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1                                   A bill to be entitled  
 2           An act relating to planning for school growth; amending  
 3           ss. 163.3174 and 1013.33, F.S.; amending the procedures  
 4           for coordinating the efforts of local planning agencies  
 5           and school districts toward planning for school growth;  
 6           providing an effective date.

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

12           163.3174 Local planning agency.--

13           (1) The governing body of each local government,  
 14 individually or in combination as provided in s. 163.3171, shall  
 15 designate and by ordinance establish a "local planning agency,"  
 16 unless the agency is otherwise established by law. Local  
 17 governments shall transmit to school districts information  
 18 regarding proposed changes in land use or proposed  
 19 ~~Notwithstanding any special act to the contrary, all local~~  
 20 ~~planning agencies or equivalent agencies that first review~~  
 21 ~~rezoning and comprehensive plan amendments in each municipality~~  
 22 ~~and county shall include a representative of the school district~~  
 23 ~~appointed by the school board as a nonvoting member of the local~~  
 24 ~~planning agency or equivalent agency to attend those meetings at~~  
 25 ~~which the agency considers comprehensive plan amendments and~~  
 26 rezonings that would, if approved, increase residential density  
 27 on the property that is the subject of the application. In  
 28 response, school districts shall send to the local government  
 29 written comments regarding the anticipated student impact from  
 30 the proposed change, and the local government, before granting



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31 approval to the application, shall consider the potential impact  
 32 upon public schools that the change in land use or the rezoning  
 33 may have. Further, the local government must notify the school  
 34 district in writing when the application receives final approval  
 35 from the governing body. However, this subsection does not  
 36 prevent the governing body of the local government from granting  
 37 voting status to the school board member. The governing body may  
 38 designate itself as the local planning agency pursuant to this  
 39 subsection ~~with the addition of a nonvoting school board~~  
 40 ~~representative.~~ The governing body shall notify the state land  
 41 planning agency of the establishment of its local planning  
 42 agency. All local planning agencies shall provide opportunities  
 43 for involvement by applicable community college boards, which  
 44 may be accomplished by formal representation, membership on  
 45 technical advisory committees, or other appropriate means. The  
 46 local planning agency shall prepare the comprehensive plan or  
 47 plan amendment after hearings to be held after public notice and  
 48 shall make recommendations to the governing body regarding the  
 49 adoption or amendment of the plan. The agency may be a local  
 50 planning commission, the planning department of the local  
 51 government, or other instrumentality, including a countywide  
 52 planning entity established by special act or a council of local  
 53 government officials created pursuant to s. 163.02, provided the  
 54 composition of the council is fairly representative of all the  
 55 governing bodies in the county or planning area; however:

56 (a) If a joint planning entity is in existence on the  
 57 effective date of this act which authorizes the governing bodies  
 58 to adopt and enforce a land use plan effective throughout the  
 59 joint planning area, that entity shall be the agency for those



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60 local governments until such time as the authority of the joint  
61 planning entity is modified by law.

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

65 Section 2. Paragraph (e) of subsection (3) of section  
66 1013.33, Florida Statutes, is amended to read:

67 1013.33 Coordination of planning with local governing  
68 bodies.--

69 (3) At a minimum, the interlocal agreement must address  
70 the following issues:

71 (e) A process for the school board to inform the local  
72 government regarding school capacity. The capacity reporting  
73 must be consistent with laws and rules regarding measurement of  
74 school facility capacity, and the school board report must also  
75 identify capital improvements in the adopted district facilities  
76 work program which are scheduled to provide increased capacity  
77 for schools affected by the proposed development ~~how the~~  
78 ~~district school board will meet the public school demand based~~  
79 ~~on the facilities work program adopted pursuant to s. 1013.35.~~

80  
81 A signatory to the interlocal agreement may elect not to include  
82 a provision meeting the requirements of paragraph (e); however,  
83 such a decision may be made only after a public hearing on such  
84 election, which may include the public hearing in which a  
85 district school board or a local government adopts the  
86 interlocal agreement. An interlocal agreement entered into  
87 pursuant to this section must be consistent with the adopted  
88 comprehensive plan and land development regulations of any local  
89 government that is a signatory.



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Section 3. This act shall take effect July 1, 2003.