

By Senator Geller

31-273-04

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

8

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

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

13 163.3174 Local planning agency.--

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

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

1 agency for those local governments until such time as the
2 authority of the joint planning entity is modified by law.

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

6 Section 2. Paragraph (e) of subsection (3) of section
7 1013.33, Florida Statutes, is amended to read:

8 1013.33 Coordination of planning with local governing
9 bodies.--

10 (3) At a minimum, the interlocal agreement must
11 address the following issues:

12 (e) A process for the school board to inform the local
13 government regarding school capacity. The capacity reporting
14 must be consistent with laws and rules regarding measurement
15 of school facility capacity, and the school board report must
16 ~~also~~ identify capital improvements in the adopted district
17 facilities work program which are scheduled to provide
18 increased capacity for schools affected by the proposed
19 development ~~how the district school board will meet the public~~
20 ~~school demand based on the facilities work program adopted~~
21 ~~pursuant to s. 1013.35.~~

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

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Section 3. This act shall take effect July 1, 2004.

SENATE SUMMARY

Amends procedures for coordinating the efforts of local planning agencies and school districts toward planning for school growth.