuant to this section must be submitted to the state land
9 planning agency within 30 days after execution by the parties
10 for review consistent with this section. Local governments and
11 the district school board in each school district are
12 encouraged to adopt a single interlocal agreement in which all
13 join as parties. The state land planning agency shall assemble
14 and make available model interlocal agreements meeting the
15 requirements of this section and notify local governments and,
16 jointly with the Department of Education, the district school
17 boards of the requirements of this section, the dates for
18 compliance, and the sanctions for noncompliance. The state
19 land planning agency shall be available to informally review
20 proposed interlocal agreements. If the state land planning
21 agency has not received a proposed interlocal agreement for
22 informal review, the state land planning agency shall, at
23 least 60 days before the deadline for submission of the
24 executed agreement, renotify the local government and the
25 district school board of the upcoming deadline and the
26 potential for sanctions.

27 (2) At a minimum, the interlocal agreement must
28 address the following issues:

29 (a) A process by which each local government and the
30 district school board agree and base their plans on consistent
31 projections of the amount, type, and distribution of

1 population growth and student enrollment. The geographic
2 distribution of jurisdictionwide growth forecasts is a major
3 objective of the process.

4 (b) A process to coordinate and share information
5 relating to existing and planned public school facilities,
6 including school renovations and closures, and local
7 government plans for development and redevelopment.

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

18 (d) A process for determining the need for and timing
19 of onsite and offsite improvements to support new
20 construction, proposed expansion, or redevelopment of existing
21 schools. The process must address identification of the party
22 or parties responsible for the improvements.

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

29 (f) Participation of the local governments in the
30 preparation of the annual update to the district school
31

1 board's 5-year district facilities work program and
2 educational plant survey prepared pursuant to s. 235.185.

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

6 (h) A procedure for the resolution of disputes between
7 the district school board and local governments, which may
8 include the dispute-resolution processes contained in chapters
9 164 and 186.

10 (i) An oversight process, including an opportunity for
11 public participation, for the implementation of the interlocal
12 agreement.

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

23 (3)(a) The Office of Educational Facilities and SMART
24 Schools Clearinghouse shall submit any comments or concerns
25 regarding the executed interlocal agreement to the state land
26 planning agency within 30 days after receipt of the executed
27 interlocal agreement. The state land planning agency shall
28 review the executed interlocal agreement to determine whether
29 the agreement is consistent with the requirements of
30 subsection (2), the adopted local government comprehensive
31 plan, and other requirements of law. Within 60 days after

1 receipt of an executed interlocal agreement, the state land
2 planning agency shall publish a notice of intent in the
3 Florida Administrative Weekly and shall post a copy of the
4 notice on the agency's Internet site. The notice of intent
5 must state whether the interlocal agreement is consistent or
6 inconsistent with the requirements of subsection (2) and this
7 subsection, as appropriate.

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

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1 preponderance of the evidence that the interlocal agreement is
2 inconsistent.

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

14 (4) If an executed interlocal agreement is not timely
15 submitted to the state land planning agency for review, the
16 state land planning agency shall, within 15 working days after
17 the deadline for submittal, issue to the local government and
18 the district school board a notice to show cause why sanctions
19 should not be imposed for failure to submit an executed
20 interlocal agreement by the deadline established by the
21 agency. The agency shall forward the notice and the responses
22 to the Administration Commission, which may enter a final
23 order citing the failure to comply and imposing sanctions
24 against the local government and district school board by
25 directing the appropriate agencies to withhold at least 5
26 percent of state funds pursuant to s. 163.3184(11) and by
27 directing the Department of Education to withhold from the
28 district school board at least 5 percent of funds for school
29 construction available pursuant to s. 235.187, s. 235.216, s.
30 235.2195, or s. 235.42.

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

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

12 (a) The municipality has no public schools located
13 within its boundaries.

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

21 (7) At the time of the evaluation and appraisal
22 report, each exempt municipality shall assess the extent to
23 which it continues to meet the criteria for exemption under
24 subsection (6). If the municipality continues to meet these
25 criteria and the district school board verifies in writing
26 that no new school facilities will be needed within the 5-year
27 and 10-year timeframes, the municipality shall continue to be
28 exempt from the interlocal-agreement requirement. Each
29 municipality exempt under subsection (6) must comply with the
30 provisions of this section within 1 year after the district

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1 school board proposes, in its 5-year district facilities work
2 program, a new school within the municipality's jurisdiction.

3 Section 3. Subsections (1), (2), and (3) of section
4 235.19, Florida Statutes, are amended to read:

5 235.19 Site planning and selection.--

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

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

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

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

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

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

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

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

26 (b) The schedule must establish staggered due dates
27 for submission of interlocal agreements that are executed by
28 both the local government and the district school board,
29 commencing on March 1, 2003, and concluding by December 1,
30 2004, and must set the same date for all governmental entities
31 within a school district. The schedule must begin with those

1 areas where both the number of districtwide capital-outlay
2 full-time-equivalent students equals 80 percent or more of the
3 current year's school capacity and the projected 5-year
4 student growth is 1,000 or greater, or where the projected
5 5-year student growth rate is 10 percent or greater.

6 (c) If the student population has declined over the
7 5-year period preceding the due date for submittal of an
8 interlocal agreement by the local government and the district
9 school board, the local government and the district school
10 board may petition the state land planning agency for a waiver
11 of one or more of the requirements of subsection (3). The
12 waiver must be granted if the procedures called for in
13 subsection (3) are unnecessary because of the school
14 district's declining school-age population, considering the
15 district's 5-year facilities work program prepared pursuant to
16 s. 235.185. The state land planning agency may modify or
17 revoke the waiver upon a finding that the conditions upon
18 which the waiver was granted no longer exist. The district
19 school board and local governments must submit an interlocal
20 agreement within 1 year after notification by the state land
21 planning agency that the conditions for a waiver no longer
22 exist.

23 (d) Interlocal agreements between local governments
24 and district school boards adopted pursuant to s. 163.3177
25 before the effective date of this subsection and subsections
26 (3)-(8) must be updated and executed pursuant to the
27 requirements of this subsection and subsections (3)-(8), if
28 necessary. Amendments to interlocal agreements adopted
29 pursuant to this subsection and subsections (3)-(8) must be
30 submitted to the state land planning agency within 30 days
31 after execution by the parties for review consistent with

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

18 (3) At a minimum, the interlocal agreement must
19 address the following issues:

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

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

30 (c) Participation by affected local governments with
31 the district school board in the process of evaluating

1 potential school closures, significant renovations to existing
2 schools, and new school site selection before land
3 acquisition. Local governments shall advise the district
4 school board as to the consistency of the proposed closure,
5 renovation, or new site with the local comprehensive plan,
6 including appropriate circumstances and criteria under which a
7 district school board may request an amendment to the
8 comprehensive plan for school siting.

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

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

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

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

27 (h) A procedure for the resolution of disputes between
28 the district school board and local governments, which may
29 include the dispute-resolution processes contained in chapters
30 164 and 186.

31

1 (i) An oversight process, including an opportunity for
2 public participation, for the implementation of the interlocal
3 agreement.

4
5 A signatory to the interlocal agreement may elect not to
6 include a provision meeting the requirements of paragraph (e);
7 however, such a decision may be made only after a public
8 hearing on such election, which may include the public hearing
9 in which a district school board or a local government adopts
10 the interlocal agreement. An interlocal agreement entered
11 into pursuant to this section must be consistent with the
12 adopted comprehensive plan and land development regulations of
13 any local government that is a signatory.

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

30 (b) The state land planning agency's notice is subject
31 to challenge under chapter 120; however, an affected person,

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

24 (c) If the state land planning agency enters a final
25 order that finds that the interlocal agreement is inconsistent
26 with the requirements of subsection (3) or this subsection,
27 the state land planning agency shall forward it to the
28 Administration Commission, which may impose sanctions against
29 the local government pursuant to s. 163.3184(11) and may
30 impose sanctions against the district school board by
31 directing the Department of Education to withhold an

1 equivalent amount of funds for school construction available
2 pursuant to s. 235.187, s. 235.216, s. 235.2195, or s. 235.42.

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

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

29 (7) Except as provided in subsection (8),
30 municipalities having no established need for a new facility
31

1 and meeting the following criteria are exempt from the
2 requirements of subsections (2), (3), and (4):

3 (a) The municipality has no public schools located
4 within its boundaries.

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

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

25 (9)~~(2)~~ A school board and the local governing body
26 must share and coordinate information related to existing and
27 planned public school facilities; proposals for development,
28 redevelopment, or additional development; and infrastructure
29 required to support the public school facilities, concurrent
30 with proposed development. A school board shall use
31 information produced by the demographic, revenue, and

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

20 (10)(3) The location of public educational facilities
 21 shall be consistent with the comprehensive plan of the
 22 appropriate local governing body developed under part II of
 23 chapter 163 and consistent with the plan's implementing land
 24 development regulations, ~~to the extent that the regulations~~
 25 ~~are not in conflict with or the subject regulated is not~~
 26 ~~specifically addressed by this chapter or the State Uniform~~
 27 ~~Building Code, unless mutually agreed by the local government~~
 28 ~~and the board.~~

29 (11)(4) To improve coordination relative to potential
 30 educational facility sites, a board shall provide written
 31 notice to the local government that has regulatory authority

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

11 (12)(5) As early in the design phase as feasible and and
 12 consistent with an interlocal agreement entered into pursuant
 13 to subsections (2)-(8), but no later than 90 days before
 14 commencing construction, the district school board shall in
 15 writing request a determination of consistency with the local
 16 government's comprehensive plan. ~~but at least before~~
 17 ~~commencing construction of a new public educational facility,~~
 18 The local governing body that regulates the use of land shall
 19 determine, in writing within 45 ~~90~~ days after receiving the
 20 necessary information and a school board's request for a
 21 determination, whether a proposed public educational facility
 22 is consistent with the local comprehensive plan and consistent
 23 with local land development regulations, ~~to the extent that~~
 24 ~~the regulations are not in conflict with or the subject~~
 25 ~~regulated is not specifically addressed by this chapter or the~~
 26 ~~State Uniform Building Code, unless mutually agreed.~~ If the
 27 determination is affirmative, school construction may commence
 28 ~~proceed~~ and further local government approvals are not
 29 required, except as provided in this section. Failure of the
 30 local governing body to make a determination in writing within
 31 90 days after a school board's request for a determination of

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

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

17 (14)~~(7)~~ This section does not prohibit a local
18 governing body and district school board from agreeing and
19 establishing an alternative process for reviewing a proposed
20 educational facility and site plan, and offsite impacts,
21 pursuant to an interlocal agreement adopted in accordance with
22 subsections (2)-(8).

23 (15)~~(8)~~ Existing schools shall be considered
24 consistent with the applicable local government comprehensive
25 plan adopted under part II of chapter 163. ~~The collocation of~~
26 ~~a new proposed public educational facility with an existing~~
27 ~~public educational facility, or the expansion of an existing~~
28 ~~public educational facility is not inconsistent with the local~~
29 ~~comprehensive plan, if the site is consistent with the~~
30 ~~comprehensive plan's future land use policies and categories~~
31 ~~in which public schools are identified as allowable uses, and~~

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

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

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

19 Section 5. Nothing in this act is intended to affect
20 the outcome of any litigation pending as of the effective date
21 of the act, including future appeals. It is further the
22 intent of the Legislature that this act shall not serve as
23 legal authority in support of any party to such litigation and
24 appeals.

25 Section 6. The Legislature finds that the integration
26 of the growth management system and the planning of public
27 educational facilities is a matter of great public importance.

28 Section 7. This act shall take effect upon becoming a
29 law.

30
31