

By the Committee on Comprehensive Planning; and Senator Geller

316-1963-04

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to planning for school growth;  
amending s. 163.3174, F.S.; revising the  
procedures for coordinating the efforts of  
local planning agencies and school districts  
toward planning for school growth; providing an  
effective date.

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

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  
comprehensive plan amendments and rezonings that would, if  
approved, increase residential density on the property that is  
the subject of the application. However, this subsection does  
not prevent the governing body of the local government from  
granting voting status to the school board member.

Alternatively, a school board may provide written comments to  
a local planning agency or equivalent agency in place of

1 actual attendance, on a case-by-case basis, if mutually agreed  
2 upon in an interlocal agreement adopted in accordance with ss.  
3 163.31777 and 1013.33.The governing body may designate itself  
4 as the local planning agency pursuant to this subsection with  
5 the addition of a nonvoting school board representative. The  
6 governing body shall notify the state land planning agency of  
7 the establishment of its local planning agency. All local  
8 planning agencies shall provide opportunities for involvement  
9 by applicable community college boards, which may be  
10 accomplished by formal representation, membership on technical  
11 advisory committees, or other appropriate means. The local  
12 planning agency shall prepare the comprehensive plan or plan  
13 amendment after hearings to be held after public notice and  
14 shall make recommendations to the governing body regarding the  
15 adoption or amendment of the plan. The agency may be a local  
16 planning commission, the planning department of the local  
17 government, or other instrumentality, including a countywide  
18 planning entity established by special act or a council of  
19 local government officials created pursuant to s. 163.02,  
20 provided the composition of the council is fairly  
21 representative of all the governing bodies in the county or  
22 planning area; however:

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

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

1           Section 2. This act shall take effect July 1, 2004.

2

3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                                 COMMITTEE SUBSTITUTE FOR  
5   Senate Bill 268

6

6     The Committee Substitute (CS) allows a school board, as an  
7     alternative to sending a representative to the meetings of a  
8     local planning agency or equivalent agency, to provide written  
9     comments, on a case-by-case basis if mutually agreed upon in  
10    an interlocal agreement adopted under ss. 163.31777 and  
11    1013.33, F.S., regarding a proposed comprehensive plan  
12    amendment or rezoning that would increase residential density  
13    on the subject property.

10

11    The CS deletes language that would require an exchange of  
12    written information, instead of the school board  
13    representative attending the meeting of the local planning  
14    agency, between the school board and the local planning agency  
15    regarding a proposed comprehensive plan amendment or rezoning  
16    that, if approved, could affect residential density on the  
17    subject property.

14

15    The CS deletes language that would require the board to  
16    identify capital improvements in the adopted district  
17    facilities work program that will provide increased capacity  
18    for schools affected by the proposed development.

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31