

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

2

3 **Substitute Amendment for Amendment (699673) (with title**
4 **amendment)**

5 Remove the entire body and insert:

6 Section 1. Popular name.--This act may be cited as the
7 "Sustainable Florida Act of 2005."

8 Section 2. Subsection (32) is added to section 163.3164,
9 Florida Statutes, to read:

10 163.3164 Local Government Comprehensive Planning and Land
11 Development Regulation Act; definitions.--As used in this act:

12 (32) "Financial feasibility" means sufficient revenues are
13 currently available or will be available from committed or
14 planned funding sources available for financing capital
15 improvements, such as ad valorem taxes, bonds, state and federal

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16 funds, tax revenues, impact fees, and developer contributions,
17 which are adequate to fund the projected costs of the capital
18 improvements and as otherwise identified within this act
19 necessary to ensure that adopted level-of-service standards are
20 achieved and maintained within the 5-year schedule of capital
21 improvements.

22 Section 3. Section 163.3172, Florida Statutes, is created
23 to read:

24 163.3172 Urban infill and redevelopment.--In recognition
25 that urban infill and redevelopment is a high state priority,
26 the Legislature determines that local governments should not
27 adopt charter provisions, ordinances, or land development
28 regulations that discourage this state priority, unless the
29 charter provisions, ordinances, or land development regulations
30 are to limit impacts to coastal high-hazard areas, historic
31 districts, or aviation operations. Higher density urban
32 development is appropriate in urban core areas and should be
33 encouraged in such areas. Conversely, it is appropriate to
34 discourage greater height and density as a development form in
35 areas outside the urban core where such development forms are
36 incompatible with existing land uses. Notwithstanding chapters
37 125 and 163, any existing or future charter county charter
38 provision, ordinance, land development regulation, or countywide
39 special act that governs the use, development, or redevelopment
40 of land shall not be effective within any municipality of the
41 county unless the charter provision, ordinance, land development
42 regulation, or countywide special act is approved by a majority

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43 vote of the municipality's governing board or is approved by a
44 majority vote of the county's governing board for placement on
45 the ballot as a countywide referendum and:

46 (1) The ballot form includes a ballot summary of the
47 measure being voted on, which has been agreed to by the
48 municipalities of the county, in addition to any other
49 requirements of law. If no agreement on the ballot summary
50 language is reached with the municipalities of the county, the
51 ballot form shall also contain an estimate, as created by the
52 municipalities, individually, or if desired by the
53 municipalities, cumulatively, of the fiscal impact of the
54 measure
55 upon the municipality.

56 (2) The referendum is approved by a majority vote of the
57 electors of the county voting in the referendum.

58
59 Existing charter provisions and countywide special acts that
60 have been approved by referendum prior to the effective date of
61 this act must be readopted in accordance with this section in
62 order to apply within a municipality. However, any existing
63 charter county charter provision that has established a rural
64 boundary as delineated on a rural boundary map shall not be
65 required to have the charter provision readopted in accordance
66 with this section and shall continue to apply within
67 municipalities of the charter county. In the event of a conflict
68 between a countywide ordinance and a municipal ordinance within
69 a charter county that regulates expressive conduct, the more

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70 restrictive ordinance shall govern. In addition, the
71 requirements of this section restricting charter county charter
72 provisions, ordinances, or land development regulations
73 concerning building height restrictions shall not apply within
74 any areas of critical state concern designated pursuant to s.
75 380.05-380.0555.

76 Section 4. Subsection (3), paragraphs (a), (b), (c), and
77 (h) of subsection (6), paragraph (d) of subsection (11), and
78 subsection (12) of section 163.3177, Florida Statutes, are
79 amended, and subsection (13) is added to said section, to read:

80 163.3177 Required and optional elements of comprehensive
81 plan; studies and surveys.--

82 (3)(a) The comprehensive plan shall contain a capital
83 improvements element designed to consider the need for and the
84 location of public facilities in order to encourage the
85 efficient utilization of such facilities and set forth:

86 1. A component which outlines principles for construction,
87 extension, or increase in capacity of public facilities, as well
88 as a component which outlines principles for correcting existing
89 public facility deficiencies, which are necessary to implement
90 the comprehensive plan. The components shall cover at least a 5-
91 year period.

92 2. Estimated public facility costs, including a
93 delineation of when facilities will be needed, the general
94 location of the facilities, and projected revenue sources to
95 fund the facilities.

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96 3. Standards to ensure the availability of public
97 facilities and the adequacy of those facilities including
98 acceptable levels of service.

99 4. Standards for the management of debt.

100 5. A schedule of capital improvements which includes
101 publicly funded projects and which may include privately funded
102 projects.

103 6. The schedule of transportation improvements included in
104 the applicable metropolitan planning organization's
105 transportation improvement program adopted pursuant to s.
106 339.175(7) to the extent that such improvements are relied upon
107 to ensure concurrency and financial feasibility. The schedule
108 must also be coordinated with the applicable metropolitan
109 planning organization's long-range transportation plan adopted
110 pursuant to s. 339.175(6).

111 (b)1. The capital improvements element shall be reviewed
112 on an annual basis and modified as necessary in accordance with
113 s. 163.3187 or s. 163.3189 in order to maintain a financially
114 feasible 5-year schedule of capital improvements. ~~except that~~
115 ~~Corrections, updates, and modifications concerning costs, +~~
116 ~~revenue sources, or; acceptance of facilities pursuant to~~
117 ~~dedications which are consistent with the plan; or the date of~~
118 ~~construction~~ of any facility enumerated in the capital
119 improvements schedule element may be accomplished by ordinance
120 and shall not be deemed to be amendments to the local
121 comprehensive plan. A copy of the ordinance shall be transmitted
122 to the state land planning agency. All public facilities shall

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123 be consistent with the capital improvements element. Amendments
124 to implement this section must be adopted and transmitted no
125 later than December 1, 2007. Thereafter, a local government may
126 not amend its future land use map, except for plan amendments to
127 meet new requirements under this part and emergency amendments
128 pursuant to s. 163.3187(1)(a), after December 1, 2007, and every
129 year thereafter until the local government has adopted the
130 annual update and the annual update has been transmitted to the
131 state land planning agency.

132 2. Capital improvements element amendments adopted after
133 the effective date of this act shall require only a single
134 public hearing before the governing board which shall be an
135 adoption hearing as described in s. 163.3184(7). Such amendments
136 are not subject to the requirements of s. 163.3184(3)-(6).
137 Amendments to the 5-year schedule of capital improvements
138 adopted after the effective date of this act shall not be
139 subject to challenge by an affected party. If the department
140 finds an amendment pursuant to this subparagraph not in
141 compliance, the local government may challenge that
142 determination pursuant to s. 163.3184(10).

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

146 (a) A future land use plan element designating proposed
147 future general distribution, location, and extent of the uses of
148 land for residential uses, commercial uses, industry,
149 agriculture, recreation, conservation, education, public

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150 buildings and grounds, other public facilities, and other
151 categories of the public and private uses of land. Counties are
152 encouraged to designate rural land stewardship areas, pursuant
153 to the provisions of paragraph (11)(d), as overlays on the
154 future land use map. Each future land use category must be
155 defined in terms of uses included, and must include standards to
156 be followed in the control and distribution of population
157 densities and building and structure intensities. The proposed
158 distribution, location, and extent of the various categories of
159 land use shall be shown on a land use map or map series which
160 shall be supplemented by goals, policies, and measurable
161 objectives. The future land use plan shall be based upon
162 surveys, studies, and data regarding the area, including the
163 amount of land required to accommodate anticipated growth; the
164 projected population of the area; the character of undeveloped
165 land; the availability of water supplies, public facilities, and
166 services; the need for redevelopment, including the renewal of
167 blighted areas and the elimination of nonconforming uses which
168 are inconsistent with the character of the community; the
169 compatibility of uses on lands adjacent to or closely proximate
170 to military installations; and, in rural communities, the need
171 for job creation, capital investment, and economic development
172 that will strengthen and diversify the community's economy. The
173 future land use plan may designate areas for future planned
174 development use involving combinations of types of uses for
175 which special regulations may be necessary to ensure development
176 in accord with the principles and standards of the comprehensive

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177 plan and this act. The future land use plan element shall
178 include criteria to be used to achieve the compatibility of
179 adjacent or closely proximate lands with military installations.
180 In addition, for rural communities, the amount of land
181 designated for future planned industrial use shall be based upon
182 surveys and studies that reflect the need for job creation,
183 capital investment, and the necessity to strengthen and
184 diversify the local economies, and shall not be limited solely
185 by the projected population of the rural community. The future
186 land use plan of a county may also designate areas for possible
187 future municipal incorporation. The land use maps or map series
188 shall generally identify and depict historic district boundaries
189 and shall designate historically significant properties meriting
190 protection. The future land use element must clearly identify
191 the land use categories in which public schools are an allowable
192 use. When delineating the land use categories in which public
193 schools are an allowable use, a local government shall include
194 in the categories sufficient land proximate to residential
195 development to meet the projected needs for schools in
196 coordination with public school boards and may establish
197 differing criteria for schools of different type or size. Each
198 local government shall include lands contiguous to existing
199 school sites, to the maximum extent possible, within the land
200 use categories in which public schools are an allowable use. ~~All~~
201 ~~comprehensive plans must comply with the school siting~~
202 ~~requirements of this paragraph no later than October 1, 1999.~~
203 ~~The failure by a local government to comply with these school~~

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204 ~~siting requirements by October 1, 1999, will result in the~~
205 ~~prohibition of the local government's ability to amend the local~~
206 ~~comprehensive plan, except for plan amendments described in s.~~
207 ~~163.3187(1)(b), until the school siting requirements are met.~~
208 Amendments proposed by a local government for purposes of
209 identifying the land use categories in which public schools are
210 an allowable use ~~or for adopting or amending the school siting~~
211 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation
212 on the frequency of plan amendments contained in s. 163.3187.
213 The future land use element shall include criteria that
214 encourage the location of schools proximate to urban residential
215 areas to the extent possible and shall require that the local
216 government seek to collocate public facilities, such as parks,
217 libraries, and community centers, with schools to the extent
218 possible and to encourage the use of elementary schools as focal
219 points for neighborhoods. For schools serving predominantly
220 rural counties, defined as a county with a population of 100,000
221 or fewer, an agricultural land use category shall be eligible
222 for the location of public school facilities if the local
223 comprehensive plan contains school siting criteria and the
224 location is consistent with such criteria. Local governments
225 required to update or amend their comprehensive plan to include
226 criteria and address compatibility of adjacent or closely
227 proximate lands with existing military installations in their
228 future land use plan element shall transmit the update or
229 amendment to the department by June 30, 2006.

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230 (b) A traffic circulation element consisting of the types,
231 locations, and extent of existing and proposed major
232 thoroughfares and transportation routes, including bicycle and
233 pedestrian ways. Transportation corridors, as defined in s.
234 334.03, may be designated in the traffic circulation element
235 pursuant to s. 337.273. If the transportation corridors are
236 designated, the local government may adopt a transportation
237 corridor management ordinance. By December 1, 2006, each local
238 government shall adopt by ordinance a transportation concurrency
239 management system which shall include a methodology for
240 assessing proportionate share mitigation options. By December 1,
241 2005, the Department of Transportation shall develop a model
242 transportation concurrency management ordinance with
243 methodologies for assessing proportionate share options. The
244 transportation concurrency management ordinance may assess a
245 concurrency impact area by districts or systemwide.

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

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257 | by a regional water management district as prime groundwater
258 | recharge areas for the Floridan or Biscayne aquifers, pursuant
259 | to s. 373.0395. These areas shall be given special consideration
260 | when the local government is engaged in zoning or considering
261 | future land use for said designated areas. For areas served by
262 | septic tanks, soil surveys shall be provided which indicate the
263 | suitability of soils for septic tanks. Within 18 months after
264 | the governing board approves an updated regional water supply
265 | plan, the local government shall submit a comprehensive plan
266 | amendment that incorporates the alternative water supply
267 | projects selected by the local government from those identified
268 | in the regional supply plan pursuant to s. 373.0361(2)(a) or
269 | proposed by the local government under s. 373.0361, into the
270 | element. If a local government is located within two water
271 | management districts, the local government shall adopt its
272 | comprehensive plan amendment within 18 months after the later
273 | updated ~~By December 1, 2006, The element must consider the~~
274 | ~~appropriate water management district's regional water supply~~
275 | ~~plan approved pursuant to s. 373.0361.~~ The element must identify
276 | such alternative water supply projects and traditional water
277 | supply projects and conservation and reuse necessary to meet the
278 | water needs identified in s. 373.0361(2)(a) within the local
279 | government's jurisdiction and include a work plan, covering at
280 | least a 10-year planning period, for building public water
281 | supply facilities, including development of alternative water
282 | supplies that are necessary to meet existing and projected water
283 | use demand over the work planning period. The work plan shall

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284 also describe how the water supply needs will be met over the
285 course of the planning period from any other providers of water,
286 if applicable ~~that are identified in the element as necessary to~~
287 ~~serve existing and new development and for which the local~~
288 ~~government is responsible.~~ The work plan shall be updated, at a
289 minimum, every 5 years within 18 ~~12~~ months after the governing
290 board of a water management district approves an updated
291 regional water supply plan. Local governments, public and
292 private utilities, regional water supply authorities, special
293 districts, and water management districts are encouraged to
294 cooperatively plan for the development of multijurisdictional
295 water supply facilities that are sufficient to meet projected
296 demands for established planning periods, including the
297 development of alternative water sources to supplement
298 traditional sources of ground and surface water supplies.
299 Amendments to incorporate the work plan do not count toward the
300 limitation on the frequency of adoption of amendments to the
301 comprehensive plan.

302 (h)1. An intergovernmental coordination element showing
303 relationships and stating principles and guidelines to be used
304 in the accomplishment of coordination of the adopted
305 comprehensive plan with the plans of school boards, regional
306 water supply authorities, and other units of local government
307 providing services but not having regulatory authority over the
308 use of land, with the comprehensive plans of adjacent
309 municipalities, the county, adjacent counties, or the region,
310 with the state comprehensive plan and with the applicable

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311 regional water supply plan approved pursuant to s. 373.0361, as
312 the case may require and as such adopted plans or plans in
313 preparation may exist. This element of the local comprehensive
314 plan shall demonstrate consideration of the particular effects
315 of the local plan, when adopted, upon the development of
316 adjacent municipalities, the county, adjacent counties, or the
317 region, or upon the state comprehensive plan, as the case may
318 require.

319 a. The intergovernmental coordination element shall
320 provide for procedures to identify and implement joint planning
321 areas, especially for the purpose of annexation, municipal
322 incorporation, and joint infrastructure service areas.

323 b. The intergovernmental coordination element shall
324 provide for recognition of campus master plans prepared pursuant
325 to s. 1013.30.

326 c. The intergovernmental coordination element may provide
327 for a voluntary dispute resolution process as established
328 pursuant to s. 186.509 for bringing to closure in a timely
329 manner intergovernmental disputes. A local government may
330 develop and use an alternative local dispute resolution process
331 for this purpose.

332 2. The intergovernmental coordination element shall
333 further state principles and guidelines to be used in the
334 accomplishment of coordination of the adopted comprehensive plan
335 with the plans of school boards and other units of local
336 government providing facilities and services but not having
337 regulatory authority over the use of land. In addition, the

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338 intergovernmental coordination element shall describe joint
339 processes for collaborative planning and decisionmaking on
340 population projections and public school siting, the location
341 and extension of public facilities subject to concurrency, and
342 siting facilities with countywide significance, including
343 locally unwanted land uses whose nature and identity are
344 established in an agreement. Within 1 year of adopting their
345 intergovernmental coordination elements, each county, all the
346 municipalities within that county, the district school board,
347 and any unit of local government service providers in that
348 county shall establish by interlocal or other formal agreement
349 executed by all affected entities, the joint processes described
350 in this subparagraph consistent with their adopted
351 intergovernmental coordination elements.

352 3. To foster coordination between special districts and
353 local general-purpose governments as local general-purpose
354 governments implement local comprehensive plans, each
355 independent special district must submit a public facilities
356 report to the appropriate local government as required by s.
357 189.415.

358 4.a. Local governments ~~adopting a public educational~~
359 ~~facilities element pursuant to s. 163.31776~~ must execute an
360 interlocal agreement with the district school board, the county,
361 and nonexempt municipalities pursuant to s. 163.31777, ~~as~~
362 ~~defined by s. 163.31776(1), which includes the items listed in~~
363 ~~s. 163.31777(2)~~. The local government shall amend the
364 intergovernmental coordination element to provide that

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365 coordination between the local government and school board is
366 pursuant to the agreement and shall state the obligations of the
367 local government under the agreement.

368 b. Plan amendments that comply with this subparagraph are
369 exempt from the provisions of s. 163.3187(1).

370 5. The state land planning agency shall establish a
371 schedule for phased completion and transmittal of plan
372 amendments to implement subparagraphs 1., 2., and 3. from all
373 jurisdictions so as to accomplish their adoption by December 31,
374 1999. A local government may complete and transmit its plan
375 amendments to carry out these provisions prior to the scheduled
376 date established by the state land planning agency. The plan
377 amendments are exempt from the provisions of s. 163.3187(1).

378 6. ~~By January 1, 2004,~~ Any county having a population
379 greater than 100,000, and the municipalities and special
380 districts within that county, shall submit a report to the
381 Department of Community Affairs which:

382 a. Identifies all existing or proposed interlocal service-
383 delivery agreements regarding the following: education; sanitary
384 sewer; public safety; solid waste; drainage; potable water;
385 parks and recreation; and transportation facilities.

386 b. Identifies any deficits or duplication in the provision
387 of services within its jurisdiction, whether capital or
388 operational. Upon request, the Department of Community Affairs
389 shall provide technical assistance to the local governments in
390 identifying deficits or duplication.

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391 7. Within 6 months after submission of the report, the
392 Department of Community Affairs shall, through the appropriate
393 regional planning council, coordinate a meeting of all local
394 governments within the regional planning area to discuss the
395 reports and potential strategies to remedy any identified
396 deficiencies or duplications.

397 8. Each local government shall update its
398 intergovernmental coordination element based upon the findings
399 in the report submitted pursuant to subparagraph 6. The report
400 may be used as supporting data and analysis for the
401 intergovernmental coordination element.

402 9. By February 1, 2003, representatives of municipalities,
403 counties, and special districts shall provide to the Legislature
404 recommended statutory changes for annexation, including any
405 changes that address the delivery of local government services
406 in areas planned for annexation.

407 (11)

408 (d)1. The department, in cooperation with the Department
409 of Agriculture and Consumer Services, the Department of
410 Environmental Protection, water management districts, and
411 regional planning councils, shall provide assistance to local
412 governments in the implementation of this paragraph and rule 9J-
413 5.006(5)(1), Florida Administrative Code. Implementation of
414 those provisions shall include a process by which the department
415 may authorize local governments to designate all or portions of
416 lands classified in the future land use element as predominantly
417 agricultural, rural, open, open-rural, or a substantively

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418 equivalent land use, as a rural land stewardship area within
419 which planning and economic incentives are applied to encourage
420 the implementation of innovative and flexible planning and
421 development strategies and creative land use planning
422 techniques, including those contained herein and in rule 9J-
423 5.006(5)(1), Florida Administrative Code. Assistance may
424 include, but is not limited to:

425 a. Assistance from the Department of Environmental
426 Protection and water management districts in creating the
427 geographic information systems land cover database and aerial
428 photogrammetry needed to prepare for a rural land stewardship
429 area;

430 b. Support for local government implementation of rural
431 land stewardship concepts by providing information and
432 assistance to local governments regarding land acquisition
433 programs that may be used by the local government or landowners
434 to leverage the protection of greater acreage and maximize the
435 effectiveness of rural land stewardship areas; and

436 c. Expansion of the role of the Department of Community
437 Affairs as a resource agency to facilitate establishment of
438 rural land stewardship areas in smaller rural counties that do
439 not have the staff or planning budgets to create a rural land
440 stewardship area.

441 2. The state land planning agency ~~department~~ shall
442 encourage participation by local governments of different sizes
443 and rural characteristics in establishing and implementing rural
444 land stewardship areas. It is the intent of the Legislature that

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445 rural land stewardship areas be used to further the following
446 broad principles of rural sustainability: restoration and
447 maintenance of the economic value of rural land; control of
448 urban sprawl; identification and protection of ecosystems,
449 habitats, and natural resources; promotion of rural economic
450 activity; maintenance of the viability of Florida's agricultural
451 economy; and protection of the character of rural areas of
452 Florida. Rural land stewardship areas may be multicounty in
453 order to encourage coordinated regional stewardship planning.

454 3. A local government, in conjunction with a regional
455 planning council, a stakeholder organization of private land
456 owners, or another local government, shall notify the department
457 in writing of its intent to designate a rural land stewardship
458 area. The written notification shall describe the basis for the
459 designation, including the extent to which the rural land
460 stewardship area enhances rural land values, controls urban
461 sprawl, provides necessary open space for agriculture and
462 protection of the natural environment, promotes rural economic
463 activity, and maintains rural character and the economic
464 viability of agriculture.

465 4. A rural land stewardship area shall be not less than
466 10,000 acres and shall be located outside of municipalities and
467 established urban growth boundaries, and shall be designated by
468 plan amendment. The plan amendment designating a rural land
469 stewardship area shall be subject to review by the Department of
470 Community Affairs pursuant to s. 163.3184 and shall provide for
471 the following:

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472 a. Criteria for the designation of receiving areas within
473 rural land stewardship areas in which innovative planning and
474 development strategies may be applied. Criteria shall at a
475 minimum provide for the following: adequacy of suitable land to
476 accommodate development so as to avoid conflict with
477 environmentally sensitive areas, resources, and habitats;
478 compatibility between and transition from higher density uses to
479 lower intensity rural uses; the establishment of receiving area
480 service boundaries which provide for a separation between
481 receiving areas and other land uses within the rural land
482 stewardship area through limitations on the extension of
483 services; and connection of receiving areas with the rest of the
484 rural land stewardship area using rural design and rural road
485 corridors.

486 b. Goals, objectives, and policies setting forth the
487 innovative planning and development strategies to be applied
488 within rural land stewardship areas pursuant to the provisions
489 of this section.

490 c. A process for the implementation of innovative planning
491 and development strategies within the rural land stewardship
492 area, including those described in this subsection and rule 9J-
493 5.006(5)(1), Florida Administrative Code, which provide for a
494 functional mix of land uses and which are applied through the
495 adoption by the local government of zoning and land development
496 regulations applicable to the rural land stewardship area.

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497 d. A process which encourages visioning pursuant to s.
498 163.3167(11) to ensure that innovative planning and development
499 strategies comply with the provisions of this section.

500 e. The control of sprawl through the use of innovative
501 strategies and creative land use techniques consistent with the
502 provisions of this subsection and rule 9J-5.006(5)(1), Florida
503 Administrative Code.

504 5. A receiving area shall be designated by the adoption of
505 a land development regulation. Prior to the designation of a
506 receiving area, the local government shall provide the
507 Department of Community Affairs a period of 30 days in which to
508 review a proposed receiving area for consistency with the rural
509 land stewardship area plan amendment and to provide comments to
510 the local government.

511 6. Upon the adoption of a plan amendment creating a rural
512 land stewardship area, the local government shall, by ordinance,
513 establish the methodology for the creation, conveyance, and use
514 of transferable rural land use credits, otherwise referred to as
515 stewardship credits, the application of ~~assign to the area a~~
516 ~~certain number of credits, to be known as "transferable rural~~
517 ~~land use credits,"~~ which shall not constitute a right to develop
518 land, nor increase density of land, except as provided by this
519 section. The total amount of transferable rural land use credits
520 within assigned to the rural land stewardship area must enable
521 the realization of the long-term vision and goals for ~~correspond~~
522 ~~to~~ the 25-year or greater projected population of the rural land

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523 stewardship area. Transferable rural land use credits are
524 subject to the following limitations:

525 a. Transferable rural land use credits may only exist
526 within a rural land stewardship area.

527 b. Transferable rural land use credits may only be used on
528 lands designated as receiving areas and then solely for the
529 purpose of implementing innovative planning and development
530 strategies and creative land use planning techniques adopted by
531 the local government pursuant to this section.

532 c. Transferable rural land use credits assigned to a
533 parcel of land within a rural land stewardship area shall cease
534 to exist if the parcel of land is removed from the rural land
535 stewardship area by plan amendment.

536 d. Neither the creation of the rural land stewardship area
537 by plan amendment nor the assignment of transferable rural land
538 use credits by the local government shall operate to displace
539 the underlying density of land uses assigned to a parcel of land
540 within the rural land stewardship area; however, if transferable
541 rural land use credits are transferred from a parcel for use
542 within a designated receiving area, the underlying density
543 assigned to the parcel of land shall cease to exist.

544 e. The underlying density on each parcel of land located
545 within a rural land stewardship area shall not be increased or
546 decreased by the local government, except as a result of the
547 conveyance or use of transferable rural land use credits, as
548 long as the parcel remains within the rural land stewardship
549 area.

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550 f. Transferable rural land use credits shall cease to
551 exist on a parcel of land where the underlying density assigned
552 to the parcel of land is utilized.

553 g. An increase in the density of use on a parcel of land
554 located within a designated receiving area may occur only
555 through the assignment or use of transferable rural land use
556 credits and shall not require a plan amendment.

557 h. A change in the density of land use on parcels located
558 within receiving areas shall be specified in a development order
559 which reflects the total number of transferable rural land use
560 credits assigned to the parcel of land and the infrastructure
561 and support services necessary to provide for a functional mix
562 of land uses corresponding to the plan of development.

563 i. Land within a rural land stewardship area may be
564 removed from the rural land stewardship area through a plan
565 amendment.

566 j. Transferable rural land use credits may be assigned at
567 different ratios of credits per acre according to the natural
568 resource or other beneficial use characteristics of the land and
569 according to the land use remaining following the transfer of
570 credits, with the highest number of credits per acre assigned to
571 the most environmentally valuable land, or in locations where
572 the retention of ~~and a lesser number of credits to be assigned~~
573 ~~to~~ open space and agricultural land is a priority, to such
574 lands.

575 k. The use or conveyance of transferable rural land use
576 credits must be recorded in the public records of the county in

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577 | which the property is located as a covenant or restrictive
578 | easement running with the land in favor of the county and either
579 | the Department of Environmental Protection, Department of
580 | Agriculture and Consumer Services, a water management district,
581 | or a recognized statewide land trust.

582 | 7. Owners of land within rural land stewardship areas
583 | should be provided incentives to enter into rural land
584 | stewardship agreements, pursuant to existing law and rules
585 | adopted thereto, with state agencies, water management
586 | districts, and local governments to achieve mutually agreed upon
587 | conservation objectives. Such incentives may include, but not be
588 | limited to, the following:

589 | a. Opportunity to accumulate transferable mitigation
590 | credits.

591 | b. Extended permit agreements.

592 | c. Opportunities for recreational leases and ecotourism.

593 | d. Payment for specified land management services on
594 | publicly owned land, or property under covenant or restricted
595 | easement in favor of a public entity.

596 | e. Option agreements for sale to public entities or
597 | private land conservation entities, in either fee or easement,
598 | upon achievement of conservation objectives.

599 | 8. The department shall report to the Legislature on an
600 | annual basis on the results of implementation of rural land
601 | stewardship areas authorized by the department, including
602 | successes and failures in achieving the intent of the
603 | Legislature as expressed in this paragraph.

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604 9. In recognition of the benefits of conceptual long-range
605 planning, restoration and maintenance of the economic value of
606 rural land; control of urban sprawl; identification and
607 protection of ecosystems, habitats, and natural resources;
608 promotion of rural economic activity; maintenance of the
609 viability of the agricultural economy of this state; and
610 protection of the character of rural areas of this state that
611 will result from a rural land stewardship area, and to further
612 encourage the innovative planning and development strategies in
613 a rural land stewardship area, development within a rural land
614 stewardship area is exempt from the requirements of s. 380.06.

615 (12) A public school facilities element adopted to
616 implement a school concurrency program shall meet the
617 requirements of this subsection.

618 (a) Each county and each municipality within the county
619 must adopt a consistent public school facilities element and
620 enter an interlocal agreement pursuant to s. 163.31777. The
621 state land planning agency may provide a waiver to a county and
622 to the municipalities within the county if the utilization rate
623 for all schools within the district is less than 100 percent and
624 the projected 5-year capital outlay full-time equivalent student
625 growth rate is less than 10 percent. At its discretion, the
626 state land planning agency may grant a waiver to a county or
627 municipality for a single school to exceed the 100 percent
628 limitation if it can be demonstrated that the capacity for that
629 single school is not greater than 105 percent. A municipality in
630 a nonexempt county is exempt if the municipality meets all of

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631 the following criteria for having no significant impact on
632 school attendance:

633 1. The municipality has issued development orders for
634 fewer than 50 residential dwelling units during the preceding 5
635 years or the municipality has generated fewer than 25 additional
636 public school students during the preceding 5 years.

637 2. The municipality has not annexed new land during the
638 preceding 5 years in land use categories that permit residential
639 uses that will affect school attendance rates.

640 3. The municipality has no public schools located within
641 its boundaries.

642 4. At least 80 percent of the developable land within the
643 boundaries of the municipality has been developed.

644 (b)(a) A public school facilities element shall be based
645 upon data and analyses that address, among other items, how
646 level-of-service standards will be achieved and maintained. Such
647 data and analyses must include, at a minimum, such items as: the
648 interlocal agreement adopted pursuant to s. 163.31777 and the 5-
649 year school district facilities work program adopted pursuant to
650 s. 1013.35; the educational plant survey prepared pursuant to s.
651 1013.31 and an existing educational and ancillary plant map or
652 map series; information on existing development and development
653 anticipated for the next 5 years and the long-term planning
654 period; an analysis of problems and opportunities for existing
655 schools and schools anticipated in the future; an analysis of
656 opportunities to collocate future schools with other public
657 facilities such as parks, libraries, and community centers; an

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658 analysis of the need for supporting public facilities for
659 existing and future schools; an analysis of opportunities to
660 locate schools to serve as community focal points; projected
661 future population and associated demographics, including
662 development patterns year by year for the upcoming 5-year and
663 long-term planning periods; and anticipated educational and
664 ancillary plants with land area requirements.

665 ~~(c)~~(b) The element shall contain one or more goals which
666 establish the long-term end toward which public school programs
667 and activities are ultimately directed.

668 ~~(d)~~(e) The element shall contain one or more objectives
669 for each goal, setting specific, measurable, intermediate ends
670 that are achievable and mark progress toward the goal.

671 ~~(e)~~(d) The element shall contain one or more policies for
672 each objective which establish the way in which programs and
673 activities will be conducted to achieve an identified goal.

674 ~~(f)~~(e) The objectives and policies shall address items
675 such as:

- 676 1. The procedure for an annual update process;
677 2. The procedure for school site selection;
678 3. The procedure for school permitting;
679 4. Provision of ~~supporting~~ infrastructure necessary to
680 support proposed schools, including potable water, wastewater,
681 drainage, solid waste, transportation, and means by which to
682 ensure safe access to schools, including sidewalks, bicycle
683 paths, turn lanes, and signalization;

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684 5. Provision of colocation of other public facilities,
685 such as parks, libraries, and community centers, in proximity to
686 public schools;

687 6. Provision of location of schools proximate to
688 residential areas and to complement patterns of development,
689 including the location of future school sites so they serve as
690 community focal points;

691 7. Measures to ensure compatibility of school sites and
692 surrounding land uses;

693 8. Coordination with adjacent local governments and the
694 school district on emergency preparedness issues, including the
695 use of public schools to serve as emergency shelters; and

696 9. Coordination with the future land use element.

697 (g)(f) The element shall include one or more future
698 conditions maps which depict the anticipated location of
699 educational and ancillary plants, including the general location
700 of improvements to existing schools or new schools anticipated
701 over the 5-year or long-term planning period. The maps will of
702 necessity be general for the long-term planning period and more
703 specific for the 5-year period. Maps indicating general
704 locations of future schools or school improvements may not
705 prescribe a land use on a particular parcel of land.

706 (h) The state land planning agency shall establish phased
707 schedules for adoption of the public school facilities element
708 and the required updates to the public schools interlocal
709 agreement pursuant to s. 163.31777. The schedule for the updated
710 public schools interlocal agreement shall provide for each

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711 county and municipality within the county to submit the
712 agreement no later than December 1, 2006. The schedule for the
713 public schools facilities element must provide for each county
714 and municipality to submit the adopted element to the state land
715 planning agency by December 1, 2008. The state land planning
716 agency may grant a 1-year extension for the adoption of the
717 element if a request is justified by good and sufficient cause
718 as determined by the agency. The state land planning agency
719 shall set the same date for all governmental entities within a
720 school district. However, if the county where the school
721 district is located contains more than 20 municipalities, the
722 state land planning agency may establish staggered due dates for
723 the submission of interlocal agreements by these municipalities.
724 Plan amendments to adopt a public school facilities element are
725 exempt from the provisions of s. 163.3187(1).

726 (i) Failure to timely adopt updating amendments to the
727 comprehensive plan that are necessary to implement school
728 concurrency prior to December 1, 2008, unless a one-year
729 extension has been granted, shall result in a local government
730 being prohibited from adopting amendments to the comprehensive
731 plan that increase residential density until the necessary
732 amendments have been adopted and the adopted amendments have
733 been transmitted to the state land planning agency.

734 (j) The state land planning agency may issue the school
735 board a notice to show cause why sanctions should not be
736 enforced for failure to enter into an approved interlocal
737 agreement as required by s. 163.31777 or for failure to

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738 implement the provisions of this act relating to public school
739 concurrency. The school board may be subject to sanctions
740 imposed by the Administration Commission directing the
741 Department of Education to withhold from the district school
742 board an equivalent amount of funds for school construction
743 available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

744 (13) Local governments are encouraged to develop a
745 community vision that provides for sustainable growth,
746 recognizes the local government's fiscal constraints, and
747 protects the local government's natural resources pursuant to s.
748 163.167(11). At the request of a local government, the
749 applicable regional planning council shall provide assistance in
750 the development of a community vision.

751 Section 5. Section 163.31777, Florida Statutes, is amended
752 to read:

753 163.31777 Public schools interlocal agreement.--

754 (1)(a) The school board, county, and nonexempt
755 municipalities located within the geographic area of a school
756 district shall enter into an interlocal agreement ~~with the~~
757 ~~district school board~~ which jointly establishes the specific
758 ways in which the plans and processes of the district school
759 board and the local governments are to be coordinated. ~~The~~
760 ~~interlocal agreements shall be submitted to the state land~~
761 ~~planning agency and the Office of Educational Facilities and the~~
762 ~~SMART Schools Clearinghouse in accordance with a schedule~~
763 ~~published by the state land planning agency.~~

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764 ~~(b) The schedule must establish staggered due dates for~~
765 ~~submission of interlocal agreements that are executed by both~~
766 ~~the local government and the district school board, commencing~~
767 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
768 ~~set the same date for all governmental entities within a school~~
769 ~~district. However, if the county where the school district is~~
770 ~~located contains more than 20 municipalities, the state land~~
771 ~~planning agency may establish staggered due dates for the~~
772 ~~submission of interlocal agreements by these municipalities. The~~
773 ~~schedule must begin with those areas where both the number of~~
774 ~~districtwide capital outlay full-time equivalent students equals~~
775 ~~80 percent or more of the current year's school capacity and the~~
776 ~~projected 5-year student growth is 1,000 or greater, or where~~
777 ~~the projected 5-year student growth rate is 10 percent or~~
778 ~~greater.~~

779 **(b)(e)** If the student population has declined over the 5-
780 year period preceding the due date for submittal of an
781 interlocal agreement by the local government and the district
782 school board, the local government and the district school board
783 may petition the state land planning agency for a waiver of one
784 or more requirements of subsection (2). The waiver must be
785 granted if the procedures called for in subsection (2) are
786 unnecessary because of the school district's declining school
787 age population, considering the district's 5-year facilities
788 work program prepared pursuant to s. 1013.35. The state land
789 planning agency may modify or revoke the waiver upon a finding
790 that the conditions upon which the waiver was granted no longer

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791 exist. The district school board and local governments must
792 submit an interlocal agreement within 1 year after notification
793 by the state land planning agency that the conditions for a
794 waiver no longer exist.

795 ~~(c)(d) Interlocal agreements between local governments and~~
796 ~~district school boards adopted pursuant to s. 163.3177 before~~
797 ~~the effective date of this section must be updated and executed~~
798 ~~pursuant to the requirements of this section, if necessary.~~
799 ~~Amendments to interlocal agreements adopted pursuant to this~~
800 ~~section must be submitted to the state land planning agency~~
801 ~~within 30 days after execution by the parties for review~~
802 ~~consistent with this section.~~ Local governments and the district
803 school board in each school district are encouraged to adopt a
804 single updated interlocal agreement to which all join as
805 parties. The state land planning agency shall assemble and make
806 available model interlocal agreements meeting the requirements
807 of this section and notify local governments and, jointly with
808 the Department of Education, the district school boards of the
809 requirements of this section, the dates for compliance, and the
810 sanctions for noncompliance. The state land planning agency
811 shall be available to informally review proposed interlocal
812 agreements. If the state land planning agency has not received a
813 proposed interlocal agreement for informal review, the state
814 land planning agency shall, at least 60 days before the deadline
815 for submission of the executed agreement, renotify the local
816 government and the district school board of the upcoming
817 deadline and the potential for sanctions.

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818 (2) ~~At a minimum,~~ The interlocal agreement shall
819 acknowledge the school board's constitutional and statutory
820 obligations to provide a uniform system of free public schools
821 on a countywide basis and the land use authority of local
822 governments, including their authority to approve or deny
823 comprehensive plan amendments and development orders. The
824 interlocal agreement must address the following issues:

825 (a) Establish the mechanisms for coordinating the
826 development, adoption, and amendment of each local government's
827 public school facilities element with each other and the plans
828 of the school board to ensure a uniform districtwide school
829 concurrency system.

830 (b) Establish a process for the development of siting
831 criteria which encourages the location of public schools
832 proximate to urban residential areas to the extent possible and
833 seeks to collocate schools with other public facilities such as
834 parks, libraries, and community centers to the extent possible.

835 (c) Specify uniform, districtwide level-of-service
836 standards for public schools of the same type and the process
837 for modifying the adopted levels-of-service standards.

838 (d) A process for establishing a financially feasible
839 public school capital facilities program and a process and
840 schedule for incorporation of the public school capital
841 facilities program into the local government comprehensive plans
842 on an annual basis.

843 (e) If school concurrency is to be applied on a less than
844 districtwide basis in the form of concurrency service areas, the

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845 agreement shall establish criteria and standards for the
846 establishment and modification of school concurrency service
847 areas. The agreement shall also establish a process and schedule
848 for the mandatory incorporation of the school concurrency
849 service areas and the criteria and standards for establishment
850 of the service areas into the local government comprehensive
851 plans. The agreement shall ensure maximum utilization of school
852 capacity, taking into account transportation costs and court-
853 approved desegregation plans, as well as other applicable
854 factors.

855 (f) Establish a uniform districtwide procedure for
856 implementing school concurrency which provides for:

857 1. The evaluation of development applications for
858 compliance with school concurrency requirements, including
859 information provided by the school board on affected schools.

860 2. The monitoring and evaluation of the school concurrency
861 system.

862 (g) A process and uniform methodology for determining
863 proportionate-share mitigation pursuant to s. 380.06.

864 (h)(a) A process by which each local government and the
865 district school board agree and base their plans on consistent
866 projections of the amount, type, and distribution of population
867 growth and student enrollment. The geographic distribution of
868 jurisdiction-wide growth forecasts is a major objective of the
869 process.

870 (i)(b) A process to coordinate and share information
871 relating to existing and planned public school facilities,

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872 including school renovations and closures, and local government
873 plans for development and redevelopment.

874 (j)~~(e)~~ Participation by affected local governments with
875 the district school board in the process of evaluating potential
876 school closures, significant renovations to existing schools,
877 and new school site selection before land acquisition. Local
878 governments shall advise the district school board as to the
879 consistency of the proposed closure, renovation, or new site
880 with the local comprehensive plan, including appropriate
881 circumstances and criteria under which a district school board
882 may request an amendment to the comprehensive plan for school
883 siting.

884 (k)~~(d)~~ A process for determining the need for and timing
885 of onsite and offsite improvements to support new, proposed
886 expansion, or redevelopment of existing schools. The process
887 must address identification of the party or parties responsible
888 for the improvements.

889 ~~(e) A process for the school board to inform the local
890 government regarding school capacity. The capacity reporting
891 must be consistent with laws and rules relating to measurement
892 of school facility capacity and must also identify how the
893 district school board will meet the public school demand based
894 on the facilities work program adopted pursuant to s. 1013.35.~~

895 (l)~~(f)~~ Participation of the local governments in the
896 preparation of the annual update to the district school board's
897 5-year district facilities work program and educational plant
898 survey prepared pursuant to s. 1013.35.

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899 (m)(g) A process for determining where and how joint use
900 of either school board or local government facilities can be
901 shared for mutual benefit and efficiency.

902 (n)(h) A procedure for the resolution of disputes between
903 the district school board and local governments, which may
904 include the dispute resolution processes contained in chapters
905 164 and 186.

906 (o)(i) An oversight process, including an opportunity for
907 public participation, for the implementation of the interlocal
908 agreement.

909 (p) A process for development of a public school
910 facilities element pursuant to 163.3177(12).

911 (q) Provisions for siting and modification or enhancements
912 to existing school facilities so as to encourage urban infill
913 and redevelopment.

914 (r) A process for the use and conversion of historic
915 school facilities that are no longer suitable for educational
916 purposes as determined by the district school board.

917 (s) A process for informing the local government regarding
918 the effect of comprehensive plan amendments and rezonings on
919 school capacity. The capacity reporting must be consistent with
920 laws and rules relating to measurement of school facility
921 capacity and must also identify how the district school board
922 will meet the public school demand based on the facilities work
923 program adopted pursuant to s. 1013.35.

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924 (t) A process to ensure an opportunity for the school
925 board to review and comment on the effect of comprehensive plan
926 amendments and rezonings on the public school facilities plan.
927
928 For those local governments that receive a waiver pursuant to s.
929 163.3177(2)(a), the interlocal agreement shall not include the
930 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),
931 and (p). For counties or municipalities that do not have a
932 public schools interlocal agreement or public school facility
933 element, the assessment shall determine whether the local
934 government continues to meet the criteria of s. 163.3177(12). If
935 the county or municipality determines that it no longer meets
936 the criteria, the county or municipality must adopt appropriate
937 school concurrency goals, objectives, and policies in its plan
938 amendments pursuant to the requirements of the public school
939 facility element and enter into the existing interlocal
940 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
941 order to fully participate in the school concurrency system. A
942 ~~signatory to the interlocal agreement may elect not to include a~~
943 ~~provision meeting the requirements of paragraph (e); however,~~
944 ~~such a decision may be made only after a public hearing on such~~
945 ~~election, which may include the public hearing in which a~~
946 ~~district school board or a local government adopts the~~
947 ~~interlocal agreement. An interlocal agreement entered into~~
948 ~~pursuant to this section must be consistent with the adopted~~
949 ~~comprehensive plan and land development regulations of any local~~
950 ~~government that is a signatory.~~

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951 (3)(a) The updated interlocal agreement, adopted pursuant
952 to the schedule adopted in accordance with s. 163.3177(12)(h),
953 and any subsequent amendments must be submitted to the state
954 land planning agency and the Office of Educational Facilities
955 within 30 days after execution by the parties for review
956 consistent with this section. The office and SMART Schools
957 Clearinghouse shall submit any comments or concerns regarding
958 the executed interlocal agreement or amendments to the state
959 land planning agency within 30 days after receipt of the
960 executed interlocal agreement or amendments. The state land
961 planning agency shall review the updated executed interlocal
962 agreement to determine whether it is consistent with the
963 requirements of subsection (2), the adopted local government
964 comprehensive plan, and other requirements of law. Within 60
965 days after receipt of an updated executed interlocal agreement
966 or amendment, the state land planning agency shall publish a
967 notice on the agency's Internet website that states of intent in
968 the Florida Administrative Weekly and shall post a copy of the
969 notice on the agency's Internet site. The notice of intent must
970 state whether the interlocal agreement is consistent or
971 inconsistent with the requirements of subsection (2) and this
972 subsection, as appropriate.

973 ~~(b) The state land planning agency's notice is subject to~~
974 ~~challenge under chapter 120; however, an affected person, as~~
975 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
976 ~~administrative proceeding, and this proceeding is the sole means~~
977 ~~available to challenge the consistency of an interlocal~~

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978 ~~agreement required by this section with the criteria contained~~
979 ~~in subsection (2) and this subsection. In order to have~~
980 ~~standing, each person must have submitted oral or written~~
981 ~~comments, recommendations, or objections to the local government~~
982 ~~or the school board before the adoption of the interlocal~~
983 ~~agreement by the school board and local government. The district~~
984 ~~school board and local governments are parties to any such~~
985 ~~proceeding. In this proceeding, when the state land planning~~
986 ~~agency finds the interlocal agreement to be consistent with the~~
987 ~~criteria in subsection (2) and this subsection, the interlocal~~
988 ~~agreement shall be determined to be consistent with subsection~~
989 ~~(2) and this subsection if the local government's and school~~
990 ~~board's determination of consistency is fairly debatable. When~~
991 ~~the state planning agency finds the interlocal agreement to be~~
992 ~~inconsistent with the requirements of subsection (2) and this~~
993 ~~subsection, the local government's and school board's~~
994 ~~determination of consistency shall be sustained unless it is~~
995 ~~shown by a preponderance of the evidence that the interlocal~~
996 ~~agreement is inconsistent.~~

997 ~~(c) If the state land planning agency enters a final order~~
998 ~~that finds that the interlocal agreement is inconsistent with~~
999 ~~the requirements of subsection (2) or this subsection, it shall~~
1000 ~~forward it to the Administration Commission, which may impose~~
1001 ~~sanctions against the local government pursuant to s.~~
1002 ~~163.3184(11) and may impose sanctions against the district~~
1003 ~~school board by directing the Department of Education to~~
1004 ~~withhold from the district school board an equivalent amount of~~

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1005 ~~funds for school construction available pursuant to ss. 1013.65,~~
1006 ~~1013.68, 1013.70, and 1013.72.~~

1007 (4) If an updated executed interlocal agreement is not
1008 timely submitted to the state land planning agency for review,
1009 the state land planning agency shall, within 15 working days
1010 after the deadline for submittal, issue to the local government
1011 and the district school board a Notice to Show Cause why
1012 sanctions should not be imposed for failure to submit an
1013 executed interlocal agreement by the deadline established by the
1014 agency. The agency shall forward the notice and the responses to
1015 the Administration Commission, which may enter a final order
1016 citing the failure to comply and imposing sanctions against the
1017 local government and district school board by directing the
1018 appropriate agencies to withhold at least 5 percent of state
1019 funds pursuant to s. 163.3184(11) and by directing the
1020 Department of Education to withhold from the district school
1021 board at least 5 percent of funds for school construction
1022 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
1023 1013.72.

1024 (5) Any local government transmitting a public school
1025 element to implement school concurrency pursuant to the
1026 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~
1027 ~~date of this section~~ is not required to amend the element or any
1028 interlocal agreement to conform with the provisions of this
1029 section ~~if the element is adopted prior to or within 1 year~~
1030 ~~after the effective date of this section and remains in effect.~~

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1031 (6) Except as provided in subsection (7), municipalities
1032 ~~meeting the exemption criteria in s. 163.3177(12) having no~~
1033 ~~established need for a new school facility and meeting the~~
1034 ~~following criteria~~ are exempt from the requirements of
1035 subsections (1), (2), and (3).~~÷~~

1036 ~~(a) The municipality has no public schools located within~~
1037 ~~its boundaries.~~

1038 ~~(b) The district school board's 5-year facilities work~~
1039 ~~program and the long-term 10-year and 20-year work programs, as~~
1040 ~~provided in s. 1013.35, demonstrate that no new school facility~~
1041 ~~is needed in the municipality. In addition, the district school~~
1042 ~~board must verify in writing that no new school facility will be~~
1043 ~~needed in the municipality within the 5-year and 10-year~~
1044 ~~timeframes.~~

1045 (7) At the time of the evaluation and appraisal report,
1046 each exempt municipality shall assess the extent to which it
1047 continues to meet the criteria for exemption under s.
1048 163.3177(12) ~~subsection (6)~~. If the municipality continues to
1049 meet these criteria ~~and the district school board verifies in~~
1050 ~~writing that no new school facilities will be needed within the~~
1051 ~~5-year and 10-year timeframes~~, the municipality shall continue
1052 to be exempt from the interlocal-agreement requirement. Each
1053 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must
1054 comply with the provisions of this section within 1 year after
1055 the district school board proposes, in its 5-year district
1056 facilities work program, a new school within the municipality's
1057 jurisdiction.

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1058 Section 6. Paragraph (a) of subsection (1), paragraphs (a)
1059 and (c) of subsection (2), paragraph (c) of subsection (4),
1060 subsections (5), (6), (7), (9), (10), and (13), and paragraph
1061 (a) of subsection (15) of section 163.3180, Florida Statutes,
1062 are amended, and subsections (16) and (17) are added to said
1063 section, to read:

1064 163.3180 Concurrency.--

1065 (1)(a) Sanitary sewer, solid waste, drainage, potable
1066 water, parks and recreation, schools, and transportation
1067 facilities, including mass transit, where applicable, are the
1068 only public facilities and services subject to the concurrency
1069 requirement on a statewide basis. Additional public facilities
1070 and services may not be made subject to concurrency on a
1071 statewide basis without appropriate study and approval by the
1072 Legislature; however, any local government may extend the
1073 concurrency requirement so that it applies to additional public
1074 facilities within its jurisdiction.

1075 (2)(a) Consistent with public health and safety, sanitary
1076 sewer, solid waste, drainage, adequate water supplies, and
1077 potable water facilities shall be in place and available to
1078 serve new development no later than the issuance by the local
1079 government of a certificate of occupancy or its functional
1080 equivalent.

1081 (c) Consistent with the public welfare, and except as
1082 otherwise provided in this section, transportation facilities
1083 ~~designated as part of the Florida Intrastate Highway System~~
1084 needed to serve new development shall be in place or under

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1085 actual construction within 3 ~~not more than 5~~ years after
1086 issuance by the local government of a building permit
1087 ~~certificate of occupancy~~ or its functional equivalent for
1088 construction of a facility that results in actual traffic
1089 generation. This provision shall not apply to developments of
1090 regional impact for which a development order has been issued or
1091 for which a development of regional impact application has been
1092 found sufficient prior to the effective date of this act. Other
1093 ~~transportation facilities needed to serve new development shall~~
1094 ~~be in place or under actual construction no more than 3 years~~
1095 ~~after issuance by the local government of a certificate of~~
1096 ~~occupancy or its functional equivalent.~~

1097 (4)

1098 (c) The concurrency requirement, except as it relates to
1099 transportation and public school facilities, as implemented in
1100 local government comprehensive plans, may be waived by a local
1101 government for urban infill and redevelopment areas designated
1102 pursuant to s. 163.2517 if such a waiver does not endanger
1103 public health or safety as defined by the local government in
1104 its local government comprehensive plan. The waiver shall be
1105 adopted as a plan amendment pursuant to the process set forth in
1106 s. 163.3187(3)(a). A local government may grant a concurrency
1107 exception pursuant to subsection (5) for transportation
1108 facilities located within these urban infill and redevelopment
1109 areas. Within designated urban infill and redevelopment areas,
1110 the local government and Department of Transportation shall
1111 cooperatively establish a plan for maintaining the adopted

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1112 level-of-service standards established by the Department of
1113 Transportation for Strategic Intermodal System facilities, as
1114 defined in s. 339.64.

1115 (5)(a) The Legislature finds that under limited
1116 circumstances dealing with transportation facilities,
1117 countervailing planning and public policy goals may come into
1118 conflict with the requirement that adequate public facilities
1119 and services be available concurrent with the impacts of such
1120 development. The Legislature further finds that often the
1121 unintended result of the concurrency requirement for
1122 transportation facilities is the discouragement of urban infill
1123 development and redevelopment. Such unintended results directly
1124 conflict with the goals and policies of the ~~state comprehensive~~
1125 ~~plan~~ and the intent of this part. Therefore, exceptions from the
1126 concurrency requirement for transportation facilities may be
1127 granted as provided by this subsection.

1128 (b) A local government may grant an exception from the
1129 concurrency requirement for transportation facilities if the
1130 proposed development is otherwise consistent with the adopted
1131 local government comprehensive plan and is a project that
1132 promotes public transportation or is located within an area
1133 designated in the comprehensive plan for:

- 1134 1. Urban infill development,
- 1135 2. Urban redevelopment,
- 1136 3. Downtown revitalization, or
- 1137 4. Urban infill and redevelopment under s. 163.2517.

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1138 (c) The Legislature also finds that developments located
1139 within urban infill, urban redevelopment, existing urban
1140 service, or downtown revitalization areas or areas designated as
1141 urban infill and redevelopment areas under s. 163.2517 which
1142 pose only special part-time demands on the transportation system
1143 should be excepted from the concurrency requirement for
1144 transportation facilities. A special part-time demand is one
1145 that does not have more than 200 scheduled events during any
1146 calendar year and does not affect the 100 highest traffic volume
1147 hours.

1148 (d) A local government shall establish guidelines for
1149 granting the exceptions authorized in paragraphs (b) and (c) in
1150 the comprehensive plan. These guidelines must include
1151 consideration of the Strategic Intermodal System ~~impacts on the~~
1152 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The
1153 exceptions may be available only within the specific geographic
1154 area of the jurisdiction designated in the plan. Pursuant to s.
1155 163.3184, any affected person may challenge a plan amendment
1156 establishing these guidelines and the areas within which an
1157 exception could be granted. Prior to the designation of a
1158 concurrency management area, the Department of Transportation
1159 shall be consulted by the local government to assess the impact
1160 that the proposed concurrency management area is expected to
1161 have on the adopted level-of-service standards established for
1162 Strategic Intermodal System facilities, as defined in s. 339.64.
1163 Within designated urban infill and redevelopment areas, the
1164 local government and Department of Transportation shall

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1165 cooperatively establish a plan for maintaining the adopted
1166 level-of-service standards established by the Department of
1167 Transportation for Strategic Intermodal System facilities
1168 pursuant to s. 339.64.

1169 (e) It is a high state priority that urban infill and
1170 redevelopment be promoted and provide incentives. By promoting
1171 the revitalization of existing communities of this state, a more
1172 efficient maximization of space and facilities may be achieved
1173 and urban sprawl will be discouraged. If a local government
1174 creates a long-term vision for its community that includes
1175 adequate funding and services and multimodal transportation
1176 options, the transportation facilities concurrency requirements
1177 of paragraph (2)(c) are waived for:

1178 1.a. Urban infill development as designated in the
1179 comprehensive plan;

1180 b. Urban redevelopment as designated in the comprehensive
1181 plan;

1182 c. Downtown revitalization as designated in the
1183 comprehensive plan; or

1184 d. Urban infill and redevelopment under s. 163.2517 as
1185 designated in the comprehensive plan.

1186
1187 The local government and Department of Transportation shall
1188 cooperatively establish a plan for maintaining the adopted
1189 level-of-service standards established by the Department of
1190 Transportation for Strategic Intermodal System facilities, as
1191 defined in s. 339.64.

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1192 2. Municipalities that are at least 90 percent built-out.

1193 For purposes of this exemption:

1194 a. The term "built-out" means that 90 percent of the
1195 property within the municipality's boundaries, excluding lands
1196 that are designated as conservation, preservation, recreation,
1197 or public facilities categories, have been developed, or are the
1198 subject of an approved development order that has received a
1199 building permit and the municipality has an average density of 5
1200 units per acre for residential developments.

1201 b. The municipality must have adopted an ordinance that
1202 provides the methodology for determining its built-out
1203 percentage, declares that transportation concurrency
1204 requirements are waived within its municipal boundary or within
1205 a designated area of the municipality, and addresses multimodal
1206 options and strategies, including alternative modes of
1207 transportation within the municipality. Prior to the adoption of
1208 the ordinance, the Department of Transportation shall be
1209 consulted by the local government to assess the impact that the
1210 waiver of the transportation concurrency requirements is
1211 expected to have on the adopted level-of-service standards
1212 established for Strategic Intermodal System facilities, as
1213 defined in s. 339.64. Further, the local government shall
1214 cooperatively establish a plan for maintaining the adopted
1215 level-of-service standards established by the department for
1216 Strategic Intermodal System facilities, as defined in s. 339.64.

1217 c. If a municipality annexes any property, the
1218 municipality must recalculate its built-out percentage pursuant

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1219 to the methodology set forth in its ordinance to verify whether
1220 the annexed property may be included within this exemption.

1221 d. If transportation concurrency requirements are waived
1222 under this subparagraph, the municipality must adopt a
1223 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which
1224 updates its transportation element to reflect the transportation
1225 concurrency requirements waiver and must submit a copy of its
1226 ordinance adopted in subparagraph b. to the state land planning
1227 agency.

1228 (6) The Legislature finds that a de minimis impact is
1229 consistent with this part. A de minimis impact is an impact that
1230 would not affect more than 1 percent of the maximum volume at
1231 the adopted level of service of the affected transportation
1232 facility as determined by the local government. No impact will
1233 be de minimis if the sum of existing roadway volumes and the
1234 projected volumes from approved projects on a transportation
1235 facility would exceed 110 percent of the maximum volume at the
1236 adopted level of service of the affected transportation
1237 facility; provided however, that an impact of a single family
1238 home on an existing lot will constitute a de minimis impact on
1239 all roadways regardless of the level of the deficiency of the
1240 roadway. ~~Local governments are encouraged to adopt methodologies~~
1241 ~~to encourage de minimis impacts on transportation facilities~~
1242 ~~within an existing urban service area.~~ Further, no impact will
1243 be de minimis if it would exceed the adopted level-of-service
1244 standard of any affected designated hurricane evacuation routes.
1245 Each local government shall annually adjust its concurrency

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1246 management system calculation of existing background traffic to
1247 reflect projects permitted under the de minimis exemption.

1248 (7) In order to promote infill development and
1249 redevelopment, one or more transportation concurrency management
1250 areas may be designated in a local government comprehensive
1251 plan. A transportation concurrency management area must be a
1252 compact geographic area with an existing network of roads where
1253 multiple, viable alternative travel paths or modes are available
1254 for common trips. A local government may establish an areawide
1255 level-of-service standard for such a transportation concurrency
1256 management area based upon an analysis that provides for a
1257 justification for the areawide level of service, how urban
1258 infill development or redevelopment will be promoted, and how
1259 mobility will be accomplished within the transportation
1260 concurrency management area. The state land planning agency
1261 shall amend chapter 9J-5, Florida Administrative Code, to be
1262 consistent with this subsection.

1263 (9)(a) Each local government may adopt as a part of its
1264 plan a long-term transportation and school concurrency
1265 management systems ~~system~~ with a planning period of up to 10
1266 years for specially designated districts or areas where
1267 significant backlogs exist. The plan may include interim level-
1268 of-service standards on certain facilities and shall ~~may~~ rely on
1269 the local government's schedule of capital improvements for up
1270 to 10 years as a basis for issuing development orders that
1271 authorize commencement of construction ~~permits~~ in these
1272 designated districts or areas. The concurrency management

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1273 system. ~~It~~ must be designed to correct existing deficiencies and
1274 set priorities for addressing backlogged facilities. The
1275 concurrency management system ~~It~~ must be financially feasible
1276 and consistent with other portions of the adopted local plan,
1277 including the future land use map.

1278 (b) If a local government has a transportation or school
1279 facility backlog for existing development which cannot be
1280 adequately addressed in a 10-year plan, the state land planning
1281 agency may allow it to develop a plan and long-term schedule of
1282 capital improvements covering ~~of~~ up to 15 years for good and
1283 sufficient cause, based on a general comparison between that
1284 local government and all other similarly situated local
1285 jurisdictions, using the following factors:

- 1286 1. The extent of the backlog.
- 1287 2. For roads, whether the backlog is on local or state
1288 roads.
- 1289 3. The cost of eliminating the backlog.
- 1290 4. The local government's tax and other revenue-raising
1291 efforts.

1292 (c) The local government may issue approvals to commence
1293 construction, notwithstanding s. 163.3180, consistent with and
1294 in areas that are subject to a long-term concurrency management
1295 system.

1296 (d) If the local government adopts a long-term concurrency
1297 management system, the government must evaluate the system
1298 periodically. At a minimum, the local government must assess its
1299 progress toward improving levels of service within the long-term

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1300 concurrency management district or area in the evaluation and
1301 appraisal report and determine any changes that are necessary to
1302 accelerate progress in meeting acceptable levels of service or
1303 providing other methods of transportation.

1304 (10) With regard to roadway facilities on the Strategic
1305 Intermodal System designated in accordance with ss. 339.61,
1306 339.62, 339.63, and 339.64 Florida Intrastate Highway System as
1307 defined in s. 338.001, with concurrence from the Department of
1308 Transportation, the level of service standard for general lanes
1309 in urbanized areas, as defined in s. 334.03(36), may be
1310 established by the local government in the comprehensive plan.
1311 ~~For all other facilities on the Florida Intrastate Highway~~
1312 ~~System, local governments shall adopt the level-of-service~~
1313 ~~standard established by the Department of Transportation by~~
1314 ~~rule. For all other roads on the State Highway System, local~~
1315 ~~governments shall establish an adequate level-of-service~~
1316 ~~standard that need not be consistent with any level-of-service~~
1317 ~~standard established by the Department of Transportation.~~

1318 (13) In accordance with the schedule adopted in accordance
1319 with s. 163.3177(12)(h), school concurrency, if imposed by local
1320 ~~option,~~ shall be established on a districtwide basis and shall
1321 include all public schools in the district and all portions of
1322 the district, whether located in a municipality or an
1323 unincorporated area unless exempt from the public school
1324 facilities element pursuant to s. 163.3177(12), except that this
1325 subsection shall not apply to the Florida School for the Deaf
1326 and the Blind. The development of school concurrency shall be

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1327 accomplished through a coordinated process including the local
1328 school district, the county, and all nonexempt municipalities
1329 within the county and shall be reflected in the public school
1330 facilities element adopted pursuant to the schedule provided for
1331 in s. 163.3177(12)(h). The school concurrency requirement shall
1332 not be effective until the adoption of the public school
1333 facilities element. The application of school concurrency to
1334 development shall be based upon the adopted comprehensive plan,
1335 as amended. All local governments within a county, except as
1336 provided in paragraph (f), shall adopt and transmit to the state
1337 land planning agency the necessary plan amendments, along with
1338 the interlocal agreement, for a compliance review pursuant to s.
1339 163.3184(7) and (8). ~~School concurrency shall not become~~
1340 ~~effective in a county until all local governments, except as~~
1341 ~~provided in paragraph (f), have adopted the necessary plan~~
1342 ~~amendments, which together with the interlocal agreement, are~~
1343 ~~determined to be in compliance with the requirements of this~~
1344 ~~part.~~ The minimum requirements for school concurrency are the
1345 following:

1346 (a) Public school facilities element.--A local government
1347 shall adopt and transmit to the state land planning agency a
1348 plan or plan amendment which includes a public school facilities
1349 element which is consistent with the requirements of s.
1350 163.3177(12) and which is determined to be in compliance as
1351 defined in s. 163.3184(1)(b). All local government public school
1352 facilities plan elements within a county must be consistent with
1353 each other as well as the requirements of this part.

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1354 (b) Level-of-service standards.--The Legislature
1355 recognizes that an essential requirement for a concurrency
1356 management system is the level of service at which a public
1357 facility is expected to operate.

1358 1. Local governments and school boards imposing school
1359 concurrency shall exercise authority in conjunction with each
1360 other to establish jointly adequate level-of-service standards,
1361 as defined in chapter 9J-5, Florida Administrative Code,
1362 necessary to implement the adopted local government
1363 comprehensive plan, based on data and analysis.

1364 2. Public school level-of-service standards shall be
1365 included and adopted into the capital improvements element of
1366 the local comprehensive plan and shall apply districtwide to all
1367 schools of the same type. Types of schools may include charter,
1368 elementary, middle, and high schools as well as special purpose
1369 facilities such as magnet schools.

1370 3. Local governments and school boards shall have the
1371 option to utilize tiered level-of-service standards to allow
1372 time to achieve an adequate and desirable level of service as
1373 circumstances warrant.

1374 (c) Service areas.--The Legislature recognizes that an
1375 essential requirement for a concurrency system is a designation
1376 of the area within which the level of service will be measured
1377 when an application for a residential development permit is
1378 reviewed for school concurrency purposes. This delineation is
1379 also important for purposes of determining whether the local
1380 government has a financially feasible public school capital

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1381 facilities program that will provide schools which will achieve
1382 and maintain the adopted level-of-service standards.

1383 1. In order to balance competing interests, preserve the
1384 constitutional concept of uniformity, and avoid disruption of
1385 existing educational and growth management processes, local
1386 governments are encouraged to initially apply school concurrency
1387 to development only on a districtwide basis so that a
1388 concurrency determination for a specific development will be
1389 based upon the availability of school capacity districtwide. To
1390 ensure that development is coordinated with schools having
1391 available capacity, within 5 years after adoption of school
1392 concurrency local governments shall apply school concurrency on
1393 a less than districtwide basis, such as using school attendance
1394 zones or concurrency service areas, as provided in subparagraph
1395 2.

1396 2. For local governments applying school concurrency on a
1397 less than districtwide basis, such as utilizing school
1398 attendance zones or larger school concurrency service areas,
1399 local governments and school boards shall have the burden to
1400 demonstrate that the utilization of school capacity is maximized
1401 to the greatest extent possible in the comprehensive plan and
1402 amendment, taking into account transportation costs and court-
1403 approved desegregation plans, as well as other factors. In
1404 addition, in order to achieve concurrency within the service
1405 area boundaries selected by local governments and school boards,
1406 the service area boundaries, together with the standards for
1407 establishing those boundaries, shall be identified and, included

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1408 as supporting data and analysis for, ~~and adopted as part of the~~
1409 ~~comprehensive plan. Any subsequent change to the service area~~
1410 ~~boundaries for purposes of a school concurrency system shall be~~
1411 ~~by plan amendment and shall be exempt from the limitation on the~~
1412 ~~frequency of plan amendments in s. 163.3187(1).~~

1413 3. Where school capacity is available on a districtwide
1414 basis but school concurrency is applied on a less than
1415 districtwide basis in the form of concurrency service areas, if
1416 the adopted level-of-service standard cannot be met in a
1417 particular service area as applied to an application for a
1418 development permit through mitigation or other measures and if
1419 the needed capacity for the particular service area is available
1420 in one or more contiguous service areas, as adopted by the local
1421 government, ~~then~~ the development order may not shall be denied
1422 on the basis of school concurrency, and if issued, development
1423 impacts shall be shifted to contiguous service areas with
1424 schools having available capacity ~~and mitigation measures shall~~
1425 ~~not be exacted.~~

1426 (d) Financial feasibility.--The Legislature recognizes
1427 that financial feasibility is an important issue because the
1428 premise of concurrency is that the public facilities will be
1429 provided in order to achieve and maintain the adopted level-of-
1430 service standard. This part and chapter 9J-5, Florida
1431 Administrative Code, contain specific standards to determine the
1432 financial feasibility of capital programs. These standards were
1433 adopted to make concurrency more predictable and local
1434 governments more accountable.

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1435 1. A comprehensive plan amendment seeking to impose school
1436 concurrency shall contain appropriate amendments to the capital
1437 improvements element of the comprehensive plan, consistent with
1438 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
1439 Administrative Code. The capital improvements element shall set
1440 forth a financially feasible public school capital facilities
1441 program, established in conjunction with the school board, that
1442 demonstrates that the adopted level-of-service standards will be
1443 achieved and maintained.

1444 2. Such amendments shall demonstrate that the public
1445 school capital facilities program meets all of the financial
1446 feasibility standards of this part and chapter 9J-5, Florida
1447 Administrative Code, that apply to capital programs which
1448 provide the basis for mandatory concurrency on other public
1449 facilities and services.

1450 3. When the financial feasibility of a public school
1451 capital facilities program is evaluated by the state land
1452 planning agency for purposes of a compliance determination, the
1453 evaluation shall be based upon the service areas selected by the
1454 local governments and school board.

1455 (e) Availability standard.--Consistent with the public
1456 welfare, a local government may not deny an application for site
1457 plan or final subdivision approval, or a functional equivalent
1458 for a development or phase of a development, permit authorizing
1459 residential development for failure to achieve and maintain the
1460 level-of-service standard for public school capacity in a local
1461 ~~option~~ school concurrency management system where adequate

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1462 school facilities will be in place or under actual construction
1463 within 3 years after the permit issuance by the local government
1464 of site plan or final subdivision approval or its functional
1465 equivalent. School concurrency shall be satisfied if the
1466 developer executes a legally binding commitment to provide
1467 mitigation proportionate to the demand for public school
1468 facilities to be created by actual development of the property,
1469 including, but not limited to, the options described in
1470 subparagraph 1. Approval of a funding agreement shall not be
1471 unreasonably withheld. Any dispute shall be mediated pursuant to
1472 s. 120.573. Options for proportionate-share mitigation of
1473 impacts on public school facilities shall be established in the
1474 interlocal agreement pursuant to s. 163.31777.

1475 1. Appropriate mitigation options include the contribution
1476 of land; the construction, expansion, or payment for land
1477 acquisition or construction of a public school facility; or the
1478 creation of mitigation banking based on the construction of a
1479 public school facility in exchange for the right to sell
1480 capacity credits. Such options must include execution by the
1481 applicant and the local government of a binding development
1482 agreement that constitutes a legally binding commitment to pay
1483 proportionate-share mitigation for the additional residential
1484 units approved by the local government in a development order
1485 and actually developed on the property, taking into account
1486 residential density allowed on the property prior to the plan
1487 amendment that increased overall residential density. Mitigation
1488 for development impacts to public schools requires the

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1489 concurrence of the local school board. As a condition of its
1490 entry into such a development agreement, the local government
1491 may require the landowner to agree to continuing renewal of the
1492 agreement upon its expiration.

1493 2. If the education facilities plan and the public
1494 educational facilities element authorize a contribution of land;
1495 the construction, expansion, or payment for land acquisition; or
1496 the construction or expansion of a public school facility, or a
1497 portion of such facility, as proportionate-share mitigation, the
1498 local government shall credit such a contribution, construction,
1499 expansion, or payment toward any other impact fee or exaction
1500 imposed by local ordinance for the same need, on a dollar-for-
1501 dollar basis at fair market value.

1502 3. Any proportionate-share mitigation must be directed by
1503 the school board toward a school capacity improvement that is
1504 identified in the financially feasible 5-year district work plan
1505 and that will be provided in accordance with a legally binding
1506 agreement.

1507 (f) Intergovernmental coordination.--

1508 1. When establishing concurrency requirements for public
1509 schools, a local government shall satisfy the requirements for
1510 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1511 and 2., except that a municipality is not required to be a
1512 signatory to the interlocal agreement required by ss. ~~s.~~
1513 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
1514 imposition of school concurrency, and as a nonsignatory, shall
1515 not participate in the adopted local school concurrency system,

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1516 if the municipality meets all of the following criteria for
1517 having no significant impact on school attendance:

1518 a. The municipality has issued development orders for
1519 fewer than 50 residential dwelling units during the preceding 5
1520 years, or the municipality has generated fewer than 25
1521 additional public school students during the preceding 5 years.

1522 b. The municipality has not annexed new land during the
1523 preceding 5 years in land use categories which permit
1524 residential uses that will affect school attendance rates.

1525 c. The municipality has no public schools located within
1526 its boundaries.

1527 d. At least 80 percent of the developable land within the
1528 boundaries of the municipality has been built upon.

1529 2. A municipality which qualifies as having no significant
1530 impact on school attendance pursuant to the criteria of
1531 subparagraph 1. must review and determine at the time of its
1532 evaluation and appraisal report pursuant to s. 163.3191 whether
1533 it continues to meet the criteria pursuant to s. 163.3177(6).

1534 If the municipality determines that it no longer meets the
1535 criteria, it must adopt appropriate school concurrency goals,
1536 objectives, and policies in its plan amendments based on the
1537 evaluation and appraisal report, and enter into the existing
1538 interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and
1539 163.31777, in order to fully participate in the school
1540 concurrency system. If such a municipality fails to do so, it
1541 will be subject to the enforcement provisions of s. 163.3191.

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1542 ~~(g) Interlocal agreement for school concurrency. When~~
1543 ~~establishing concurrency requirements for public schools, a~~
1544 ~~local government must enter into an interlocal agreement which~~
1545 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~
1546 ~~requirements of this subsection. The interlocal agreement shall~~
1547 ~~acknowledge both the school board's constitutional and statutory~~
1548 ~~obligations to provide a uniform system of free public schools~~
1549 ~~on a countywide basis, and the land use authority of local~~
1550 ~~governments, including their authority to approve or deny~~
1551 ~~comprehensive plan amendments and development orders. The~~
1552 ~~interlocal agreement shall be submitted to the state land~~
1553 ~~planning agency by the local government as a part of the~~
1554 ~~compliance review, along with the other necessary amendments to~~
1555 ~~the comprehensive plan required by this part. In addition to the~~
1556 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~
1557 ~~shall meet the following requirements:~~

1558 ~~1. Establish the mechanisms for coordinating the~~
1559 ~~development, adoption, and amendment of each local government's~~
1560 ~~public school facilities element with each other and the plans~~
1561 ~~of the school board to ensure a uniform districtwide school~~
1562 ~~concurrency system.~~

1563 ~~2. Establish a process by which each local government and~~
1564 ~~the school board shall agree and base their plans on consistent~~
1565 ~~projections of the amount, type, and distribution of population~~
1566 ~~growth and coordinate and share information relating to existing~~
1567 ~~and planned public school facilities projections and proposals~~

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1568 ~~for development and redevelopment, and infrastructure required~~
1569 ~~to support public school facilities.~~

1570 ~~3. Establish a process for the development of siting~~
1571 ~~criteria which encourages the location of public schools~~
1572 ~~proximate to urban residential areas to the extent possible and~~
1573 ~~seeks to collocate schools with other public facilities such as~~
1574 ~~parks, libraries, and community centers to the extent possible.~~

1575 ~~4. Specify uniform, districtwide level of service~~
1576 ~~standards for public schools of the same type and the process~~
1577 ~~for modifying the adopted levels of service standards.~~

1578 ~~5. Establish a process for the preparation, amendment, and~~
1579 ~~joint approval by each local government and the school board of~~
1580 ~~a public school capital facilities program which is financially~~
1581 ~~feasible, and a process and schedule for incorporation of the~~
1582 ~~public school capital facilities program into the local~~
1583 ~~government comprehensive plans on an annual basis.~~

1584 ~~6. Define the geographic application of school~~
1585 ~~concurrency. If school concurrency is to be applied on a less~~
1586 ~~than districtwide basis in the form of concurrency service~~
1587 ~~areas, the agreement shall establish criteria and standards for~~
1588 ~~the establishment and modification of school concurrency service~~
1589 ~~areas. The agreement shall also establish a process and schedule~~
1590 ~~for the mandatory incorporation of the school concurrency~~
1591 ~~service areas and the criteria and standards for establishment~~
1592 ~~of the service areas into the local government comprehensive~~
1593 ~~plans. The agreement shall ensure maximum utilization of school~~
1594 ~~capacity, taking into account transportation costs and court-~~

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1595 ~~approved desegregation plans, as well as other factors. The~~
1596 ~~agreement shall also ensure the achievement and maintenance of~~
1597 ~~the adopted level of service standards for the geographic area~~
1598 ~~of application throughout the 5 years covered by the public~~
1599 ~~school capital facilities plan and thereafter by adding a new~~
1600 ~~fifth year during the annual update.~~

1601 ~~7. Establish a uniform districtwide procedure for~~
1602 ~~implementing school concurrency which provides for:~~

1603 ~~a. The evaluation of development applications for~~
1604 ~~compliance with school concurrency requirements;~~

1605 ~~b. An opportunity for the school board to review and~~
1606 ~~comment on the effect of comprehensive plan amendments and~~
1607 ~~rezonings on the public school facilities plan; and~~

1608 ~~e. The monitoring and evaluation of the school concurrency~~
1609 ~~system.~~

1610 ~~8. Include provisions relating to termination, suspension,~~
1611 ~~and amendment of the agreement. The agreement shall provide that~~
1612 ~~if the agreement is terminated or suspended, the application of~~
1613 ~~school concurrency shall be terminated or suspended.~~

1614 (15)

1615 (a) Multimodal transportation districts may be established
1616 under a local government comprehensive plan in areas delineated
1617 on the future land use map for which the local comprehensive
1618 plan assigns secondary priority to vehicle mobility and primary
1619 priority to assuring a safe, comfortable, and attractive
1620 pedestrian environment, with convenient interconnection to
1621 transit. Such districts must incorporate community design

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1622 features that will reduce the number of automobile trips or
1623 vehicle miles of travel and will support an integrated,
1624 multimodal transportation system. Prior to the designation of
1625 multimodal transportation districts, the local government shall
1626 consult with the Department of Transportation to assess the
1627 impact that the proposed multimodal district area is expected to
1628 have on the adopted level-of-service standards established for
1629 Strategic Intermodal System facilities, as defined in s. 339.64.
1630 Within designated urban infill and redevelopment areas, the
1631 local government and Department of Transportation shall
1632 cooperatively establish a plan for maintaining the adopted
1633 level-of-service standards established by the Department of
1634 Transportation for Strategic Intermodal System facilities, as
1635 defined in s. 339.64. Multimodal transportation districts
1636 existing prior to July 1, 2005, shall meet at a minimum, the
1637 provision of this section by July 1, 2006, or at the time of the
1638 comprehensive plan update pursuant to the evaluation and
1639 appraisal report, whichever occurs last.

1640 (16)(a) It is the intent of the Legislature to provide a
1641 method by which the impacts of development on transportation
1642 facilities can be mitigated by the cooperative efforts of the
1643 public and private sectors.

1644 (b) When authorized in a local government comprehensive
1645 plan, local governments may create mitigation banks for
1646 transportation facilities to satisfy the concurrency provisions
1647 of this section, using the process and methodology developed in
1648 accordance with s. 163.3177(6)(b). The Department of

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1649 Transportation, in consultation with local governments, shall
1650 develop a process and uniform methodology for determining
1651 proportionate-share mitigation for development impacts on
1652 transportation corridors that traverse one or more political
1653 subdivisions.

1654 (c) Mitigation contributions shall be used to satisfy the
1655 transportation concurrency requirements of this section and may
1656 be applied as a credit against impact fees. Mitigation for
1657 development impacts to facilities on the Strategic Intermodal
1658 System made pursuant to this subsection requires the concurrence
1659 of the Department of Transportation. However, this does not
1660 authorize the Department of Transportation to arbitrarily charge
1661 a fee or require additional mitigation. Concurrence by the
1662 Department of Transportation may not be withheld unduly.

1663 (d) Transportation facilities concurrency shall be
1664 satisfied if the developer executes a legally binding commitment
1665 to provide mitigation proportionate to the demand for
1666 transportation facilities to be created by actual development of
1667 the property, including, but not limited to, the options for
1668 mitigation established in the transportation element or traffic
1669 circulation element. Approval of a funding agreement shall not
1670 be unreasonably withheld. Any dispute shall be mediated pursuant
1671 to s. 120.573. Appropriate transportation mitigation
1672 contributions may include public or private funds; the
1673 contribution of right-of-way; the construction of a
1674 transportation facility or payment for the right-of-way or
1675 construction of a transportation facility or service; or the

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1676 provision of transit service. Such options shall include
1677 execution of an enforceable development agreement for projects
1678 to be funded by a developer.

1679 (17) A development may satisfy the concurrency
1680 requirements of the local comprehensive plan, the local
1681 government's land development regulations, and s. 380.06 by
1682 entering into a legally binding commitment to provide mitigation
1683 proportionate to the direct impact of the development. A local
1684 government may not require a development to pay more than its
1685 proportionate-share contribution regardless of the method
1686 mitigation.

1687 Section 7. Paragraph (b) of subsection (1), subsection
1688 (4), and paragraph (a) of subsection (6) of section 163.3184,
1689 Florida Statutes, are amended to read:

1690 163.3184 Process for adoption of comprehensive plan or
1691 plan amendment.--

1692 (1) DEFINITIONS.--As used in this section, the term:

1693 (b) "In compliance" means consistent with the requirements
1694 of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an
1695 educational facilities element, 163.3178, 163.3180, 163.3191,
1696 and 163.3245, with the state comprehensive plan, with the
1697 appropriate strategic regional policy plan, and with chapter 9J-
1698 5, Florida Administrative Code, where such rule is not
1699 inconsistent with this part and with the principles for guiding
1700 development in designated areas of critical state concern and
1701 with part III of chapter 369, where applicable.

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1702 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
1703 specified in paragraph (3)(a) shall provide comments to the
1704 state land planning agency within 30 days after receipt by the
1705 state land planning agency of the complete proposed plan
1706 amendment. If the plan or plan amendment includes or relates to
1707 the public school facilities element pursuant to s. 163.3177
1708 ~~163.31776~~, the state land planning agency shall submit a copy to
1709 the Office of Educational Facilities of the Commissioner of
1710 Education for review and comment. The appropriate regional
1711 planning council shall also provide its written comments to the
1712 state land planning agency within 30 days after receipt by the
1713 state land planning agency of the complete proposed plan
1714 amendment and shall specify any objections, recommendations for
1715 modifications, and comments of any other regional agencies to
1716 which the regional planning council may have referred the
1717 proposed plan amendment. Written comments submitted by the
1718 public within 30 days after notice of transmittal by the local
1719 government of the proposed plan amendment will be considered as
1720 if submitted by governmental agencies. All written agency and
1721 public comments must be made part of the file maintained under
1722 subsection (2).

1723 (6) STATE LAND PLANNING AGENCY REVIEW.--

1724 (a) The state land planning agency may ~~shall~~ review a
1725 proposed plan amendment upon request of a regional planning
1726 council, affected person, or local government transmitting the
1727 plan amendment. The request from the regional planning council
1728 or affected person must be received within 30 days after

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1729 transmittal of the proposed plan amendment pursuant to
1730 subsection (3). A regional planning council or affected person
1731 requesting a review shall do so by submitting a written request
1732 to the agency with a notice of the request to the local
1733 government and any other person who has requested notice.

1734 Section 8. Paragraphs (c) and (l) of subsection (1) of
1735 section 163.3187, Florida Statutes, are amended, and paragraph
1736 (o) is added to said subsection, to read:

1737 163.3187 Amendment of adopted comprehensive plan.--

1738 (1) Amendments to comprehensive plans adopted pursuant to
1739 this part may be made not more than two times during any
1740 calendar year, except:

1741 (c) Any local government comprehensive plan amendments
1742 directly related to proposed small scale development activities
1743 may be approved without regard to statutory limits on the
1744 frequency of consideration of amendments to the local
1745 comprehensive plan. A small scale development amendment may be
1746 adopted only under the following conditions:

1747 1. The proposed amendment involves a use of 10 acres or
1748 fewer and:

1749 a. The cumulative annual effect of the acreage for all
1750 small scale development amendments adopted by the local
1751 government shall not exceed:

1752 (I) A maximum of 120 acres in a local government that
1753 contains areas specifically designated in the local
1754 comprehensive plan for urban infill, urban redevelopment, or
1755 downtown revitalization as defined in s. 163.3164, urban infill

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1756 and redevelopment areas designated under s. 163.2517,
1757 transportation concurrency exception areas approved pursuant to
1758 s. 163.3180(5), or regional activity centers and urban central
1759 business districts approved pursuant to s. 380.06(2)(e);
1760 however, amendments under this paragraph may be applied to no
1761 more than 60 acres annually of property outside the designated
1762 areas listed in this sub-sub-subparagraph. Amendments adopted
1763 pursuant to paragraph (k) shall not be counted toward the
1764 acreage limitations for small scale amendments under this
1765 paragraph.

1766 (II) A maximum of 80 acres in a local government that does
1767 not contain any of the designated areas set forth in sub-sub-
1768 subparagraph (I).

1769 (III) A maximum of 120 acres in a county established
1770 pursuant to s. 9, Art. VIII of the State Constitution.

1771 b. The proposed amendment does not involve the same
1772 property granted a change within the prior 12 months.

1773 c. The proposed amendment does not involve the same
1774 owner's property within 200 feet of property granted a change
1775 within the prior 12 months.

1776 d. The proposed amendment does not involve a text change
1777 to the goals, policies, and objectives of the local government's
1778 comprehensive plan, but only proposes a land use change to the
1779 future land use map for a site-specific small scale development
1780 activity.

1781 e. The property that is the subject of the proposed
1782 amendment is not located within an area of critical state

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1783 concern, unless the project subject to the proposed amendment
1784 involves the construction of affordable housing units meeting
1785 the criteria of s. 420.0004(3), and is located within an area of
1786 critical state concern designated by s. 380.0552 or by the
1787 Administration Commission pursuant to s. 380.05(1). Such
1788 amendment is not subject to the density limitations of sub-
1789 subparagraph f., and shall be reviewed by the state land
1790 planning agency for consistency with the principles for guiding
1791 development applicable to the area of critical state concern
1792 where the amendment is located and shall not become effective
1793 until a final order is issued under s. 380.05(6).

1794 f. If the proposed amendment involves a residential land
1795 use, the residential land use has a density of 10 units or less
1796 per acre, except that this limitation does not apply to small
1797 scale amendments involving the construction of affordable
1798 housing units meeting the criteria of s. 420.0004(3) on property
1799 which will be the subject of a land use restriction agreement or
1800 extended use agreement recorded in conjunction with the issuance
1801 of tax exempt bond financing or an allocation of federal tax
1802 credits issued through the Florida Housing Finance Corporation
1803 or a local housing finance authority authorized by the Division
1804 of Bond Finance of the State Board of Administration, or small
1805 scale amendments described in sub-sub-subparagraph a.(I) that
1806 are designated in the local comprehensive plan for urban infill,
1807 urban redevelopment, or downtown revitalization as defined in s.
1808 163.3164, urban infill and redevelopment areas designated under
1809 s. 163.2517, transportation concurrency exception areas approved

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1810 pursuant to s. 163.3180(5), or regional activity centers and
1811 urban central business districts approved pursuant to s.
1812 380.06(2)(e).

1813 2.a. A local government that proposes to consider a plan
1814 amendment pursuant to this paragraph is not required to comply
1815 with the procedures and public notice requirements of s.
1816 163.3184(15)(c) for such plan amendments if the local government
1817 complies with the provisions in s. 125.66(4)(a) for a county or
1818 in s. 166.041(3)(c) for a municipality. If a request for a plan
1819 amendment under this paragraph is initiated by other than the
1820 local government, public notice is required.

1821 b. The local government shall send copies of the notice
1822 and amendment to the state land planning agency, the regional
1823 planning council, and any other person or entity requesting a
1824 copy. This information shall also include a statement
1825 identifying any property subject to the amendment that is
1826 located within a coastal high hazard area as identified in the
1827 local comprehensive plan.

1828 3. Small scale development amendments adopted pursuant to
1829 this paragraph require only one public hearing before the
1830 governing board, which shall be an adoption hearing as described
1831 in s. 163.3184(7), and are not subject to the requirements of s.
1832 163.3184(3)-(6) unless the local government elects to have them
1833 subject to those requirements.

1834 (1) A comprehensive plan amendment to adopt a public
1835 educational facilities element pursuant to s. 163.3177 ~~163.31776~~
1836 and future land-use-map amendments for school siting may be

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1837 approved notwithstanding statutory limits on the frequency of
1838 adopting plan amendments.

1839 (o)1. For municipalities that are more than 90 percent
1840 built-out, any municipality's comprehensive plan amendments may
1841 be approved without regard to statutory limits on the frequency
1842 of consideration of amendments to the local comprehensive plan
1843 only if the proposed amendment involves a use of 100 acres or
1844 fewer and:

1845 a. The cumulative annual effect of the acreage for all
1846 amendments adopted pursuant to this paragraph does not exceed
1847 500 acres.

1848 b. The proposed amendment does not involve the same
1849 property granted a change within the prior 12 months.

1850 c. The proposed amendment does not involve the same
1851 owner's property within 200 feet of property granted a change
1852 within the prior 12 months.

1853 d. The proposed amendment does not involve a text change
1854 to the goals, policies, and objectives of the local government's
1855 comprehensive plan but only proposes a land use change to the
1856 future land use map for a site-specific small scale development
1857 activity.

1858 e. The property that is the subject of the proposed
1859 amendment is not located within an area of critical state
1860 concern.

1861 2. For purposes of this paragraph, the term "built-out"
1862 means 90 percent of the property within the municipality's
1863 boundaries, excluding lands that are designated as conservation,

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1864 preservation, recreation, or public facilities categories, have
1865 been developed, or are the subject of an approved development
1866 order that has received a building permit, and the municipality
1867 has an average density of 5 units per acre for residential
1868 development.

1869 3.a. A local government that proposes to consider a plan
1870 amendment pursuant to this paragraph is not required to comply
1871 with the procedures and public notice requirements of s.
1872 163.3184(15)(c) for such plan amendments if the local government
1873 complies with the provisions of s. 166.041(3)(c). If a request
1874 for a plan amendment under this paragraph is initiated by other
1875 than the local government, public notice is required.

1876 b. The local government shall send copies of the notice
1877 and amendment to the state land planning agency, the regional
1878 planning council, and any other person or entity requesting a
1879 copy. This information shall also include a statement
1880 identifying any property subject to the amendment that is
1881 located within a coastal high hazard area as identified in the
1882 local comprehensive plan.

1883 4. Amendments adopted pursuant to this paragraph require
1884 only one public hearing before the governing board, which shall
1885 be an adoption hearing as described in s. 163.3184(7), and are
1886 not subject to the requirements of s. 163.3184(3)-(6) unless the
1887 local government elects to have them subject to those
1888 requirements.

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1889 5. This paragraph shall not apply if a municipality
1890 annexes unincorporated property that decreases the percentage of
1891 build-out to an amount below 90 percent.

1892 5. A municipality shall notify the state land planning
1893 agency in writing of its built-out percentage prior to the
1894 submission of any comprehensive plan amendments under this
1895 subsection.

1896 Section 9. Paragraphs (k) and (l) of subsection (2) and
1897 subsection (10) of section 163.3191, Florida Statutes, are
1898 amended, and paragraph (o) is added to subsection (2) of said
1899 section, to read:

1900 163.3191 Evaluation and appraisal of comprehensive plan.--

1901 (2) The report shall present an evaluation and assessment
1902 of the comprehensive plan and shall contain appropriate
1903 statements to update the comprehensive plan, including, but not
1904 limited to, words, maps, illustrations, or other media, related
1905 to:

1906 (k) The coordination of the comprehensive plan with
1907 existing public schools and those identified in the applicable
1908 educational facilities plan adopted pursuant to s. 1013.35. The
1909 assessment shall address, where relevant, the success or failure
1910 of the coordination of the future land use map and associated
1911 planned residential development with public schools and their
1912 capacities, as well as the joint decisionmaking processes
1913 engaged in by the local government and the school board in
1914 regard to establishing appropriate population projections and
1915 the planning and siting of public school facilities. For

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1916 counties or municipalities that do not have a public schools
1917 interlocal agreement or public school facility element, the
1918 assessment shall determine whether the local government
1919 continues to meet the criteria of s. 163.3177(12). If the county
1920 or municipality determines that it no longer meets the criteria,
1921 the county or municipality must adopt appropriate school
1922 concurrency goals, objectives, and policies in its plan
1923 amendments pursuant to the requirements of the public school
1924 facility element and enter into the existing interlocal
1925 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
1926 order to fully participate in the school concurrency system ~~if~~
1927 the issues are not relevant, the local government shall
1928 demonstrate that they are not relevant.

1929 (1) The extent to which the local government has been
1930 successful in identifying water supply sources, including
1931 conservation and reuse, necessary to meet existing and projected
1932 water use demand for the comprehensive plan's water supply work
1933 plan. The water supply sources evaluated in the report must be
1934 consistent with evaluation ~~must consider~~ the appropriate water
1935 management district's regional water supply plan approved
1936 pursuant to s. 373.0361. The report must evaluate the degree to
1937 which the local government has implemented the work plan for
1938 water supply facilities included in the potable water element.
1939 The potable water element ~~must be revised to include a work~~
1940 plan, covering at least a 10-year planning period, for building
1941 any water supply facilities that are identified in the element

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1942 ~~as necessary to serve existing and new development and for which~~
1943 ~~the local government is responsible.~~

1944 (o) The extent to which a concurrency exception area
1945 designated pursuant to s. 163.3180(5), a concurrency management
1946 area designated pursuant to s. 163.3180(7), or a multimodal
1947 district designated pursuant to s. 163.3180(15) has achieved the
1948 purposes for which it was created and otherwise complies with
1949 the provisions of s. 163.3180.

1950 (10) The governing body shall amend its comprehensive plan
1951 based on the recommendations in the report and shall update the
1952 comprehensive plan based on the components of subsection (2),
1953 pursuant to the provisions of ss. 163.3184, 163.3187, and
1954 163.3189. Amendments to update a comprehensive plan based on the
1955 evaluation and appraisal report shall be adopted within 18
1956 months after the report is determined to be sufficient by the
1957 state land planning agency, except the state land planning
1958 agency may grant an extension for adoption of a portion of such
1959 amendments. The state land planning agency may grant a 6-month
1960 extension for the adoption of such amendments if the request is
1961 justified by good and sufficient cause as determined by the
1962 agency. An additional extension may also be granted if the
1963 request will result in greater coordination between
1964 transportation and land use, for the purposes of improving
1965 Florida's transportation system, as determined by the agency in
1966 coordination with the Metropolitan Planning Organization
1967 program. Beginning July 1, 2006, failure to timely adopt
1968 updating amendments to the comprehensive plan based on the

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1969 evaluation and appraisal report shall result in a local
1970 government being prohibited from adopting amendments to the
1971 comprehensive plan until the evaluation and appraisal report
1972 updating amendments have been transmitted to the state land
1973 planning agency. The prohibition on plan amendments shall
1974 commence when the updating amendments to the comprehensive plan
1975 are past due. The comprehensive plan as amended shall be in
1976 compliance as defined in s. 163.3184(1)(b). Within 6 months
1977 after the effective date of the updating amendments to the
1978 comprehensive plan, the local government shall provide to the
1979 state land planning agency and to all agencies designated by
1980 rule a complete copy of the updated comprehensive plan.

1981 Section 10. Section 163.3247, Florida Statutes, is created
1982 to read:

1983 163.3247 Century Commission for a Sustainable Florida.--

1984 (1) POPULAR NAME.--This section may be cited as the
1985 "Century Commission for a Sustainable Florida Act."

1986 (2) FINDINGS AND INTENT.--The Legislature finds and
1987 declares that the population of this state is expected to more
1988 than double over the next 100 years, with commensurate impacts
1989 to the state's natural resources and public infrastructure.
1990 Consequently, it is in the best interests of the people of the
1991 state to ensure sound planning for the proper placement of this
1992 growth and protection of the state's land, water, and other
1993 natural resources since such resources are essential to our
1994 collective quality of life and a strong economy. The state's
1995 growth management system should foster economic stability

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1996 through regional solutions and strategies, urban renewal and
1997 infill, and the continued viability of agricultural economies,
1998 while allowing for rural economic development and protecting the
1999 unique characteristics of rural areas, and should reduce the
2000 complexity of the regulatory process while carrying out the
2001 intent of the laws and encouraging greater citizen
2002 participation.

2003 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
2004 CREATION; ORGANIZATION.--The Century Commission for a
2005 Sustainable Florida is created as a standing body to help the
2006 citizens of this state envision and plan their collective future
2007 with an eye towards both 20-year and 50-year horizons.

2008 (a) The commission shall consist of nine members, three
2009 appointed by the Governor, three appointed by the President of
2010 the Senate, and three appointed by the Speaker of the House of
2011 Representatives. Appointments shall be made no later than
2012 October 1, 2005. One member shall be designated by the Governor
2013 as chair of the commission. Any vacancy that occurs on the
2014 commission must be filled in the same manner as the original
2015 appointment and shall be for the unexpired term of that
2016 commission seat. Members shall serve 4-year terms, except that,
2017 initially, to provide for staggered terms, three of the
2018 appointees, one each by the Governor, the President of the
2019 Senate, and the Speaker of the House of Representatives, shall
2020 serve 2-year terms, three shall serve 3-year terms, and three
2021 shall serve 4-year terms. All subsequent appointments shall be
2022 for 4-year terms. An appointee may not serve more than 6 years.

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2023 (b) The first meeting of the commission shall be held no
2024 later than December 1, 2005, and shall meet at the call of the
2025 chair but not less frequently than three times per year in
2026 different regions of the state to solicit input from the public
2027 or any other individuals offering testimony relevant to the
2028 issues to be considered.

2029 (c) Each member of the commission is entitled to one vote
2030 and actions of the commission are not binding unless taken by a
2031 three-fifths vote of the members present. A majority of the
2032 members is required to constitute a quorum, and the affirmative
2033 vote of a quorum is required for a binding vote.

2034 (d) Members of the commission shall serve without
2035 compensation but shall be entitled to receive per diem and
2036 travel expenses in accordance with s. 112.061 while in
2037 performance of their duties.

2038 (4) POWERS AND DUTIES.--The commission shall:

2039 (a) Annually conduct a process through which the
2040 commission envisions the future for the state and then develops
2041 and recommends policies, plans, action steps, or strategies to
2042 assist in achieving the vision.

2043 (b) Continuously review and consider statutory and
2044 regulatory provisions, governmental processes, and societal and
2045 economic trends in its inquiry of how state, regional, and local
2046 governments and entities and citizens of this state can best
2047 accommodate projected increased populations while maintaining
2048 the natural, historical, cultural, and manmade life qualities
2049 that best represent the state.

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2050 (c) Bring together people representing varied interests to
2051 develop a shared image of the state and its developed and
2052 natural areas. The process should involve exploring the impact
2053 of the estimated population increase and other emerging trends
2054 and issues; creating a vision for the future; and developing a
2055 strategic action plan to achieve that vision using 20-year and
2056 50-year intermediate planning timeframes.

2057 (d) Focus on essential state interests, defined as those
2058 interests that transcend local or regional boundaries and are
2059 most appropriately conserved, protected, and promoted at the
2060 state level.

2061 (e) Serve as an objective, nonpartisan repository of
2062 exemplary community-building ideas and as a source to recommend
2063 strategies and practices to assist others in working
2064 collaboratively to problem solve on issues relating to growth
2065 management.

2066 (f) Annually, beginning January 16, 2007, and every year
2067 thereafter on the same date, provide to the Governor, the
2068 President of the Senate, and the Speaker of the House of
2069 Representatives a written report containing specific
2070 recommendations for addressing growth management in the state,
2071 including executive and legislative recommendations. Further,
2072 the report shall contain discussions regarding the need for
2073 intergovernmental cooperation and the balancing of environmental
2074 protection and future development and recommendations on issues,
2075 including, but not limited to, recommendations regarding
2076 dedicated sources of funding for sewer facilities, water supply

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2077 and quality, transportation facilities that are not adequately
2078 addressed by the Strategic Intermodal System, and educational
2079 infrastructure to support existing development and projected
2080 population growth. This report shall be verbally presented to a
2081 joint session of both houses annually as scheduled by the
2082 President of the Senate and the Speaker of the House of
2083 Representatives.

2084 (g) Beginning with the 2007 Regular Session of the
2085 Legislature, the President of the Senate and Speaker of the
2086 House of Representatives shall create a joint select committee,
2087 the task of which shall be to review the findings and
2088 recommendations of the Century Commission for a Sustainable
2089 Florida for potential action.

2090 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2091 (a) The Secretary of Community Affairs shall select an
2092 executive director of the commission, and the executive director
2093 shall serve at the pleasure of the secretary under the
2094 supervision and control of the commission.

2095 (b) The Department of Community Affairs shall provide
2096 staff and other resources necessary to accomplish the goals of
2097 the commission based upon recommendations of the Governor.

2098 (c) All agencies under the control of the Governor are
2099 directed, and all other agencies are requested, to render
2100 assistance to, and cooperate with, the commission.

2101 Section 11. Paragraph (d) of subsection (1) of section
2102 201.15, Florida Statutes, is amended to read:

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2103 201.15 Distribution of taxes collected.--All taxes
2104 collected under this chapter shall be distributed as follows and
2105 shall be subject to the service charge imposed in s. 215.20(1),
2106 except that such service charge shall not be levied against any
2107 portion of taxes pledged to debt service on bonds to the extent
2108 that the amount of the service charge is required to pay any
2109 amounts relating to the bonds:

2110 (1) Sixty-two and sixty-three hundredths percent of the
2111 remaining taxes collected under this chapter shall be used for
2112 the following purposes:

2113 (d) The remainder of the moneys distributed under this
2114 subsection, after the required payments under paragraphs (a),
2115 (b), and (c), shall be paid into the State Treasury to the
2116 credit of the State Transportation Trust Fund in the Department
2117 of Transportation in the amount of \$566.75 million each fiscal
2118 year to be paid in quarterly installments and allocated for the
2119 following specified purposes notwithstanding any other provision
2120 of law:

2121 1. New Starts Transit Program pursuant to s. 341.051, \$50
2122 million for fiscal year 2005-2006, \$65 million for fiscal year
2123 2006-2007, \$70 million each fiscal year for fiscal years 2007-
2124 2008 through 2009-2010, \$80 million for fiscal year 2010-2011
2125 and each fiscal year thereafter.

2126 2. Small County Outreach Program pursuant to s. 339.2818,
2127 \$35 million for each fiscal year for fiscal years 2005-2006
2128 through 2009-2010, \$45 million for fiscal year 2010-2011 and
2129 each fiscal year thereafter.

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2130 3. Transportation Incentive Program for a Sustainable
2131 Florida pursuant to s. 339.28171 \$161.75, million for fiscal
2132 year 2006-2007, \$150 million for fiscal year 2007-2008 and each
2133 fiscal year thereafter.

2134 4. Strategic Intermodal System pursuant to s. 339.64, all
2135 remaining funds after allocations are made for subparagraphs 1.
2136 through 3. ~~The remainder of the moneys distributed under this~~
2137 subsection, after the required payments under paragraphs (a),
2138 (b), and (c), shall be paid into the State Treasury to the
2139 credit of the General Revenue Fund of the state to be used and
2140 expended for the purposes for which the General Revenue Fund was
2141 created and exists by law or to the Ecosystem Management and
2142 Restoration Trust Fund or to the Marine Resources Conservation
2143 Trust Fund as provided in subsection (11).

2144 Section 12. Subsection (3) of section 215.211, Florida
2145 Statutes, is amended to read:

2146 215.211 Service charge; elimination or reduction for
2147 specified proceeds.--

2148 (3) Notwithstanding the provisions of s. 215.20(1), the
2149 service charge provided in s. 215.20(1), which is deducted from
2150 the proceeds of the local option fuel tax distributed under s.
2151 336.025, shall be reduced as follows:

2152 (a) For the period July 1, 2005, through June 30, 2006,
2153 the rate of the service charge shall be 3.5 percent.

2154 (b) Beginning July 1, 2006, and thereafter, no service
2155 charge shall be deducted from the proceeds of the local option
2156 fuel tax distributed under s. 336.025.

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2157
2158 The increased revenues derived from this subsection shall be
2159 deposited in the State Transportation Trust Fund and used to
2160 fund the Transportation Incentive Program for a Sustainable
2161 Florida County Incentive Grant Program and the Small County
2162 Outreach Program. Up to 20 percent of such funds shall be used
2163 for the purpose of implementing the Small County Outreach
2164 Program created pursuant to s. 339.2818 as provided in this act.
2165 ~~Notwithstanding any other laws to the contrary, the requirements~~
2166 ~~of ss. 339.135, 339.155, and 339.175 shall not apply to these~~
2167 ~~funds and programs.~~

2168 Section 13. Section 337.107, Florida Statutes, is amended
2169 to read:

2170 337.107 Contracts for right-of-way services.--The
2171 department may enter into contracts pursuant to s. 287.055 for
2172 right-of-way services on transportation corridors and
2173 transportation facilities or the department may include right-
2174 of-way services as part of design-build contracts awarded
2175 pursuant to s. 337.11. Right-of-way services include negotiation
2176 and acquisition services, appraisal services, demolition and
2177 removal of improvements, and asbestos-abatement services.

2178 Section 14. Paragraph (a) of subsection (7) of section
2179 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of
2180 Florida, is amended to read:

2181 337.11 Contracting authority of department; bids;
2182 emergency repairs, supplemental agreements, and change orders;

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2183 combined design and construction contracts; progress payments;
2184 records; requirements of vehicle registration.--

2185 (7)(a) If the head of the department determines that it is
2186 in the best interests of the public, the department may combine
2187 the right-of-way services and design and construction phases of
2188 any a building, a major bridge, a limited access facility, or a
2189 rail corridor project into a single contract, except for a
2190 resurfacing or minor bridge project the right-of-way services
2191 and design construction phases of which may be combined under s.
2192 337.025. Such contract is referred to as a design-build
2193 contract. Design-build contracts may be advertised and awarded
2194 notwithstanding the requirements of paragraph (3)(c). However,
2195 construction activities may not begin on any portion of such
2196 projects for which the department has not yet obtained title
2197 until title to the necessary rights-of-way and easements for the
2198 construction of that portion of the project has vested in the
2199 state or a local governmental entity and all railroad crossing
2200 and utility agreements have been executed. Title to rights-of-
2201 way shall be deemed to have vested in the state when the title
2202 has been dedicated to the public or acquired by prescription.
2203 Design-build contracts may be advertised and awarded
2204 notwithstanding the requirements of paragraph (3)(c). However,
2205 construction activities may not begin on any portion of such
2206 projects until title to the necessary rights-of-way and
2207 easements for the construction of that portion of the project
2208 has vested in the state or a local governmental entity and all
2209 railroad crossing and utility agreements have been executed.

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2210 Title to rights-of-way vests in the state when the title has
2211 been dedicated to the public or acquired by prescription.

2212 Section 15. Paragraph (j) of subsection (1) of section
2213 339.08, Florida Statutes, is amended, and paragraph (m) of said
2214 subsection is redesignated as paragraph (n) and new paragraph
2215 (m) is added to said subsection, to read:

2216 339.08 Use of moneys in State Transportation Trust Fund.--

2217 (1) The department shall expend moneys in the State
2218 Transportation Trust Fund accruing to the department, in
2219 accordance with its annual budget. The use of such moneys shall
2220 be restricted to the following purposes:

2221 (j) To pay the cost of county or municipal road projects
2222 selected in accordance with the ~~County Incentive Grant Program~~
2223 ~~created in s. 339.2817~~ and the Small County Outreach Program
2224 created in s. 339.2818.

2225 (m) To pay the cost of transportation projects selected in
2226 accordance with the Transportation Incentive Program for a
2227 Sustainable Florida created in s. 339.28171.

2228 Section 16. Paragraph (b) of subsection (4) of section
2229 339.135, Florida Statutes, is amended to read:

2230 339.135 Work program; legislative budget request;
2231 definitions; preparation, adoption, execution, and amendment.--

2232 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2233 (b)1. A tentative work program, including the ensuing
2234 fiscal year and the successive 4 fiscal years, shall be prepared
2235 for the State Transportation Trust Fund and other funds managed
2236 by the department, unless otherwise provided by law. The

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2237 tentative work program shall be based on the district work
2238 programs and shall set forth all projects by phase to be
2239 undertaken during the ensuing fiscal year and planned for the
2240 successive 4 fiscal years. The total amount of the liabilities
2241 accruing in each fiscal year of the tentative work program may
2242 not exceed the revenues available for expenditure during the
2243 respective fiscal year based on the cash forecast for that
2244 respective fiscal year.

2245 2. The tentative work program shall be developed in
2246 accordance with the Florida Transportation Plan required in s.
2247 339.155 and must comply with the program funding levels
2248 contained in the program and resource plan.

2249 3. The department may include in the tentative work
2250 program proposed changes to the programs contained in the
2251 previous work program adopted pursuant to subsection (5);
2252 however, the department shall minimize changes and adjustments
2253 that affect the scheduling of project phases in the 4 common
2254 fiscal years contained in the previous adopted work program and
2255 the tentative work program. The department, in the development
2256 of the tentative work program, shall advance by 1 fiscal year
2257 all projects included in the second year of the previous year's
2258 adopted work program, unless the secretary specifically
2259 determines that it is necessary, for specific reasons, to
2260 reschedule or delete one or more projects from that year. Such
2261 changes and adjustments shall be clearly identified, and the
2262 effect on the 4 common fiscal years contained in the previous
2263 adopted work program and the tentative work program shall be

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2264 shown. It is the intent of the Legislature that ~~the first 5~~
2265 ~~years of the adopted work program for facilities designated as~~
2266 ~~part of the Florida Intrastate Highway System and the first 3~~
2267 years of the adopted work program stand as the commitment of the
2268 state to undertake transportation projects that local
2269 governments may rely on for planning and concurrency purposes
2270 and in the development and amendment of the capital improvements
2271 elements of their local government comprehensive plans.

2272 4. The tentative work program must include a balanced 36-
2273 month forecast of cash and expenditures and a 5-year finance
2274 plan supporting the tentative work program.

2275 Section 17. Paragraphs (c), (d), and (e) are added to
2276 subsection (5) of section 339.155, Florida Statutes, to read:

2277 339.155 Transportation planning.--

2278 (5) ADDITIONAL TRANSPORTATION PLANS.--

2279 (c) Regional transportation plans may be developed in
2280 regional transportation areas in accordance with an interlocal
2281 agreement entered into pursuant to s. 163.01 by the department
2282 and two or more contiguous metropolitan planning organizations,
2283 one or more metropolitan planning organizations and one or more
2284 contiguous counties that are not members of a metropolitan
2285 planning organization, a multicounty regional transportation
2286 authority created by or pursuant to law, two or more contiguous
2287 counties that are not members of a metropolitan planning
2288 organization, or metropolitan planning organizations comprised
2289 of three or more counties.

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2290 (d) The department shall develop a model draft interlocal
2291 agreement that, at a minimum, shall identify the entity that
2292 will coordinate the development of the regional transportation
2293 plan; delineate the boundaries of the regional transportation
2294 area; provide the duration of the agreement and specify how the
2295 agreement may be terminated, modified, or rescinded; describe
2296 the process by which the regional transportation plan will be
2297 developed; and provide how members of the entity will resolve
2298 disagreements regarding interpretation of the interlocal
2299 agreement or disputes relating to the development or content of
2300 the regional transportation plan. The designated entity shall
2301 coordinate the adoption of the interlocal agreement using as its
2302 framework the department model. Such interlocal agreement shall
2303 become effective upon approval by supermajority vote of the
2304 affected local governments.

2305 (e) The regional transportation plan developed pursuant to
2306 this section shall, at a minimum, identify regionally
2307 significant transportation facilities located within a regional
2308 transportation area, and recommend a list to the department for
2309 prioritization. The project shall be adopted into the capital
2310 improvements schedule of the local government comprehensive plan
2311 pursuant to s. 163. 3177(3).

2312 Section 18. Section 339.175, Florida Statutes, is amended
2313 to read:

2314 339.175 Metropolitan planning organization.--It is the
2315 intent of the Legislature to encourage and promote the safe and
2316 efficient management, operation, and development of surface

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2317 transportation systems that will serve the mobility needs of
2318 people and freight within and through urbanized areas of this
2319 state while minimizing transportation-related fuel consumption
2320 and air pollution. To accomplish these objectives, metropolitan
2321 planning organizations, referred to in this section as M.P.O.'s,
2322 shall develop, in cooperation with the state and public transit
2323 operators, transportation plans and programs for metropolitan
2324 areas. The plans and programs for each metropolitan area must
2325 provide for the development and integrated management and
2326 operation of transportation systems and facilities, including
2327 pedestrian walkways and bicycle transportation facilities that
2328 will function as an intermodal transportation system for the
2329 metropolitan area, based upon the prevailing principles provided
2330 in s. 334.046(1). The process for developing such plans and
2331 programs shall provide for consideration of all modes of
2332 transportation and shall be continuing, cooperative, and
2333 comprehensive, to the degree appropriate, based on the
2334 complexity of the transportation problems to be addressed. To
2335 ensure that the process is integrated with the statewide
2336 planning process, M.P.O.'s shall develop plans and programs that
2337 identify transportation facilities that should function as an
2338 integrated metropolitan transportation system, giving emphasis
2339 to facilities that serve important national, state, and regional
2340 transportation functions. For the purposes of this section,
2341 those facilities include the facilities on the Strategic
2342 Intermodal System designated under s. 339.63 and facilities for
2343 which projects have been identified pursuant to s. 339.28171.

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2344 (1) DESIGNATION.--

2345 (a)1. An M.P.O. shall be designated for each urbanized
2346 area of the state; however, this does not require that an
2347 individual M.P.O. be designated for each such area. Such
2348 designation shall be accomplished by agreement between the
2349 Governor and units of general-purpose local government
2350 representing at least 75 percent of the population of the
2351 urbanized area; however, the unit of general-purpose local
2352 government that represents the central city or cities within the
2353 M.P.O. jurisdiction, as defined by the United States Bureau of
2354 the Census, must be a party to such agreement.

2355 2. More than one M.P.O. may be designated within an
2356 existing metropolitan planning area only if the Governor and the
2357 existing M.P.O. determine that the size and complexity of the
2358 existing metropolitan planning area makes the designation of
2359 more than one M.P.O. for the area appropriate.

2360 (b) Each M.P.O. shall be created and operated under the
2361 provisions of this section pursuant to an interlocal agreement
2362 entered into pursuant to s. 163.01. The signatories to the
2363 interlocal agreement shall be the department and the
2364 governmental entities designated by the Governor for membership
2365 on the M.P.O. If there is a conflict between this section and s.
2366 163.01, this section prevails.

2367 (c) The jurisdictional boundaries of an M.P.O. shall be
2368 determined by agreement between the Governor and the applicable
2369 M.P.O. The boundaries must include at least the metropolitan
2370 planning area, which is the existing urbanized area and the

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2371 contiguous area expected to become urbanized within a 20-year
2372 forecast period, and may encompass the entire metropolitan
2373 statistical area or the consolidated metropolitan statistical
2374 area.

2375 (d) In the case of an urbanized area designated as a
2376 nonattainment area for ozone or carbon monoxide under the Clean
2377 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
2378 metropolitan planning area in existence as of the date of
2379 enactment of this paragraph shall be retained, except that the
2380 boundaries may be adjusted by agreement of the Governor and
2381 affected metropolitan planning organizations in the manner
2382 described in this section. If more than one M.P.O. has authority
2383 within a metropolitan area or an area that is designated as a
2384 nonattainment area, each M.P.O. shall consult with other
2385 M.P.O.'s designated for such area and with the state in the
2386 coordination of plans and programs required by this section.

2387
2388 Each M.P.O. required under this section must be fully operative
2389 no later than 6 months following its designation.

2390 (2) VOTING MEMBERSHIP.--

2391 (a) The voting membership of an M.P.O. shall consist of
2392 not fewer than 5 or more than 19 apportioned members, the exact
2393 number to be determined on an equitable geographic-population
2394 ratio basis by the Governor, based on an agreement among the
2395 affected units of general-purpose local government as required
2396 by federal rules and regulations. The Governor, in accordance
2397 with 23 U.S.C. s. 134, may also provide for M.P.O. members who

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2398 represent municipalities to alternate with representatives from
2399 other municipalities within the metropolitan planning area that
2400 do not have members on the M.P.O. County commission members
2401 shall compose not less than one-third of the M.P.O. membership,
2402 except for an M.P.O. with more than 15 members located in a
2403 county with a five-member county commission or an M.P.O. with 19
2404 members located in a county with no more than 6 county
2405 commissioners, in which case county commission members may
2406 compose less than one-third percent of the M.P.O. membership,
2407 but all county commissioners must be members. All voting members
2408 shall be elected officials of general-purpose governments,
2409 except that an M.P.O. may include, as part of its apportioned
2410 voting members, a member of a statutorily authorized planning
2411 board, an official of an agency that operates or administers a
2412 major mode of transportation, or an official of the Florida
2413 Space Authority. The county commission shall compose not less
2414 than 20 percent of the M.P.O. membership if an official of an
2415 agency that operates or administers a major mode of
2416 transportation has been appointed to an M.P.O.

2417 (b) In metropolitan areas in which authorities or other
2418 agencies have been or may be created by law to perform
2419 transportation functions and are performing transportation
2420 functions that are not under the jurisdiction of a general
2421 purpose local government represented on the M.P.O., they shall
2422 be provided voting membership on the M.P.O. In all other
2423 M.P.O.'s where transportation authorities or agencies are to be
2424 represented by elected officials from general purpose local

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2425 governments, the M.P.O. shall establish a process by which the
2426 collective interests of such authorities or other agencies are
2427 expressed and conveyed.

2428 (c) Any other provision of this section to the contrary
2429 notwithstanding, a chartered county with over 1 million
2430 population may elect to reapportion the membership of an M.P.O.
2431 whose jurisdiction is wholly within the county. The charter
2432 county may exercise the provisions of this paragraph if:

2433 1. The M.P.O. approves the reapportionment plan by a
2434 three-fourths vote of its membership;

2435 2. The M.P.O. and the charter county determine that the
2436 reapportionment plan is needed to fulfill specific goals and
2437 policies applicable to that metropolitan planning area; and

2438 3. The charter county determines the reapportionment plan
2439 otherwise complies with all federal requirements pertaining to
2440 M.P.O. membership.

2441
2442 Any charter county that elects to exercise the provisions of
2443 this paragraph shall notify the Governor in writing.

2444 (d) Any other provision of this section to the contrary
2445 notwithstanding, any county chartered under s. 6(e), Art. VIII
2446 of the State Constitution may elect to have its county
2447 commission serve as the M.P.O., if the M.P.O. jurisdiction is
2448 wholly contained within the county. Any charter county that
2449 elects to exercise the provisions of this paragraph shall so
2450 notify the Governor in writing. Upon receipt of such
2451 notification, the Governor must designate the county commission

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2452 as the M.P.O. The Governor must appoint four additional voting
2453 members to the M.P.O., one of whom must be an elected official
2454 representing a municipality within the county, one of whom must
2455 be an expressway authority member, one of whom must be a person
2456 who does not hold elected public office and who resides in the
2457 unincorporated portion of the county, and one of whom must be a
2458 school board member.

2459 (3) APPORTIONMENT.--

2460 (a) The Governor shall, with the agreement of the affected
2461 units of general-purpose local government as required by federal
2462 rules and regulations, apportion the membership on the
2463 applicable M.P.O. among the various governmental entities within
2464 the area and shall prescribe a method for appointing alternate
2465 members who may vote at any M.P.O. meeting that an alternate
2466 member attends in place of a regular member. An appointed
2467 alternate member must be an elected official serving the same
2468 governmental entity or a general-purpose local government with
2469 jurisdiction within all or part of the area that the regular
2470 member serves. The governmental entity so designated shall
2471 appoint the appropriate number of members to the M.P.O. from
2472 eligible officials. Representatives of the department shall
2473 serve as nonvoting members of the M.P.O. Nonvoting advisers may
2474 be appointed by the M.P.O. as deemed necessary. The Governor
2475 shall review the composition of the M.P.O. membership in
2476 conjunction with the decennial census as prepared by the United
2477 States Department of Commerce, Bureau of the Census, and
2478 reapportion it as necessary to comply with subsection (2).

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2479 (b) Except for members who represent municipalities on the
2480 basis of alternating with representatives from other
2481 municipalities that do not have members on the M.P.O. as
2482 provided in paragraph (2)(a), the members of an M.P.O. shall
2483 serve 4-year terms. Members who represent municipalities on the
2484 basis of alternating with representatives from other
2485 municipalities that do not have members on the M.P.O. as
2486 provided in paragraph (2)(a) may serve terms of up to 4 years as
2487 further provided in the interlocal agreement described in
2488 paragraph (1)(b). The membership of a member who is a public
2489 official automatically terminates upon the member's leaving his
2490 or her elective or appointive office for any reason, or may be
2491 terminated by a majority vote of the total membership of a
2492 county or city governing entity represented by the member. A
2493 vacancy shall be filled by the original appointing entity. A
2494 member may be reappointed for one or more additional 4-year
2495 terms.

2496 (c) If a governmental entity fails to fill an assigned
2497 appointment to an M.P.O. within 60 days after notification by
2498 the Governor of its duty to appoint, that appointment shall be
2499 made by the Governor from the eligible representatives of that
2500 governmental entity.

2501 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
2502 responsibility of an M.P.O. is to manage a continuing,
2503 cooperative, and comprehensive transportation planning process
2504 that, based upon the prevailing principles provided in s.
2505 334.046(1), results in the development of plans and programs

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2506 | which are consistent, to the maximum extent feasible, with the
2507 | approved local government comprehensive plans of the units of
2508 | local government the boundaries of which are within the
2509 | metropolitan area of the M.P.O. An M.P.O. shall be the forum for
2510 | cooperative decisionmaking by officials of the affected
2511 | governmental entities in the development of the plans and
2512 | programs required by subsections (5), (6), (7), and (8).

2513 | (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
2514 | privileges, and authority of an M.P.O. are those specified in
2515 | this section or incorporated in an interlocal agreement
2516 | authorized under s. 163.01. Each M.P.O. shall perform all acts
2517 | required by federal or state laws or rules, now and subsequently
2518 | applicable, which are necessary to qualify for federal aid. It
2519 | is the intent of this section that each M.P.O. shall be involved
2520 | in the planning and programming of transportation facilities,
2521 | including, but not limited to, airports, intercity and high-
2522 | speed rail lines, seaports, and intermodal facilities, to the
2523 | extent permitted by state or federal law.

2524 | (a) Each M.P.O. shall, in cooperation with the department,
2525 | develop:

2526 | 1. A long-range transportation plan pursuant to the
2527 | requirements of subsection (6);

2528 | 2. An annually updated transportation improvement program
2529 | pursuant to the requirements of subsection (7); and

2530 | 3. An annual unified planning work program pursuant to the
2531 | requirements of subsection (8).

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2532 (b) In developing the long-range transportation plan and
2533 the transportation improvement program required under paragraph
2534 (a), each M.P.O. shall provide for consideration of projects and
2535 strategies that will:

2536 1. Support the economic vitality of the metropolitan area,
2537 especially by enabling global competitiveness, productivity, and
2538 efficiency;

2539 2. Increase the safety and security of the transportation
2540 system for motorized and nonmotorized users;

2541 3. Increase the accessibility and mobility options
2542 available to people and for freight;

2543 4. Protect and enhance the environment, promote energy
2544 conservation, and improve quality of life;

2545 5. Enhance the integration and connectivity of the
2546 transportation system, across and between modes, for people and
2547 freight;

2548 6. Promote efficient system management and operation; and

2549 7. Emphasize the preservation of the existing
2550 transportation system.

2551 (c) In order to provide recommendations to the department
2552 and local governmental entities regarding transportation plans
2553 and programs, each M.P.O. shall:

2554 1. Prepare a congestion management system for the
2555 metropolitan area and cooperate with the department in the
2556 development of all other transportation management systems
2557 required by state or federal law;

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- 2558 2. Assist the department in mapping transportation
2559 planning boundaries required by state or federal law;
- 2560 3. Assist the department in performing its duties relating
2561 to access management, functional classification of roads, and
2562 data collection;
- 2563 4. Execute all agreements or certifications necessary to
2564 comply with applicable state or federal law;
- 2565 5. Represent all the jurisdictional areas within the
2566 metropolitan area in the formulation of transportation plans and
2567 programs required by this section; and
- 2568 6. Perform all other duties required by state or federal
2569 law.
- 2570 (d) Each M.P.O. shall appoint a technical advisory
2571 committee that includes planners; engineers; representatives of
2572 local aviation authorities, port authorities, and public transit
2573 authorities or representatives of aviation departments, seaport
2574 departments, and public transit departments of municipal or
2575 county governments, as applicable; the school superintendent of
2576 each county within the jurisdiction of the M.P.O. or the
2577 superintendent's designee; and other appropriate representatives
2578 of affected local governments. In addition to any other duties
2579 assigned to it by the M.P.O. or by state or federal law, the
2580 technical advisory committee is responsible for considering safe
2581 access to schools in its review of transportation project
2582 priorities, long-range transportation plans, and transportation
2583 improvement programs, and shall advise the M.P.O. on such
2584 matters. In addition, the technical advisory committee shall

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2585 coordinate its actions with local school boards and other local
2586 programs and organizations within the metropolitan area which
2587 participate in school safety activities, such as locally
2588 established community traffic safety teams. Local school boards
2589 must provide the appropriate M.P.O. with information concerning
2590 future school sites and in the coordination of transportation
2591 service.

2592 (e)1. Each M.P.O. shall appoint a citizens' advisory
2593 committee, the members of which serve at the pleasure of the
2594 M.P.O. The membership on the citizens' advisory committee must
2595 reflect a broad cross section of local residents with an
2596 interest in the development of an efficient, safe, and cost-
2597 effective transportation system. Minorities, the elderly, and
2598 the handicapped must be adequately represented.

2599 2. Notwithstanding the provisions of subparagraph 1., an
2600 M.P.O. may, with the approval of the department and the
2601 applicable federal governmental agency, adopt an alternative
2602 program or mechanism to ensure citizen involvement in the
2603 transportation planning process.

2604 (f) The department shall allocate to each M.P.O., for the
2605 purpose of accomplishing its transportation planning and
2606 programming duties, an appropriate amount of federal
2607 transportation planning funds.

2608 (g) Each M.P.O. may employ personnel or may enter into
2609 contracts with local or state agencies, private planning firms,
2610 or private engineering firms to accomplish its transportation

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2611 planning and programming duties required by state or federal
2612 law.

2613 (h) A chair's coordinating committee is created, composed
2614 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
2615 Pinellas, Polk, and Sarasota Counties. The committee must, at a
2616 minimum:

2617 1. Coordinate transportation projects deemed to be
2618 regionally significant by the committee.

2619 2. Review the impact of regionally significant land use
2620 decisions on the region.

2621 3. Review all proposed regionally significant
2622 transportation projects in the respective transportation
2623 improvement programs which affect more than one of the M.P.O.'s
2624 represented on the committee.

2625 4. Institute a conflict resolution process to address any
2626 conflict that may arise in the planning and programming of such
2627 regionally significant projects.

2628 (i)1. The Legislature finds that the state's rapid growth
2629 in recent decades has caused many urbanized areas subject to
2630 M.P.O. jurisdiction to become contiguous to each other. As a
2631 result, various transportation projects may cross from the
2632 jurisdiction of one M.P.O. into the jurisdiction of another
2633 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
2634 have been mandated, M.P.O.'s shall develop coordination
2635 mechanisms with one another to expand and improve transportation
2636 within the state. The appropriate method of coordination between
2637 M.P.O.'s shall vary depending upon the project involved and

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2638 given local and regional needs. Consequently, it is appropriate
2639 to set forth a flexible methodology that can be used by M.P.O.'s
2640 to coordinate with other M.P.O.'s and appropriate political
2641 subdivisions as circumstances demand.

2642 2. Any M.P.O. may join with any other M.P.O. or any
2643 individual political subdivision to coordinate activities or to
2644 achieve any federal or state transportation planning or
2645 development goals or purposes consistent with federal or state
2646 law. When an M.P.O. determines that it is appropriate to join
2647 with another M.P.O. or any political subdivision to coordinate
2648 activities, the M.P.O. or political subdivision shall enter into
2649 an interlocal agreement pursuant to s. 163.01, which, at a
2650 minimum, creates a separate legal or administrative entity to
2651 coordinate the transportation planning or development activities
2652 required to achieve the goal or purpose; provide the purpose for
2653 which the entity is created; provide the duration of the
2654 agreement and the entity, and specify how the agreement may be
2655 terminated, modified, or rescinded; describe the precise
2656 organization of the entity, including who has voting rights on
2657 the governing board, whether alternative voting members are
2658 provided for, how voting members are appointed, and what the
2659 relative voting strength is for each constituent M.P.O. or
2660 political subdivision; provide the manner in which the parties
2661 to the agreement will provide for the financial support of the
2662 entity and payment of costs and expenses of the entity; provide
2663 the manner in which funds may be paid to and disbursed from the
2664 entity; and provide how members of the entity will resolve

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2665 | disagreements regarding interpretation of the interlocal
2666 | agreement or disputes relating to the operation of the entity.
2667 | Such interlocal agreement shall become effective upon its
2668 | recordation in the official public records of each county in
2669 | which a member of the entity created by the interlocal agreement
2670 | has a voting member. This paragraph does not require any
2671 | M.P.O.'s to merge, combine, or otherwise join together as a
2672 | single M.P.O.

2673 | (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
2674 | develop a long-range transportation plan that addresses at least
2675 | a 20-year planning horizon. The plan must include both long-
2676 | range and short-range strategies and must comply with all other
2677 | state and federal requirements. The prevailing principles to be
2678 | considered in the long-range transportation plan are: preserving
2679 | the existing transportation infrastructure; enhancing Florida's
2680 | economic competitiveness; and improving travel choices to ensure
2681 | mobility. The long-range transportation plan must be consistent,
2682 | to the maximum extent feasible, with future land use elements
2683 | and the goals, objectives, and policies of the approved local
2684 | government comprehensive plans of the units of local government
2685 | located within the jurisdiction of the M.P.O. The approved long-
2686 | range transportation plan must be considered by local
2687 | governments in the development of the transportation elements in
2688 | local government comprehensive plans and any amendments thereto.
2689 | The long-range transportation plan must, at a minimum:

2690 | (a) Identify transportation facilities, including, but not
2691 | limited to, major roadways, airports, seaports, spaceports,

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2692 commuter rail systems, transit systems, and intermodal or
2693 multimodal terminals that will function as an integrated
2694 metropolitan transportation system. The long-range
2695 transportation plan must give emphasis to those transportation
2696 facilities that serve national, statewide, or regional
2697 functions, and must consider the goals and objectives identified
2698 in the Florida Transportation Plan as provided in s. 339.155. If
2699 a project is located within the boundaries of more than one
2700 M.P.O., the M.P.O.'s must coordinate plans regarding the project
2701 in the long-range transportation plan.

2702 (b) Include a financial plan that demonstrates how the
2703 plan can be implemented, indicating resources from public and
2704 private sources which are reasonably expected to be available to
2705 carry out the plan, and recommends any additional financing
2706 strategies for needed projects and programs. The financial plan
2707 may include, for illustrative purposes, additional projects that
2708 would be included in the adopted long-range transportation plan
2709 if reasonable additional resources beyond those identified in
2710 the financial plan were available. For the purpose of developing
2711 the long-range transportation plan, the M.P.O. and the
2712 department shall cooperatively develop estimates of funds that
2713 will be available to support the plan implementation. Innovative
2714 financing techniques may be used to fund needed projects and
2715 programs. Such techniques may include the assessment of tolls,
2716 the use of value capture financing, or the use of value pricing.

2717 (c) Assess capital investment and other measures necessary
2718 to:

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2719 1. Ensure the preservation of the existing metropolitan
2720 transportation system including requirements for the operation,
2721 resurfacing, restoration, and rehabilitation of major roadways
2722 and requirements for the operation, maintenance, modernization,
2723 and rehabilitation of public transportation facilities; and

2724 2. Make the most efficient use of existing transportation
2725 facilities to relieve vehicular congestion and maximize the
2726 mobility of people and goods.

2727 (d) Indicate, as appropriate, proposed transportation
2728 enhancement activities, including, but not limited to,
2729 pedestrian and bicycle facilities, scenic easements,
2730 landscaping, historic preservation, mitigation of water
2731 pollution due to highway runoff, and control of outdoor
2732 advertising.

2733 (e) In addition to the requirements of paragraphs (a)-(d),
2734 in metropolitan areas that are classified as nonattainment areas
2735 for ozone or carbon monoxide, the M.P.O. must coordinate the
2736 development of the long-range transportation plan with the State
2737 Implementation Plan developed pursuant to the requirements of
2738 the federal Clean Air Act.

2739
2740 In the development of its long-range transportation plan, each
2741 M.P.O. must provide the public, affected public agencies,
2742 representatives of transportation agency employees, freight
2743 shippers, providers of freight transportation services, private
2744 providers of transportation, representatives of users of public
2745 transit, and other interested parties with a reasonable

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2746 opportunity to comment on the long-range transportation plan.
2747 The long-range transportation plan must be approved by the
2748 M.P.O.

2749 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
2750 shall, in cooperation with the state and affected public
2751 transportation operators, develop a transportation improvement
2752 program for the area within the jurisdiction of the M.P.O. In
2753 the development of the transportation improvement program, each
2754 M.P.O. must provide the public, affected public agencies,
2755 representatives of transportation agency employees, freight
2756 shippers, providers of freight transportation services, private
2757 providers of transportation, representatives of users of public
2758 transit, and other interested parties with a reasonable
2759 opportunity to comment on the proposed transportation
2760 improvement program.

2761 (a) Each M.P.O. is responsible for developing, annually, a
2762 list of project priorities and a transportation improvement
2763 program. The prevailing principles to be considered by each
2764 M.P.O. when developing a list of project priorities and a
2765 transportation improvement program are: preserving the existing
2766 transportation infrastructure; enhancing Florida's economic
2767 competitiveness; and improving travel choices to ensure
2768 mobility. The transportation improvement program will be used to
2769 initiate federally aided transportation facilities and
2770 improvements as well as other transportation facilities and
2771 improvements including transit, rail, aviation, spaceport, and
2772 port facilities to be funded from the State Transportation Trust

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2773 Fund within its metropolitan area in accordance with existing
2774 and subsequent federal and state laws and rules and regulations
2775 related thereto. The transportation improvement program shall be
2776 consistent, to the maximum extent feasible, with the approved
2777 local government comprehensive plans of the units of local
2778 government whose boundaries are within the metropolitan area of
2779 the M.P.O. and include those projects programmed pursuant to s.
2780 339.28171.

2781 (b) Each M.P.O. annually shall prepare a list of project
2782 priorities and shall submit the list to the appropriate district
2783 of the department by October 1 of each year; however, the
2784 department and a metropolitan planning organization may, in
2785 writing, agree to vary this submittal date. The list of project
2786 priorities must be formally reviewed by the technical and
2787 citizens' advisory committees, and approved by the M.P.O.,
2788 before it is transmitted to the district. The approved list of
2789 project priorities must be used by the district in developing
2790 the district work program and must be used by the M.P.O. in
2791 developing its transportation improvement program. The annual
2792 list of project priorities must be based upon project selection
2793 criteria that, at a minimum, consider the following:

- 2794 1. The approved M.P.O. long-range transportation plan;
2795 2. The Strategic Intermodal System Plan developed under s.
2796 339.64;--
2797 3. The priorities developed pursuant to s. 339.28171;
2798 4.3- The results of the transportation management systems;
2799 and

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2800 ~~5.4.~~ The M.P.O.'s public-involvement procedures.

2801 (c) The transportation improvement program must, at a
2802 minimum:

2803 1. Include projects and project phases to be funded with
2804 state or federal funds within the time period of the
2805 transportation improvement program and which are recommended for
2806 advancement during the next fiscal year and 4 subsequent fiscal
2807 years. Such projects and project phases must be consistent, to
2808 the maximum extent feasible, with the approved local government
2809 comprehensive plans of the units of local government located
2810 within the jurisdiction of the M.P.O. For informational
2811 purposes, the transportation improvement program shall also
2812 include a list of projects to be funded from local or private
2813 revenues.

2814 2. Include projects within the metropolitan area which are
2815 proposed for funding under 23 U.S.C. s. 134 of the Federal
2816 Transit Act and which are consistent with the long-range
2817 transportation plan developed under subsection (6).

2818 3. Provide a financial plan that demonstrates how the
2819 transportation improvement program can be implemented; indicates
2820 the resources, both public and private, that are reasonably
2821 expected to be available to accomplish the program; identifies
2822 any innovative financing techniques that may be used to fund
2823 needed projects and programs; and may include, for illustrative
2824 purposes, additional projects that would be included in the
2825 approved transportation improvement program if reasonable
2826 additional resources beyond those identified in the financial

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2827 plan were available. Innovative financing techniques may include
2828 the assessment of tolls, the use of value capture financing, or
2829 the use of value pricing. The transportation improvement program
2830 may include a project or project phase only if full funding can
2831 reasonably be anticipated to be available for the project or
2832 project phase within the time period contemplated for completion
2833 of the project or project phase.

2834 4. Group projects and project phases of similar urgency
2835 and anticipated staging into appropriate staging periods.

2836 5. Indicate how the transportation improvement program
2837 relates to the long-range transportation plan developed under
2838 subsection (6), including providing examples of specific
2839 projects or project phases that further the goals and policies
2840 of the long-range transportation plan.

2841 6. Indicate whether any project or project phase is
2842 inconsistent with an approved comprehensive plan of a unit of
2843 local government located within the jurisdiction of the M.P.O.
2844 If a project is inconsistent with an affected comprehensive
2845 plan, the M.P.O. must provide justification for including the
2846 project in the transportation improvement program.

2847 7. Indicate how the improvements are consistent, to the
2848 maximum extent feasible, with affected seaport, airport, and
2849 spaceport master plans and with public transit development plans
2850 of the units of local government located within the jurisdiction
2851 of the M.P.O. If a project is located within the boundaries of
2852 more than one M.P.O., the M.P.O.'s must coordinate plans
2853 regarding the project in the transportation improvement program.

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2854 (d) Projects included in the transportation improvement
2855 program and that have advanced to the design stage of
2856 preliminary engineering may be removed from or rescheduled in a
2857 subsequent transportation improvement program only by the joint
2858 action of the M.P.O. and the department. Except when recommended
2859 in writing by the district secretary for good cause, any project
2860 removed from or rescheduled in a subsequent transportation
2861 improvement program shall not be rescheduled by the M.P.O. in
2862 that subsequent program earlier than the 5th year of such
2863 program.

2864 (e) During the development of the transportation
2865 improvement program, the M.P.O. shall, in cooperation with the
2866 department and any affected public transit operation, provide
2867 citizens, affected public agencies, representatives of
2868 transportation agency employees, freight shippers, providers of
2869 freight transportation services, private providers of
2870 transportation, representatives of users of public transit, and
2871 other interested parties with reasonable notice of and an
2872 opportunity to comment on the proposed program.

2873 (f) The adopted annual transportation improvement program
2874 for M.P.O.'s in nonattainment or maintenance areas must be
2875 submitted to the district secretary and the Department of
2876 Community Affairs at least 90 days before the submission of the
2877 state transportation improvement program by the department to
2878 the appropriate federal agencies. The annual transportation
2879 improvement program for M.P.O.'s in attainment areas must be
2880 submitted to the district secretary and the Department of

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2881 Community Affairs at least 45 days before the department submits
2882 the state transportation improvement program to the appropriate
2883 federal agencies; however, the department, the Department of
2884 Community Affairs, and a metropolitan planning organization may,
2885 in writing, agree to vary this submittal date. The Governor or
2886 the Governor's designee shall review and approve each
2887 transportation improvement program and any amendments thereto.

2888 (g) The Department of Community Affairs shall review the
2889 annual transportation improvement program of each M.P.O. for
2890 consistency with the approved local government comprehensive
2891 plans of the units of local government whose boundaries are
2892 within the metropolitan area of each M.P.O. and shall identify
2893 those projects that are inconsistent with such comprehensive
2894 plans. The Department of Community Affairs shall notify an
2895 M.P.O. of any transportation projects contained in its
2896 transportation improvement program which are inconsistent with
2897 the approved local government comprehensive plans of the units
2898 of local government whose boundaries are within the metropolitan
2899 area of the M.P.O.

2900 (h) The M.P.O. shall annually publish or otherwise make
2901 available for public review the annual listing of projects for
2902 which federal funds have been obligated in the preceding year.
2903 Project monitoring systems must be maintained by those agencies
2904 responsible for obligating federal funds and made accessible to
2905 the M.P.O.'s.

2906 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
2907 develop, in cooperation with the department and public

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2908 transportation providers, a unified planning work program that
2909 lists all planning tasks to be undertaken during the program
2910 year. The unified planning work program must provide a complete
2911 description of each planning task and an estimated budget
2912 therefor and must comply with applicable state and federal law.

2913 (9) AGREEMENTS.--

2914 (a) Each M.P.O. shall execute the following written
2915 agreements, which shall be reviewed, and updated as necessary,
2916 every 5 years:

2917 1. An agreement with the department clearly establishing
2918 the cooperative relationship essential to accomplish the
2919 transportation planning requirements of state and federal law.

2920 2. An agreement with the metropolitan and regional
2921 intergovernmental coordination and review agencies serving the
2922 metropolitan areas, specifying the means by which activities
2923 will be coordinated and how transportation planning and
2924 programming will be part of the comprehensive planned
2925 development of the area.

2926 3. An agreement with operators of public transportation
2927 systems, including transit systems, commuter rail systems,
2928 airports, seaports, and spaceports, describing the means by
2929 which activities will be coordinated and specifying how public
2930 transit, commuter rail, aviation, seaport, and aerospace
2931 planning and programming will be part of the comprehensive
2932 planned development of the metropolitan area.

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2933 (b) An M.P.O. may execute other agreements required by
2934 state or federal law or as necessary to properly accomplish its
2935 functions.

2936 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.-
2937 -

2938 (a) A Metropolitan Planning Organization Advisory Council
2939 is created to augment, and not supplant, the role of the
2940 individual M.P.O.'s in the cooperative transportation planning
2941 process described in this section.

2942 (b) The council shall consist of one representative from
2943 each M.P.O. and shall elect a chairperson annually from its
2944 number. Each M.P.O. shall also elect an alternate representative
2945 from each M.P.O. to vote in the absence of the representative.
2946 Members of the council do not receive any compensation for their
2947 services, but may be reimbursed from funds made available to
2948 council members for travel and per diem expenses incurred in the
2949 performance of their council duties as provided in s. 112.061.

2950 (c) The powers and duties of the Metropolitan Planning
2951 Organization Advisory Council are to:

2952 1. Enter into contracts with individuals, private
2953 corporations, and public agencies.

2954 2. Acquire, own, operate, maintain, sell, or lease
2955 personal property essential for the conduct of business.

2956 3. Accept funds, grants, assistance, gifts, or bequests
2957 from private, local, state, or federal sources.

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2958 4. Establish bylaws and adopt rules pursuant to ss.
2959 120.536(1) and 120.54 to implement provisions of law conferring
2960 powers or duties upon it.

2961 5. Assist M.P.O.'s in carrying out the urbanized area
2962 transportation planning process by serving as the principal
2963 forum for collective policy discussion pursuant to law.

2964 6. Serve as a clearinghouse for review and comment by
2965 M.P.O.'s on the Florida Transportation Plan and on other issues
2966 required to comply with federal or state law in carrying out the
2967 urbanized area transportation and systematic planning processes
2968 instituted pursuant to s. 339.155.

2969 7. Employ an executive director and such other staff as
2970 necessary to perform adequately the functions of the council,
2971 within budgetary limitations. The executive director and staff
2972 are exempt from part II of chapter 110 and serve at the
2973 direction and control of the council. The council is assigned to
2974 the Office of the Secretary of the Department of Transportation
2975 for fiscal and accountability purposes, but it shall otherwise
2976 function independently of the control and direction of the
2977 department.

2978 8. Adopt an agency strategic plan that provides the
2979 priority directions the agency will take to carry out its
2980 mission within the context of the state comprehensive plan and
2981 any other statutory mandates and directions given to the agency.

2982 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
2983 agency of the Federal Government that any provision of this
2984 section conflicts with federal laws or regulations, such federal

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2985 laws or regulations will take precedence to the extent of the
2986 conflict until such conflict is resolved. The department or an
2987 M.P.O. may take any necessary action to comply with such federal
2988 laws and regulations or to continue to remain eligible to
2989 receive federal funds.

2990 Section 19. Section 339.28171, Florida Statutes, is
2991 created to read:

2992 339.28171 Transportation Incentive Program for a
2993 Sustainable Florida.--

2994 (1) There is created within the Department of
2995 Transportation a Transportation Incentive Program for a
2996 Sustainable Florida, which may be cited as TRIP for a
2997 Sustainable Florida, for the purpose of providing grants to
2998 local governments to improve a transportation facility or system
2999 which addresses an identified concurrency management system
3000 backlog or relieve traffic congestion in urban infill and
3001 redevelopment areas. Bridge projects off of the State Highway
3002 System are eligible to receive funding from this program.

3003 (2) To be eligible for consideration, projects must be
3004 consistent with local government comprehensive plans, the
3005 transportation improvement program of the applicable
3006 metropolitan organization, and the Strategic Intermodal System
3007 plan developed in accordance with s. 339.64.

3008 (3) The funds shall be distributed by the department to
3009 each district in accordance with the statutory formula pursuant
3010 to s. 339.135(4). The district secretary shall use the following
3011 criteria to evaluate the project applications:

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- 3012 (a) The level of local government funding efforts.
- 3013 (b) The level of local, regional, or private financial
- 3014 matching funds as a percentage of the overall project cost.
- 3015 (c) The ability of local government to rapidly address
- 3016 project construction.
- 3017 (d) The level of municipal and county agreement on the
- 3018 scope of the proposed project.
- 3019 (e) Whether the project is located within and supports the
- 3020 objectives of an urban infill area, a community redevelopment
- 3021 area, an urban redevelopment area, or a concurrency management
- 3022 area.
- 3023 (f) The extent to which the project would foster public-
- 3024 private partnerships and investment.
- 3025 (g) The extent to which the project protects
- 3026 environmentally sensitive areas.
- 3027 (h) The extent to which the project would support urban
- 3028 mobility, including public transit systems, the use of new
- 3029 technologies, and the provision of bicycle facilities or
- 3030 pedestrian pathways.
- 3031 (i) The extent to which the project implements a regional
- 3032 transportation plan developed in accordance with s.
- 3033 339.155(2)(c), (d), and (e).
- 3034 (j) Whether the project is subject to a local ordinance
- 3035 that establishes corridor management techniques, including
- 3036 access management strategies, right-of-way acquisition and
- 3037 protection measures, appropriate land use strategies, zoning,
- 3038 and setback requirements for adjacent land uses.

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3039 (k) Whether or not the local government has adopted a
3040 vision pursuant to s. 163.3167(11) either prior to or after the
3041 effective date of this act.

3042 (4) As part of the project application, the local
3043 government shall demonstrate how the proposed project implements
3044 a capital improvement element and a long-term transportation
3045 concurrency system, if applicable, to address the existing
3046 capital improvement element backlogs.

3047 (5) The percentage of matching funds available to
3048 applicants shall be based on the following:

3049 (a) For projects that provide capacity on the Strategic
3050 Intermodal System, the percentage shall be 35 percent.

3051 (b) For projects that provide capacity on regionally
3052 significant transportation facilities identified in s.
3053 339.155(2)(c), (d), and (e), the percentage shall be 50 percent
3054 or up to 50 percent of the nonfederal share of the eligible
3055 project costs for a public transportation facility project. For
3056 off-system bridges, the percentage shall be 50 percent. Projects
3057 to be funded pursuant to this paragraph shall, at a minimum meet
3058 the following additional criteria:

3059 1. Support those transportation facilities that serve
3060 national, statewide, or regional functions and function as an
3061 integrated regional transportation system.

3062 2. Be identified in the capital improvements element of a
3063 comprehensive plan that has been determined to be in compliance
3064 with part II of chapter 163, after the effective date of this

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3065 act, or to implement a long-term concurrency management system
3066 adopted a local government in accordance with s. 163.3177(9).

3067 3. Provide connectivity to the Strategic Intermodal System
3068 designated pursuant to s. 339.64.

3069 4. Support economic development and the movement of goods
3070 in areas of critical economic concern designated pursuant to s.
3071 288.0656(7).

3072 5. Improve connectivity between military installations and
3073 the Strategic Highway Network or the Strategic Rail Corridor
3074 Network.

3075 6. For off-system bridge projects to replaced,
3076 rehabilitate, paint, or install scour countermeasures to highway
3077 bridges located on public roads, other than those on a federal-
3078 aid highway, such projects shall, at a minimum:

3079 (a) Be classified as a structurally deficient bridge with
3080 a poor condition rating for either the deck, superstructure, or
3081 substructure component, or culvert.

3082 (b) Have a sufficiency rating of 35 or below.

3083 (c) Have average daily traffic of at least 500 vehicles.

3084
3085 Special consideration shall be given to bridges that are closed
3086 to all traffic or that have a load restriction of less than 10
3087 tons.

3088 (c) For local projects that demonstrate capacity
3089 improvements in the urban service boundary, urban infill, or
3090 urban redevelopment area or provide such capacity replacement to

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3091 the State Intrastate Highway System, the percentage shall be 65
3092 percent.

3093 (6) The department may administer contracts at the request
3094 of a local government selected to receive funding for a project
3095 under this section. All projects funded under this section shall
3096 be included in the department's work program developed pursuant
3097 to s. 339.135.

3098 Section 20. Subsection (1) and paragraph (c) of subsection
3099 (4) of section 339.2818, Florida Statutes, are amended to read:

3100 339.2818 Small County Outreach Program.--

3101 (1) There is created within the Department of
3102 Transportation the Small County Outreach Program. The purpose of
3103 this program is to assist small county governments to improve a
3104 transportation facility or system which addresses identified
3105 concurrency management system backlog and relieves traffic
3106 congestion, or to assist in resurfacing or reconstructing county
3107 roads or in constructing capacity or safety improvements to
3108 county roads.

3109 (4)

3110 (c) The following criteria shall be used to prioritize
3111 road projects for funding under the program:

3112 ~~1. The primary criterion is the physical condition of the~~
3113 ~~road as measured by the department.~~

3114 ~~1.2. As secondary criteria~~ The department may consider:

- 3115 a. Whether a road is used as an evacuation route.
3116 b. Whether a road has high levels of agricultural travel.
3117 c. Whether a road is considered a major arterial route.

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3118 d. Whether a road is considered a feeder road.

3119 e. Other criteria related to the impact of a project on
3120 the public road system or on the state or local economy as
3121 determined by the department.

3122 2. As secondary criteria, the department may consider the
3123 physical condition of the road as measured by the department.

3124 Section 21. Section 339.55, Florida Statutes, is amended
3125 to read:

3126 339.55 State-funded infrastructure bank.--

3127 (1) There is created within the Department of
3128 Transportation a state-funded infrastructure bank for the
3129 purpose of providing loans and credit enhancements to government
3130 units and private entities for use in constructing and improving
3131 transportation facilities.

3132 (2) The bank may lend capital costs or provide credit
3133 enhancements for:

3134 (a) A transportation facility project that is on the State
3135 Highway System or that provides for increased mobility on the
3136 state's transportation system or provides intermodal
3137 connectivity with airports, seaports, rail facilities, and other
3138 transportation terminals, pursuant to s. 341.053, for the
3139 movement of people and goods.

3140 (b) Transportation Incentive Program for a Sustainable
3141 Florida projects identified pursuant to s. 339.28171.

3142 (3) Loans from the bank may be subordinated to senior
3143 project debt that has an investment grade rating of "BBB" or
3144 higher.

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3145 (4)~~(3)~~ Loans from the bank may bear interest at or below
3146 market interest rates, as determined by the department.
3147 Repayment of any loan from the bank shall commence not later
3148 than 5 years after the project has been completed or, in the
3149 case of a highway project, the facility has opened to traffic,
3150 whichever is later, and shall be repaid in no more than 30
3151 years.

3152 (5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible
3153 for consideration, projects must be consistent, to the maximum
3154 extent feasible, with local metropolitan planning organization
3155 plans and local government comprehensive plans and must provide
3156 a dedicated repayment source to ensure the loan is repaid to the
3157 bank.

3158 (6) Funding awarded for projects under paragraph (2)(b)
3159 must be matched by a minimum of 25 percent from funds other than
3160 the state-funded infrastructure bank loan.

3161 (7)~~(5)~~ The department may consider, but is not limited to,
3162 the following criteria for evaluation of projects for assistance
3163 from the bank:

3164 (a) The credit worthiness of the project.

3165 (b) A demonstration that the project will encourage,
3166 enhance, or create economic benefits.

3167 (c) The likelihood that assistance would enable the
3168 project to proceed at an earlier date than would otherwise be
3169 possible.

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3170 (d) The extent to which assistance would foster innovative
3171 public-private partnerships and attract private debt or equity
3172 investment.

3173 (e) The extent to which the project would use new
3174 technologies, including intelligent transportation systems, that
3175 would enhance the efficient operation of the project.

3176 (f) The extent to which the project would maintain or
3177 protect the environment.

3178 (g) A demonstration that the project includes
3179 transportation benefits for improving intermodalism, cargo and
3180 freight movement, and safety.

3181 (h) The amount of the proposed assistance as a percentage
3182 of the overall project costs with emphasis on local and private
3183 participation.

3184 (i) The extent to which the project will provide for
3185 connectivity between the State Highway System and airports,
3186 seaports, rail facilities, and other transportation terminals
3187 and intermodal options pursuant to s. 341.053 for the increased
3188 accessibility and movement of people and goods.

3189 ~~(8)(6)~~ Loan assistance provided by the bank shall be
3190 included in the department's work program developed in
3191 accordance with s. 339.135.

3192 ~~(9)(7)~~ The department is authorized to adopt rules to
3193 implement the state-funded infrastructure bank.

3194 Section 22. Section 373.19615, Florida Statutes, is
3195 created to read:

3196 373.19615 Florida's Sustainable Water Supplies Program.--

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3197 (1) There is hereby created "Florida's Sustainable Water
3198 Supplies Program." The Legislature recognizes that alternative
3199 water supply projects are more expensive to develop compared to
3200 traditional water supply projects. As Florida's population
3201 continues to grow, the need for alternative water supplies is
3202 also growing as our groundwater supplies in portions of the
3203 state are decreasing. Beginning in fiscal year 2005-2006, the
3204 state shall annually appropriate \$100 million for the purpose of
3205 providing funding assistance to local governments for the
3206 development of alternative water supply projects. At the
3207 beginning of each fiscal year, beginning with fiscal year 2005-
3208 2006, such revenues shall be distributed to the Department of
3209 Environmental Protection. The department shall then distribute
3210 the revenues into alternative water supply accounts created by
3211 the department for each district for the purpose of alternative
3212 water supply development under the following funding formula:
3213 1. Forty percent to the South Florida Water Management
3214 District.
3215 2. Twenty-five percent to the Southwest Florida Water
3216 Management District.
3217 3. Twenty-five percent to the St. Johns River Water
3218 Management District.
3219 4. Five percent to the Suwannee River Water Management
3220 District.
3221 5. Five percent to the Northwest Florida Water Management
3222 District.

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3223 (2) For the purposes of this section, the following
3224 definitions shall apply:

3225 (a) "Alternative water supplies" includes saltwater;
3226 brackish surface and groundwater; surface water captured
3227 predominantly during wet-weather flows; sources made available
3228 through the addition of new storage capacity for surface or
3229 groundwater; water that has been reclaimed after one or more
3230 public supply, municipal, industrial, commercial, or
3231 agricultural uses; stormwater; and any other water supply source
3232 that is designated as non-traditional for a water supply
3233 planning region in the applicable regional water supply plan
3234 developed under s. 373.0361.

3235 (b) "Capital costs" means planning, design, engineering,
3236 and project construction costs.

3237 (c) "Local government" means any municipality, county,
3238 special district, regional water supply authority, or
3239 multijurisdictional entity, or an agency thereof, or a
3240 combination of two or more of the foregoing acting jointly with
3241 an alternative water supply project.

3242 (3) To be eligible for assistance in funding capital costs
3243 of alternative water supply projects under this program, the
3244 water management district governing board must select those
3245 alternative water supply projects that will receive financial
3246 assistance. The water management district governing board shall
3247 establish factors to determine project funding.

3248 (a) Significant weight shall be given to the following
3249 factors:

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3250 1. Whether the project provides substantial environmental
3251 benefits by preventing or limiting adverse water resource
3252 impacts.

3253 2. Whether the project reduces competition for water
3254 supplies.

3255 3. Whether the project brings about replacement of
3256 traditional sources in order to help implement a minimum flow or
3257 level or a reservation.

3258 4. Whether the project will be implemented by a
3259 consumptive use permittee that has achieved the targets
3260 contained in a goal-based water conservation program approved
3261 pursuant to s. 373.227.

3262 5. The quantity of water supplied by the project as
3263 compared to its cost.

3264 6. Projects in which the construction and delivery to end
3265 users of reuse water are major components.

3266 7. Whether the project will be implemented by a
3267 multijurisdictional water supply entity or regional water supply
3268 authority.

3269 (b) Additional factors to be considered in determining
3270 project funding shall include:

3271 1. Whether the project is part of a plan to implement two
3272 or more alternative water supply projects, all of which will be
3273 operated to produce water at a uniform rate for the participants
3274 in a multijurisdictional water supply entity or regional water
3275 supply authority.

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3276 2. The percentage of project costs to be funded by the
3277 water supplier or water user.

3278 3. Whether the project proposal includes sufficient
3279 preliminary planning and engineering to demonstrate that the
3280 project can reasonably be implemented within the timeframes
3281 provided in the regional water supply plan.

3282 4. Whether the project is a subsequent phase of an
3283 alternative water supply project underway.

3284 5. Whether and in what percentage a local government or
3285 local government utility is transferring water supply system
3286 revenues to the local government general fund in excess of
3287 reimbursements for services received from the general fund
3288 including direct and indirect costs and legitimate payments in
3289 lieu of taxes.

3290 (4)(a) All projects submitted to the governing board for
3291 consideration shall reflect the total cost for implementation.
3292 The costs shall be segregated pursuant to the categories
3293 described in the definition of capital costs.

3294 (b) Applicants for projects that receive funding
3295 assistance pursuant to this section shall be required to pay 33
3296 1/3 percent of the project's total capital costs.

3297 (c) The water management district shall be required to pay
3298 33 1/3 percent of the project's total capital costs.

3299 (5) After conducting one or more meetings to solicit
3300 public input on eligible projects for implementation of
3301 alternative water supply projects, the governing board of each
3302 water management district shall select projects for funding

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3303 assistance based upon the above criteria. The governing board
3304 may select a project identified or listed as an alternative
3305 water supply development project in the regional water supply
3306 plan, or may select an alternative water supply projects not
3307 identified or listed in the regional water supply plan but which
3308 are consistent with the goals of the plans.

3309 (6) Once an alternative water supply project is selected
3310 by the governing board, the applicant and the water management
3311 district must, in writing, each commit to a financial
3312 contribution of 33 1/3 percent of the project's total capital
3313 costs. The water management district shall then submit a request
3314 for distribution of revenues held by the department in the
3315 district's alternative water supply account. The request must
3316 include the amount of current and projected water demands within
3317 the water management district, the additional water made
3318 available by the project, the date the water will be made
3319 available, and the applicant's and water management district's
3320 financial commitment for the alternative water supply project.
3321 Upon receipt of a request from a water management district, the
3322 department shall determine whether the alternative water supply
3323 project meets the department's criteria for financial
3324 assistance. The department shall establish factors to determine
3325 whether state financial assistance for an alternative water
3326 supply project shall be granted.

3327 (a) Significant weight shall be given to the following
3328 factors:

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- 3329 1. Whether the project provides substantial environmental
3330 benefits by preventing or limiting adverse water resource
3331 impacts.
- 3332 2. Whether the project reduces competition for water
3333 supplies.
- 3334 3. Whether the project brings about replacement of
3335 traditional sources in order to help implement a minimum flow or
3336 level or a reservation.
- 3337 4. Whether the project will be implemented by a
3338 consumptive use permittee that has achieved the targets
3339 contained in a goal-based water conservation program approved
3340 pursuant to s. 373.227.
- 3341 5. The quantity of water supplied by the project as
3342 compared to its cost.
- 3343 6. Projects in which the construction and delivery to end
3344 users of reuse water are major components.
- 3345 7. Whether the project will be implemented by a
3346 multijurisdictional water supply entity or regional water supply
3347 authority.
- 3348 (b) Additional factors to be considered in determining
3349 project funding shall include:
- 3350 1. Whether the project is part of a plan to implement two
3351 or more alternative water supply projects, all of which will be
3352 operated to produce water at a uniform rate for the participants
3353 in a multijurisdictional water supply entity or regional water
3354 supply authority.

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3355 2. The percentage of project costs to be funded by the
3356 water supplier or water user.

3357 3. Whether the project proposal includes sufficient
3358 preliminary planning and engineering to demonstrate that the
3359 project can reasonably be implemented within the timeframes
3360 provided in the regional water supply plan.

3361 4. Whether the project is a subsequent phase of an
3362 alternative water supply project underway.

3363 5. Whether and in what percentage a local government or
3364 local government utility is transferring water supply system
3365 revenues to the local government general fund in excess of
3366 reimbursements for services received from the general fund
3367 including direct and indirect costs and legitimate payments in
3368 lieu of taxes.

3369
3370 If the department determines that the project should receive
3371 financial assistance, the department shall distribute to the
3372 water management district 33 1/3 percent of the total capital
3373 costs from the district's alternative water supply account.

3374 Section 23. Section 373.19616, Florida Statutes, is
3375 created to read:

3376 373.19616 Water Transition Assistance Program.--

3377 (1) The Legislature recognizes that as a result of
3378 Florida's increasing population, there are limited ground water
3379 resources in some portions of the state to serve increased water
3380 quantities demands. As a result, a transition from ground water
3381 supply to more expensive alternative water supply is necessary.

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3382 The purpose of this section is to assist local governments by
3383 establishing a low-interest revolving loan program for
3384 infrastructure financing for alternative water supplies.

3385 (2) For purposes of this section, the term:

3386 (a) "Alternative water supplies" has the same meaning as
3387 provided in s. 373.19615(2).

3388 (b) "Local government" has the same meaning as provided in
3389 s. 373.19615(2).

3390 (3) The Department of Environmental Protection is
3391 authorized to make loans to local governments to assist them in
3392 planning, designing, and constructing alternative water supply
3393 projects. The department may provide loan guarantees, purchase
3394 loan insurance, and refinance local debt through issue of new
3395 loans for alternative water supply projects approved by the
3396 department. Local governments may borrow funds made available
3397 pursuant to this section and may pledge any revenues or other
3398 adequate security available to them to repay any funds borrowed.

3399 (4) The term of loans made pursuant to this section shall
3400 not exceed 30 years. The interest rate on such loans shall be no
3401 greater than that paid on the last bonds sold pursuant to s. 14,
3402 Art. VII of the State Constitution.

3403 (5) In order to ensure that public moneys are managed in
3404 an equitable and prudent manner, the total amount of money
3405 loaned to any local government during a fiscal year shall be no
3406 more than 25 percent of the total funds available for making
3407 loans during that year. The minimum amount of a loan shall be
3408 \$75,000.

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- 3409 (6) The department may adopt rules that:
- 3410 (a) Set forth a priority system for loans based on factors
- 3411 provided for in s. 373.19615(6)(a) and (b).
- 3412 (b) Establish the requirements for the award and repayment
- 3413 of financial assistance.
- 3414 (c) Require adequate security to ensure that each loan
- 3415 recipient can meet its loan payment requirements.
- 3416 (d) Establish, at the department's discretion, a specific
- 3417 percentage of funding, not to exceed 20 percent, for financially
- 3418 disadvantaged communities for the development of alternative
- 3419 water supply projects. The department shall include within the
- 3420 rule a definition of the term "financially disadvantaged
- 3421 community," and the criteria for determining whether the project
- 3422 serves a financially disadvantaged community. Such criteria
- 3423 shall be based on the median household income of the service
- 3424 population or other reliably documented measures of
- 3425 disadvantaged status.
- 3426 (e) Require each project receiving financial assistance to
- 3427 be cost-effective, environmentally sound, implementable, and
- 3428 self-supporting.
- 3429 (7) The department shall prepare a report at the end of
- 3430 each fiscal year detailing the financial assistance provided
- 3431 under this section and outstanding loans.
- 3432 (8) Prior to approval of a loan, the local government
- 3433 shall, at a minimum:
- 3434 (a) Provide a repayment schedule.

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3435 (b) Submit evidence of the ability of the project proposed
3436 for financial assistance to be permitted and implemented.

3437 (c) Submit plans and specifications, biddable contract
3438 documents, or other documentation of appropriate procurement of
3439 goods and services.

3440 (d) Provide assurance that records will be kept using
3441 generally accepted accounting principles and that the department
3442 or its agent and the Auditor General will have access to all
3443 records pertaining to the loan.

3444 (9) The department may conduct an audit of the loan
3445 project upon completion or may require that a separate project
3446 audit, prepared by an independent certified public accountant,
3447 be submitted.

3448 (10) The department may require reasonable service fees on
3449 loans made to local governments to ensure that the program will
3450 be operated in perpetuity and to implement the purposes
3451 authorized under this section. Service fees shall not be more
3452 than 4 percent of the loan amount exclusive of the service fee.
3453 The fee revenues, and interest earnings thereon, shall be used
3454 exclusively to carry out the purposes of this section.

3455 (11) All moneys available for financial assistance under
3456 this section shall be appropriated to the department exclusively
3457 to carry out this program. The principal and interest of all
3458 loans repaid and interest shall be used exclusively to carry out
3459 this section.

3460 (12)(a) If a local government agency defaults under the
3461 terms of its loan agreement, the department shall certify the

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3462 default to the Chief Financial Officer, shall forward the
3463 delinquent amount to the department from any unobligated funds
3464 due to the local government agency under any revenue-sharing or
3465 tax-sharing fund established by the state, except as otherwise
3466 provided by the State Constitution. Certification of delinquency
3467 shall not limit the department from pursuing other remedies
3468 available for default on a loan, including accelerating loan
3469 repayments, eliminating all or part of the interest rate subsidy
3470 on the loan, and court appointment of a receiver to manage
3471 alternative water supply project.

3472 (b) The department may impose penalty for delinquent local
3473 payments in the amount of 6 percent of the amount due, in
3474 addition to charging the cost to handle and process the debt.
3475 Penalty interest shall accrue on any amount due and payable
3476 beginning on the 30th day following the date upon which payment
3477 is due.

3478 (13) The department may terminate or rescind a financial
3479 assistance agreement when the local government fails to comply
3480 with the terms and conditions of the agreement.

3481 Section 24. Paragraphs (l) and (m) are added to subsection
3482 (24) of section 380.06, Florida Statutes, to read:

3483 380.06 Developments of regional impact.--

3484 (24) STATUTORY EXEMPTIONS.--

3485 (1) Any proposed development or redevelopment within an
3486 area designated for:

3487 1. Urban infill development as designated in the
3488 comprehensive plan;

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3489 2. Urban redevelopment as designated in the comprehensive
3490 plan;

3491 3. Downtown revitalization as designated in the
3492 comprehensive plan; or

3493 4. Urban infill and redevelopment under s. 163.2517 as
3494 designated in the comprehensive plan,

3495
3496 is exempt from the provisions of this section. However, a
3497 municipality with a population of 7,500 or fewer may elect, upon
3498 adoption of an ordinance, to not have this exemption apply
3499 within its boundaries. A copy of such ordinance shall be
3500 transmitted to the state land planning agency and the applicable
3501 regional planning council.

3502 (m) Any proposed development within a rural land
3503 stewardship area created pursuant to s. 163.3177(11)(d) is
3504 exempt from the provisions of this section.

3505 Section 25. Section 380.115, Florida Statutes, is amended
3506 to read:

3507 380.115 Vested rights and duties; effect of size
3508 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~
3509 ~~2002-296.--~~

3510 (1) A change in a development of regional impact guideline
3511 or standard does not abridge or modify ~~Nothing contained in this~~
3512 ~~act abridges or modifies~~ any vested or other right or any duty
3513 or obligation pursuant to any development order or agreement
3514 that is applicable to a development of regional impact ~~on the~~
3515 ~~effective date of this act.~~ A development that has received a

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3516 development-of-regional-impact development order pursuant to s.
3517 380.06, but would ~~is~~ no longer be required to undergo
3518 development-of-regional-impact review by operation of a change
3519 in the guidelines and standards or has reduced its size below
3520 the thresholds in s. 380.0651 ~~this act~~, shall be governed by the
3521 following procedures:

3522 (a) The development shall continue to be governed by the
3523 development-of-regional-impact development order and may be
3524 completed in reliance upon and pursuant to the development order
3525 unless the developer or landowner has followed the procedures
3526 for rescission in paragraph (b). The development-of-regional-
3527 impact development order may be enforced by the local government
3528 as provided by ss. 380.06(17) and 380.11.

3529 (b) If requested by the developer or landowner, the
3530 development-of-regional-impact development order shall ~~may~~ be
3531 rescinded by the local government with jurisdiction upon a
3532 showing by clear and convincing evidence that all required
3533 mitigation relating to the amount of development existing on the
3534 date of rescission has been completed ~~abandoned pursuant to the~~
3535 ~~process in s. 380.06(26)~~.

3536 (2) A development with an application for development
3537 approval pending, and determined sufficient pursuant to s.
3538 380.06(10), on the effective date of a change to the guidelines
3539 and standards ~~this act~~, or a notification of proposed change
3540 pending on the effective date of a change to the guidelines and
3541 standards ~~this act~~, may elect to continue such review pursuant
3542 to s. 380.06. At the conclusion of the pending review, including

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3543 any appeals pursuant to s. 380.07, the resulting development
3544 order shall be governed by the provisions of subsection (1).

3545 (3) A landowner that has filed an application for a
3546 development of regional impact review prior to the adoption of
3547 an optional sector plan pursuant to s. 163.3245 may elect to
3548 have the application reviewed pursuant to s. 380.06,
3549 comprehensive plan provisions in force prior to adoption of the
3550 sector plan and any requested comprehensive plan amendments that
3551 accompany the application.

3552 Section 26. The Office of Program Policy Analysis and
3553 Government Accountability shall conduct a study on adjustments
3554 to the boundaries of regional planning councils, water
3555 management districts, and transportation districts. The purpose
3556 of the study is to organize these regional boundaries, without
3557 eliminating any regional agency, to be more coterminous with one
3558 another, creating a more unified system of regional boundaries.
3559 The study must be completed by December 31, 2005, and a study
3560 report submitted to the President of the Senate, the Speaker of
3561 the House of Representatives, and the Governor and the Century
3562 Commission for a Sustainable Florida by January 15, 2006.

3563 Section 27. Subsections (2), (3), (6), and (12) of section
3564 1013.33, Florida Statutes, are amended to read:

3565 1013.33 Coordination of planning with local governing
3566 bodies.--

3567 (2)(a) The school board, county, and nonexempt
3568 municipalities located within the geographic area of a school
3569 district shall enter into an interlocal agreement that jointly

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HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

3570 establishes the specific ways in which the plans and processes
3571 of the district school board and the local governments are to be
3572 coordinated. Any updated ~~The~~ interlocal agreements and
3573 amendments to such agreements shall be submitted to the state
3574 land planning agency and the Office of Educational Facilities
3575 ~~and the SMART Schools Clearinghouse~~ in accordance with a
3576 schedule published by the state land planning agency pursuant to
3577 s. 163.3177(12)(h).

3578 ~~(b) The schedule must establish staggered due dates for~~
3579 ~~submission of interlocal agreements that are executed by both~~
3580 ~~the local government and district school board, commencing on~~
3581 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
3582 ~~the same date for all governmental entities within a school~~
3583 ~~district. However, if the county where the school district is~~
3584 ~~located contains more than 20 municipalities, the state land~~
3585 ~~planning agency may establish staggered due dates for the~~
3586 ~~submission of interlocal agreements by these municipalities. The~~
3587 ~~schedule must begin with those areas where both the number of~~
3588 ~~districtwide capital outlay full-time equivalent students equals~~
3589 ~~80 percent or more of the current year's school capacity and the~~
3590 ~~projected 5-year student growth rate is 1,000 or greater, or~~
3591 ~~where the projected 5-year student growth rate is 10 percent or~~
3592 ~~greater.~~

3593 ~~(b)(e)~~ If the student population has declined over the 5-
3594 year period preceding the due date for submittal of an
3595 interlocal agreement by the local government and the district
3596 school board, the local government and district school board may

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3597 petition the state land planning agency for a waiver of one or
3598 more of the requirements of subsection (3). The waiver must be
3599 granted if the procedures called for in subsection (3) are
3600 unnecessary because of the school district's declining school
3601 age population, considering the district's 5-year work program
3602 prepared pursuant to s. 1013.35. The state land planning agency
3603 may modify or revoke the waiver upon a finding that the
3604 conditions upon which the waiver was granted no longer exist.
3605 The district school board and local governments must submit an
3606 interlocal agreement within 1 year after notification by the
3607 state land planning agency that the conditions for a waiver no
3608 longer exist.

3609 ~~(c)(d) Interlocal agreements between local governments and~~
3610 ~~district school boards adopted pursuant to s. 163.3177 before~~
3611 ~~the effective date of subsections (2)-(9) must be updated and~~
3612 ~~executed pursuant to the requirements of subsections (2)-(9), if~~
3613 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
3614 ~~to subsections (2)-(9) must be submitted to the state land~~
3615 ~~planning agency within 30 days after execution by the parties~~
3616 ~~for review consistent with subsections (3) and (4). Local~~
3617 ~~governments and the district school board in each school~~
3618 ~~district are encouraged to adopt a single updated interlocal~~
3619 ~~agreement in which all join as parties. The state land planning~~
3620 ~~agency shall assemble and make available model interlocal~~
3621 ~~agreements meeting the requirements of subsections (2)-(9) and~~
3622 ~~shall notify local governments and, jointly with the Department~~
3623 ~~of Education, the district school boards of the requirements of~~

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3624 subsections (2)-(9), the dates for compliance, and the sanctions
3625 for noncompliance. The state land planning agency shall be
3626 available to informally review proposed interlocal agreements.
3627 If the state land planning agency has not received a proposed
3628 interlocal agreement for informal review, the state land
3629 planning agency shall, at least 60 days before the deadline for
3630 submission of the executed agreement, renotify the local
3631 government and the district school board of the upcoming
3632 deadline and the potential for sanctions.

3633 (3) ~~At a minimum,~~ The interlocal agreement must address
3634 the ~~following~~ issues required in s. 163.31777.÷

3635 ~~(a) A process by which each local government and the~~
3636 ~~district school board agree and base their plans on consistent~~
3637 ~~projections of the amount, type, and distribution of population~~
3638 ~~growth and student enrollment. The geographic distribution of~~
3639 ~~jurisdiction-wide growth forecasts is a major objective of the~~
3640 ~~process.~~

3641 ~~(b) A process to coordinate and share information relating~~
3642 ~~to existing and planned public school facilities, including~~
3643 ~~school renovations and closures, and local government plans for~~
3644 ~~development and redevelopment.~~

3645 ~~(c) Participation by affected local governments with the~~
3646 ~~district school board in the process of evaluating potential~~
3647 ~~school closures, significant renovations to existing schools,~~
3648 ~~and new school site selection before land acquisition. Local~~
3649 ~~governments shall advise the district school board as to the~~
3650 ~~consistency of the proposed closure, renovation, or new site~~

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3651 ~~with the local comprehensive plan, including appropriate~~
3652 ~~circumstances and criteria under which a district school board~~
3653 ~~may request an amendment to the comprehensive plan for school~~
3654 ~~siting.~~

3655 ~~(d) A process for determining the need for and timing of~~
3656 ~~onsite and offsite improvements to support new construction,~~
3657 ~~proposed expansion, or redevelopment of existing schools. The~~
3658 ~~process shall address identification of the party or parties~~
3659 ~~responsible for the improvements.~~

3660 ~~(e) A process for the school board to inform the local~~
3661 ~~government regarding school capacity. The capacity reporting~~
3662 ~~must be consistent with laws and rules regarding measurement of~~
3663 ~~school facility capacity and must also identify how the district~~
3664 ~~school board will meet the public school demand based on the~~
3665 ~~facilities work program adopted pursuant to s. 1013.35.~~

3666 ~~(f) Participation of the local governments in the~~
3667 ~~preparation of the annual update to the school board's 5-year~~
3668 ~~district facilities work program and educational plant survey~~
3669 ~~prepared pursuant to s. 1013.35.~~

3670 ~~(g) A process for determining where and how joint use of~~
3671 ~~either school board or local government facilities can be shared~~
3672 ~~for mutual benefit and efficiency.~~

3673 ~~(h) A procedure for the resolution of disputes between the~~
3674 ~~district school board and local governments, which may include~~
3675 ~~the dispute resolution processes contained in chapters 164 and~~
3676 ~~186.~~

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3677 ~~(i) An oversight process, including an opportunity for~~
3678 ~~public participation, for the implementation of the interlocal~~
3679 ~~agreement.~~

3680
3681 ~~A signatory to the interlocal agreement may elect not to include~~
3682 ~~a provision meeting the requirements of paragraph (e); however,~~
3683 ~~such a decision may be made only after a public hearing on such~~
3684 ~~election, which may include the public hearing in which a~~
3685 ~~district school board or a local government adopts the~~
3686 ~~interlocal agreement. An interlocal agreement entered into~~
3687 ~~pursuant to this section must be consistent with the adopted~~
3688 ~~comprehensive plan and land development regulations of any local~~
3689 ~~government that is a signatory.~~

3690 (6) Any local government transmitting a public school
3691 element to implement school concurrency pursuant to the
3692 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~
3693 ~~date of this section~~ is not required to amend the element or any
3694 interlocal agreement to conform with the provisions of
3695 subsections (2)-(8) ~~if the element is adopted prior to or within~~
3696 ~~1 year after the effective date of subsections (2)-(8) and~~
3697 ~~remains in effect.~~

3698 (12) As early in the design phase as feasible and
3699 consistent with an interlocal agreement entered pursuant to
3700 subsections (2)-(8), but no later than 120 ~~90~~ days before
3701 commencing construction, the district school board shall in
3702 writing request a determination of consistency with the local
3703 government's comprehensive plan. The local governing body that

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3704 regulates the use of land shall determine, in writing within 45
3705 days after receiving the necessary information and a school
3706 board's request for a determination, whether a proposed
3707 educational facility is consistent with the local comprehensive
3708 plan and consistent with local land development regulations. If
3709 the determination is affirmative, school construction may
3710 commence and further local government approvals are not
3711 required, except as provided in this section. Failure of the
3712 local governing body to make a determination in writing within
3713 90 days after a district school board's request for a
3714 determination of consistency shall be considered an approval of
3715 the district school board's application. Campus master plans and
3716 development agreements must comply with the provisions of ss.
3717 1013.30 and 1013.63.

3718 Section 28. Section 1013.352, Florida Statutes, is created
3719 to read:

3720 1013.352 Charter School Incentive Program for Sustainable
3721 Schools.--

3722 (1) There is hereby created the "Charter School Incentive
3723 Program for Sustainable Schools." Recognizing that there is an
3724 increasing deficit in educational facilities in this state, the
3725 Legislature believes that there is a need for creativeness in
3726 planning and development of additional educational facilities.
3727 To assist with the development of educational facilities, those
3728 charter schools whose charters are approved within 18 months
3729 after the effective date of this act shall be eligible for state
3730 funds under the following conditions:

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3731 (a) The charter school is created to address school over-
3732 capacity issues or growth demands within the county.

3733 (b) A joint letter from the district school board and the
3734 charter school has been submitted with the proposed charter
3735 school charter that provides that the school board authorized
3736 the charter school as a result of school overcrowding or growth
3737 demands within the county and the school board requests that the
3738 requirement of s. 1013.62(1)(a)1. are waived.

3739 (c) The charter school has received an in-kind
3740 contribution or equivalent from an outside source other than the
3741 district school board that has been, at a minimum, equally
3742 matched by the district school board.

3743
3744 Notwithstanding s. 1013.62(7), if the above conditions apply,
3745 the Commissioner of Education, in consultation with the
3746 Department of Community Affairs shall distribute up to \$3
3747 million per charter school based upon the amount of the in-kind
3748 contribution or functional equivalent from an outside source
3749 that has been matched by the district school board or the
3750 contribution or functional equivalent by the district school
3751 board, whichever amount is greater, up to \$3 million. Under no
3752 conditions may the Commissioner of Education distribute funds to
3753 a newly chartered charter school that has not received an in-
3754 kind contribution or equivalent from an outside source other
3755 than the district school board and which has not been, at a
3756 minimum, equally matched by the district school board.

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3757 (2) A newly created charter school that receives
3758 distribution of funds under this program shall not be eligible
3759 for charter schools outlay funding under s. 1013.62.

3760 Section 29. Subsection (2) of section 1013.64, Florida
3761 Statutes, is amended to read:

3762 1013.64 Funds for comprehensive educational plant needs;
3763 construction cost maximums for school district capital
3764 projects.--Allocations from the Public Education Capital Outlay
3765 and Debt Service Trust Fund to the various boards for capital
3766 outlay projects shall be determined as follows:

3767 (2)(a) The department shall establish, as a part of the
3768 Public Education Capital Outlay and Debt Service Trust Fund, a
3769 separate account, in an amount determined by the Legislature, to
3770 be known as the "Special Facility Construction Account." The
3771 Special Facility Construction Account shall be used to provide
3772 necessary construction funds to school districts which have
3773 urgent construction needs but which lack sufficient resources at
3774 present, and cannot reasonably anticipate sufficient resources
3775 within the period of the next 3 years, for these purposes from
3776 currently authorized sources of capital outlay revenue. A school
3777 district requesting funding from the Special Facility
3778 Construction Account shall submit one specific construction
3779 project, not to exceed one complete educational plant, to the
3780 Special Facility Construction Committee. No district shall
3781 receive funding for more than one approved project in any 3-year
3782 period. The first year of the 3-year period shall be the first
3783 year a district receives an appropriation. The department shall

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3784 encourage a construction program that reduces the average size
3785 of schools in the district. The request must meet the following
3786 criteria to be considered by the committee:

3787 1. The project must be deemed a critical need and must be
3788 recommended for funding by the Special Facility Construction
3789 Committee. Prior to developing plans for the proposed facility,
3790 the district school board must request a preapplication review
3791 by the Special Facility Construction Committee or a project
3792 review subcommittee convened by the committee to include two
3793 representatives of the department and two staff from school
3794 districts not eligible to participate in the program. Within 60
3795 days after receiving the preapplication review request, the
3796 committee or subcommittee must meet in the school district to
3797 review the project proposal and existing facilities. To
3798 determine whether the proposed project is a critical need, the
3799 committee or subcommittee shall consider, at a minimum, the
3800 capacity of all existing facilities within the district as
3801 determined by the Florida Inventory of School Houses; the
3802 district's pattern of student growth; the district's existing
3803 and projected capital outlay full-time equivalent student
3804 enrollment as determined by the department; the district's
3805 existing satisfactory student stations; the use of all existing
3806 district property and facilities; grade level configurations;
3807 and any other information that may affect the need for the
3808 proposed project.

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3809 2. The construction project must be recommended in the
3810 most recent survey or surveys by the district under the rules of
3811 the State Board of Education.

3812 3. The construction project must appear on the district's
3813 approved project priority list under the rules of the State
3814 Board of Education.

3815 4. The district must have selected and had approved a site
3816 for the construction project in compliance with s. 1013.36 and
3817 the rules of the State Board of Education.

3818 5. The district shall have developed a district school
3819 board adopted list of facilities that do not exceed the norm for
3820 net square feet occupancy requirements under the State
3821 Requirements for Educational Facilities, using all possible
3822 programmatic combinations for multiple use of space to obtain
3823 maximum daily use of all spaces within the facility under
3824 consideration.

3825 6. Upon construction, the total cost per student station,
3826 including change orders, must not exceed the cost per student
3827 station as provided in subsection (6).

3828 7. There shall be an agreement signed by the district
3829 school board stating that it will advertise for bids within 30
3830 days of receipt of its encumbrance authorization from the
3831 department.

3832 8. The district shall, at the time of the request and for
3833 a continuing period of 3 years, levy the maximum millage against
3834 their nonexempt assessed property value as allowed in s.
3835 1011.71(2) or shall raise an equivalent amount of revenue from

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3836 the school capital outlay surtax authorized under s. 212.055(6).
3837 Any district with a new or active project, funded under the
3838 provisions of this subsection, shall be required to budget no
3839 more than the value of 1.5 mills per year to the project to
3840 satisfy the annual participation requirement in the Special
3841 Facility Construction Account.

3842 9. If a contract has not been signed 90 days after the
3843 advertising of bids, the funding for the specific project shall
3844 revert to the Special Facility New Construction Account to be
3845 reallocated to other projects on the list. However, an
3846 additional 90 days may be granted by the commissioner.

3847 10. The department shall certify the inability of the
3848 district to fund the survey-recommended project over a
3849 continuous 3-year period using projected capital outlay revenue
3850 derived from s. 9(d), Art. XII of the State Constitution, as
3851 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

3852 11. The district shall have on file with the department an
3853 adopted resolution acknowledging its 3-year commitment of all
3854 unencumbered and future revenue acquired from s. 9(d), Art. XII
3855 of the State Constitution, as amended, paragraph (3)(a) of this
3856 section, and s. 1011.71(2).

3857 12. Final phase III plans must be certified by the board
3858 as complete and in compliance with the building and life safety
3859 codes prior to August 1.

3860 (b) The department shall establish, as a part of the
3861 Public Education Capital Outlay and Debt Service Trust Fund, a
3862 separate account, in an amount determined by the Legislature, to

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3863 be known as the "High Growth County Facility Construction
3864 Account." The account shall be used to provide necessary
3865 construction funds to high growth school districts which have
3866 urgent construction needs, but which lack sufficient resources
3867 at present and cannot reasonably anticipate sufficient resources
3868 within the period of the next 3 years, for these purposes from
3869 currently authorized sources of capital outlay revenue and local
3870 sources. A school district requesting funding from the account
3871 shall submit one specific construction project, not to exceed
3872 one complete educational plant, to the Special Facility
3873 Construction Committee. No district shall receive funding for
3874 more than one approved project in any 2-year period, provided
3875 that any grants received under this paragraph must be fully
3876 expended in order for a district to apply for additional funding
3877 under this paragraph and all Classrooms First funds have been
3878 allocated and expended by the district. The first year of the 2-
3879 year period shall be the first year a district receives an
3880 appropriation. The request must meet the following criteria to
3881 be considered by the committee:

3882 1. The project must be deemed a critical need and must be
3883 recommended for funding by the Special Facility Construction
3884 Committee. Prior to developing plans for the proposed facility,
3885 the district school board must request a preapplication review
3886 by the Special Facility Construction Committee or a project
3887 review subcommittee convened by the committee to include two
3888 representatives of the department and two staff from school
3889 districts not eligible to participate in the program. Within 60

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3890 days after receiving the preapplication review request, the
3891 committee or subcommittee must meet in the school district to
3892 review the project proposal and existing facilities. To
3893 determine whether the proposed project is a critical need, the
3894 committee or subcommittee shall consider, at a minimum, the
3895 capacity of all existing facilities within the district as
3896 determined by the Florida Inventory of School Houses; the
3897 district's pattern of student growth with priority given to
3898 those districts that have equaled or exceeded twice the
3899 statewide average in growth in capital outlay full-time
3900 equivalent students over the previous 4 fiscal years; the
3901 district's existing and projected capital outlay full-time
3902 equivalent student enrollment as determined by the department
3903 with priority given to these districts with 20,000 or more
3904 capital outlay full-time equivalent students; the district's
3905 existing satisfactory student stations; the use of all existing
3906 district property and facilities; grade level configurations;
3907 and any other information that may affect the need for the
3908 proposed project.

3909 2. The construction project must be recommended in the
3910 most recent survey or surveys by the district under the rules of
3911 the State Board of Education.

3912 3. The construction project includes either a recreational
3913 facility or media center that will be jointly used with a local
3914 government.

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3915 4. The construction project must appear on the district's
3916 approved project priority list under the rules of the State
3917 Board of Education.

3918 5. The district must have selected and had approved a site
3919 for the construction project in compliance with the interlocal
3920 agreement with the appropriate local government, s. 1013.36, and
3921 the rules of the State Board of Education.

3922 6. The district shall have developed a district school
3923 board adopted list of facilities that do not exceed the norm for
3924 net square feet occupancy requirements under the state
3925 requirements for educational facilities, using all possible
3926 programmatic combinations for multiple use of space to obtain
3927 maximum daily use of all spaces within the facility under
3928 consideration.

3929 7. Upon construction, the total cost per student station,
3930 including change orders, must not exceed the cost per student
3931 station as provided in subsection (6).

3932 8. There shall be an agreement signed by the district
3933 school board stating that it will advertise for bids within 30
3934 days after receipt of its encumbrance authorization from the
3935 department.

3936 9. If a contract has not been signed 90 days after the
3937 advertising of bids, the funding for the specific project shall
3938 revert to the Special Facility Construction Account to be
3939 reallocated to other projects on the list. However, an
3940 additional 90 days may be granted by the commissioner.

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3941 10. Final phase III plans must be certified by the board
3942 as complete and in compliance with the building and life safety
3943 codes prior to August 1.

3944 (c)(b) The Special Facility Construction Committee shall
3945 be composed of the following: two representatives of the
3946 Department of Education, a representative from the Governor's
3947 office, a representative selected annually by the district
3948 school boards, and a representative selected annually by the
3949 superintendents.

3950 (d)(e) The committee shall review the requests submitted
3951 from the districts, evaluate the ability of the project to
3952 relieve critical needs, and rank the requests in priority order.
3953 This statewide priority list for special facilities construction
3954 shall be submitted to the Legislature in the commissioner's
3955 annual capital outlay legislative budget request at least 45
3956 days prior to the legislative session. For the initial year of
3957 the funding of the program outlined in paragraph (b), the
3958 Special Facility Construction Committee shall authorize the
3959 disbursement of funds appropriated by the Legislature for the
3960 purposes of the program funded by the High Growth County
3961 Facility Construction Account created in paragraph (b).

3962 Section 30. School Concurrency Task Force.—

3963 (1) The School Concurrency Task Force is created to review
3964 the requirements for school concurrency in law and make
3965 recommendations regarding streamlining the process and
3966 procedures for establishing school concurrency. The task force
3967 shall also examine the methodology and processes used for the

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3968 funding of construction of public schools and make
3969 recommendations on revisions to provisions of law and rules
3970 which will help ensure that schools are built and available when
3971 the expected demands of growth produce the need for new school
3972 facilities.

3973 (2) The task force shall be composed of 11 members. The
3974 membership must represent local governments, school boards,
3975 developers and homebuilders, the business community, and other
3976 appropriate stakeholders. The task force shall include two
3977 members appointed by the Governor, two members appointed by the
3978 President of the Senate, two members appointed by the Speaker of
3979 the House of Representatives, one member appointed by the
3980 Florida School Boards Association, one member appointed by the
3981 Florida Association of Counties, and one member appointed by the
3982 Florida League of Cities. The Secretary of the Department of
3983 Community Affairs, or a senior management designee, and the
3984 Commissioner of Education, or a senior management designee,
3985 shall also be ex officio nonvoting members on the task force.

3986 (3) The task force shall report to the Governor, the
3987 President of the Senate, and the Speaker of the House of
3988 Representatives no later than December 1, 2005, with specific
3989 recommendations for revisions to provisions of law and rules.

3990 Section 31. Section 163.31776, Florida Statutes, is
3991 repealed.

3992 Section 32. Beginning in fiscal year 2005-2006, the
3993 Department of Transportation shall allocate sufficient funds to
3994 implement the transportation provisions of the Sustainable

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3995 Florida Act of 2005. The department shall develop a plan to
3996 expend these revenues and amend the current tentative work
3997 program for the time period 2005-2006. In addition, prior to
3998 work program adoption, the department shall submit a budget
3999 amendment pursuant to s. 339.135(7), Florida Statutes. The
4000 department shall provide a report to the President of the Senate
4001 and the Speaker of the House of Representative by February 1,
4002 2006, identifying the program adjustments it has made consistent
4003 with the provisions of the Sustainable Florida Transportation
4004 Program.

4005 Section 33. Effective July 1, 2005, the sum of \$433.25
4006 million from non-recurring General Revenue is appropriated to
4007 the State Transportation Trust Fund in the Department of
4008 Transportation to be allocated as follows:

4009 (1) The sum of \$100 million for the State-funded
4010 Infrastructure Bank pursuant to s. 339.55, Florida Statutes, to
4011 be available as loans for local government projects consistent
4012 with the provisions of the Transportation Incentive Program for
4013 a Sustainable Florida

4014 (2) The sum of \$333.25 million for Transportation
4015 Incentive Program for a Sustainable Florida pursuant to s.
4016 339.28171, Florida Statutes.

4017 Section 34. Funding for Sustainable Water
4018 Supplies.--Effective July 1, 2005, the sum of \$100 million from
4019 recurring general revenue for distribution pursuant to s.
4020 373.19615, Florida Statutes. The sum of \$50 million from
4021 nonrecurring general revenue is appropriated to the Department

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4022 of Environmental Protection for distribution pursuant to s.
4023 373.19616, Florida Statutes.

4024 Section 35. Funding for Sustainable Schools.--In order to
4025 provide for innovative approaches to meet school capacity
4026 demands, effective July 1, 2005, the sum of \$80 million is
4027 transferred from recurring general revenue to the Public
4028 Education Capital Outlay and Debt Service Trust Fund in the
4029 Department of Education to be used as follows:

4030 (1) The sum of \$35 million from recurring funds in the
4031 Public Education Capital Outlay and Debt Service Trust Fund
4032 shall be used for the Charter School Incentive Program for
4033 Sustainable Schools created pursuant to section 1013.352,
4034 Florida Statutes.

4035 (2) The sum of \$15 million from recurring funds in the
4036 Public Education Capital Outlay and Debt Service Trust Fund
4037 shall be used for educational facilities benefit districts as
4038 provided in s. 1013.356(3), Florida Statutes, as follows: for
4039 construction and capital maintenance costs not covered by the
4040 funds provided under s. 1013.356(1), Florida Statutes, in fiscal
4041 year 2005-2006, an amount contributed by the state equal to 25
4042 percent of the remaining costs of construction and capital
4043 maintenance of the educational facilities, up to \$2 million. Any
4044 construction costs above the cost-per-student criteria
4045 established for the SIT Program in s. 1013.72(2), Florida
4046 Statutes, shall be funded exclusively by the educational
4047 facilities benefit district or the community development
4048 district. Funds contributed by a district school board shall not

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4049 be used to fund operational costs. Funds not committed by March
4050 31, 2006, revert to the Charter School Incentive Program for
4051 Sustainable Schools created pursuant to s. 1013.352, Florida
4052 Statutes.

4053 (3) The sum of \$30 million from recurring funds in the
4054 Public Education Capital Outlay and Debt Service Trust Fund
4055 shall be transferred annually from the Public Education Capital
4056 Outlay and Debt Service Trust Fund to the High Growth County
4057 Facility Construction Account.

4058
4059 Notwithstanding the requirements of ss. 1013.64 and 1013.65,
4060 Florida Statutes, these moneys may not be distributes as part of
4061 the comprehensive plan for the Public Education Capital Outlay
4062 and Debt Service Trust Fund.

4063 Section 36. (1) Effective July 1, 2005, the sum of
4064 \$85,618,291 is appropriated from nonrecurring general revenue
4065 for the Classrooms for Kids Program pursuant to s. 1013.735,
4066 Florida Statutes.

4067 (2) Effective July 1 2005, the sum of \$246,131,709 is
4068 appropriated from nonrecurring general revenue to assist school
4069 districts in meeting the school concurrency provisions under
4070 this act. Such funds shall be distributed to school districts
4071 under the formula pursuant to s. 1013.735(1), Florida Statutes

4072 Section 37. Statewide Technical Assistance for a
4073 Sustainable Florida.--In order to assist local governments and
4074 school boards to implement the provisions of this act, effective
4075 July 1, 2005, the sum of \$3 million is appropriated from

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4076 recurring general revenue to the Department of Community
4077 Affairs. The department shall provide a report to the Governor,
4078 the President of the Senate, and the Speaker of the House of
4079 Representatives by February 1, 2006, on the progress made toward
4080 implementing this act and a recommendation of whether additional
4081 funds should be appropriated to provide additional technical
4082 assistance to implement this act.

4083 Section 38. Effective July 1, 2005, the sum of \$250,000 is
4084 appropriated from recurring general revenue to the Department of
4085 Community Affairs to provide the necessary staff and other
4086 assistance to the Century Commission for a Sustainable Florida
4087 required by section 11.

4088 Section 39. This act shall take effect July 1, 2005.

4089
4090 ===== T I T L E A M E N D M E N T =====

4091 Remove the entire title and insert:

4092 A bill to be entitled

4093 An act relating to growth management incentives; providing
4094 a popular name; amending s. 163.3164, F.S.; revising a
4095 definition to conform; defining the term "financial
4096 feasibility"; creating s. 163.3172, F.S.; providing
4097 legislative determinations; limiting the effect of certain
4098 charter county charter provisions, ordinances, or land
4099 development regulations relating to urban infill and
4100 redevelopment under certain circumstances; requiring a
4101 referendum; providing referendum requirements; amending s.
4102 163.3177, F.S.; revising criteria for the capital

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Amendment No. (for drafter's use only)

4103 improvements element of comprehensive plans; providing for
4104 subjecting certain local governments to sanctions by the
4105 Administration Commission under certain circumstances;
4106 deleting obsolete provisions; requiring local governments
4107 to adopt a transportation concurrency management system by
4108 ordinance; requiring inclusion of alternative water supply
4109 projects; providing a methodology requirement; requiring
4110 the Department of Transportation to develop a model
4111 transportation concurrency management ordinance;
4112 specifying ordinance assessment authority; providing
4113 additional requirements for a general water element of
4114 comprehensive plans; revising public educational
4115 facilities element requirements; revising requirements for
4116 rural land stewardship areas; exempting rural land
4117 stewardship areas from developments of regional impact
4118 provisions; requiring counties and municipalities to adopt
4119 consistent public school facilities and enter into certain
4120 interlocal agreements; authorizing the state land planning
4121 agency to grant waivers under certain circumstances;
4122 providing additional requirements for public school
4123 facilities elements of comprehensive plans; requiring the
4124 state land planning agency to adopt phased schedules for
4125 adopting a public school facilities element; providing
4126 requirements; providing requirements; providing conditions
4127 for prohibiting local governments from certain adopting
4128 amendments to the comprehensive plan; authorizing the
4129 state land planning agency to issue schools certain show

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4130 cause notices for certain purposes; providing for imposing
4131 sanctions on a school board under certain circumstances;
4132 providing requirements; encouraging local governments to
4133 develop a community vision for certain purposes; providing
4134 for assistance by regional planning councils; providing
4135 for local government designation of urban service
4136 boundaries; providing requirements; amending s. 163.31777,
4137 F.S.; applying public schools interlocal agreement
4138 provisions to school boards and nonexempt municipalities;
4139 deleting a scheduling requirement for public schools
4140 interlocal agreements; providing additional requirements
4141 for updates and amendments to such interlocal agreements;
4142 revising procedures for public school elements
4143 implementing school concurrency; revising exemption
4144 criteria for certain municipalities; amending s. 163.3180,
4145 F.S.; including schools and water supplies under
4146 concurrency provisions; revising a transportation
4147 facilities scheduling requirement; requiring local
4148 governments and the Department of Transportation to
4149 cooperatively establish a plan for maintaining certain
4150 level-of-service standards for certain facilities within
4151 certain areas; requiring local governments to consult with
4152 the department to make certain impact assessments relating
4153 to concurrency management areas and multimodal
4154 transportation districts; revising criteria for local
4155 government authorization to grant exceptions from
4156 concurrency requirements for transportation facilities;

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4157 providing for waiving certain transportation facilities
4158 concurrency requirements for certain projects under
4159 certain circumstances; providing criteria and
4160 requirements; revising provisions authorizing local
4161 governments to adopt long-term transportation management
4162 systems to include long-term school concurrency management
4163 systems; revising requirements; requiring periodic
4164 evaluation of long-term concurrency systems; providing
4165 criteria; revising requirements for roadway facilities on
4166 the Strategic Intermodal System; providing additional
4167 level-of-service standards requirements; revising
4168 requirements for developing school concurrency; requiring
4169 adoption of a public school facilities element for
4170 effectiveness of a school concurrency requirement;
4171 providing an exception; revising service area requirements
4172 for concurrency systems; requiring local governments to
4173 apply school concurrency on a less than districtwide basis
4174 under certain circumstances for certain purposes; revising
4175 provisions prohibiting a local government from denying a
4176 development order or a functional equivalent authorizing
4177 residential developments under certain circumstances;
4178 specifying conditions for satisfaction of school
4179 concurrency requirements by a developer; providing for
4180 mediation of disputes; specifying options for
4181 proportionate-share mitigation of impacts on public school
4182 facilities; providing criteria and requirements; providing
4183 legislative intent relating to mitigation of impacts of

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4184 development on transportation facilities; authorizing
4185 local governments to create mitigation banks for
4186 transportation facilities for certain purposes; providing
4187 requirements; specifying conditions for satisfaction of
4188 transportation facilities concurrency by a developer;
4189 providing for mitigation; providing for mediation of
4190 disputes; providing criteria for transportation mitigation
4191 contributions; providing for enforceable development
4192 agreements for certain projects; specifying conditions for
4193 satisfaction of concurrency requirements of a local
4194 comprehensive plan by a development; amending s. 163.3184,
4195 F.S.; correcting cross references; authorizing instead of
4196 requiring the state land planning agency to review plan
4197 amendments; amending s. 163.3187, F.S.; providing
4198 additional criteria for small scale amendments to adopted
4199 comprehensive plans; providing an additional exception to
4200 a limitation on amending an adopted comprehensive plan by
4201 certain municipalities; providing procedures and
4202 requirements; providing for notice and public hearings;
4203 correcting a cross reference; providing for
4204 nonapplication; amending s. 163.3191, F.S.; revising
4205 requirements for evaluation and assessment of the
4206 coordination of a comprehensive plan with certain schools;
4207 providing additional assessment criteria for certain
4208 counties and municipalities; requiring certain counties
4209 and municipalities to adopt appropriate concurrency goals,
4210 objectives, and policies in plan amendments under certain

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4211 | circumstances; revising reporting requirements for
4212 | evaluation and assessment of water supply sources;
4213 | providing for a prohibition on plan amendments for failure
4214 | to timely adopt updating comprehensive plan amendments;
4215 | creating s. 163.3247, F.S.; providing a popular name;
4216 | providing legislative findings and intent; creating the
4217 | Century Commission for a Sustainable Florida for certain
4218 | purposes; providing for appointment of commission members;
4219 | providing for terms; providing for meetings and votes of
4220 | members; requiring members to serve without compensation;
4221 | providing for per diem and travel expenses; providing
4222 | powers and duties of the commission; requiring the
4223 | creation of a joint select committee of the Legislature;
4224 | providing purposes; requiring the Secretary of Community
4225 | Affairs to select an executive director of the commission;
4226 | requiring the Department of Community Affairs to provide
4227 | staff for the commission; providing for other agency staff
4228 | support for the commission; amending s. 201.15, F.S.;
4229 | providing for an alternative distribution to the State
4230 | Transportation Trust Fund of certain revenues from the
4231 | excise tax on documents remaining after certain prior
4232 | distributions; amending s. 215.211, F.S.; providing for
4233 | deposit of certain service charge revenues into the State
4234 | Transportation Trust Fund to be used for certain purposes;
4235 | amending ss. 337.107 and 337.11, F.S.; revising
4236 | authorization for the Department of Transportation to
4237 | contract for right-of-way services; providing additional

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4238 requirements; amending s. 339.08, F.S.; specifying an
4239 additional use for moneys in the State Transportation
4240 Trust Fund; amending s. 339.135, F.S.; revising provisions
4241 relating to funding and developing a tentative work
4242 program; amending s. 339.155, F.S.; providing additional
4243 requirements for development of regional transportation
4244 plans in certain areas pursuant to interlocal agreements;
4245 requiring the department to develop a model interlocal
4246 agreement; providing requirements; amending s. 339.175,
4247 F.S.; revising requirements for metropolitan planning
4248 organizations and transportation improvement programs;
4249 creating s. 339.28171, F.S.; creating the Transportation
4250 Incentive Program for a Sustainable Florida; providing
4251 program requirements; requiring the Department of
4252 Transportation to develop criteria to assist local
4253 governments in evaluating concurrency management system
4254 backlogs; specifying criteria requirements; providing
4255 requirements for local governments; specifying percentages
4256 and requirements for apportioning matching funds among
4257 grant applicants; authorizing the department to administer
4258 contracts as requested by local governments; amending s.
4259 339.2818, F.S.; revising criteria and requirement for the
4260 Small County Outreach Program to conform; creating s.
4261 339.2820, F.S.; creating the Off-System Bridge Program for
4262 Sustainable Transportation within the Department of
4263 Transportation for certain purposes; providing for funding
4264 certain project costs; requiring the department to

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4265 allocate funding for the program for certain projects;
4266 specifying criteria for projects to be funded from the
4267 program; amending s. 339.55, F.S.; revising funding
4268 authorization for the state-funded infrastructure bank ;
4269 creating s. 373.19615, F.S.; creating the Florida's
4270 Sustainable Water Supplies Program; providing funding
4271 requirements for local government development of
4272 alternative water supply projects; providing for
4273 allocation of funds to water management districts;
4274 providing definitions; specifying factors to consider in
4275 funding certain projects; providing funding requirements;
4276 requiring the Department of Environmental Protection to
4277 establish factors for granting financial assistance to
4278 eligible projects; creating s. 373.19616, F.S.; creating
4279 the Water Transition Assistance Program to establish a
4280 low-interest revolving loan program for infrastructure
4281 financing for alternative water supplies; providing
4282 legislative declarations; providing definitions;
4283 authorizing the Department of Environmental Protection to
4284 make loans to local governments for certain purposes;
4285 authorizing local governments to borrow funds and pledge
4286 revenues for repayment; providing loan limitations;
4287 authorizing the department to adopt certain rules;
4288 requiring the department to prepare an annual report on
4289 such financial assistance; providing loan approval
4290 requirements for local governments; authorizing the
4291 department to conduct or require audits; authorizing the

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4292 department to require reasonable loan service fees;
4293 providing limitations; providing requirements for
4294 financial assistance funding; providing for enforcement of
4295 loan defaults; authorizing the department to impose
4296 penalties for delinquent loan payments; authoriaing the
4297 department to terminate financial assistance agreements
4298 under certain circumstances; amending s. 373.223, F.S.;
4299 providing a presumption of consistency for certain
4300 alternative water supply uses; amending s. 380.06, F.S.;
4301 providing additional exemptions from development of
4302 regional impact provisions for certain projects in
4303 proposed developments or redevelopments within an area
4304 designated in a comprehensive plan and for proposed
4305 developments within certain rural land stewardship areas;
4306 amending s. 380.115, F.S.; revising provisions relating to
4307 preserving vested rights and duties under development of
4308 regional impact guidelines and standards; revising
4309 procedures and requirements for governance and rescission
4310 of development-of-regional-impact development orders under
4311 changing guidelines and standards; requiring the Office of
4312 Program Policy Analysis and Government Accountability to
4313 conduct a study on adjustments to boundaries of regional
4314 planning councils, water management districts, and
4315 transportation districts; providing purposes; requiring a
4316 study report to the Governor and Legislature; amending s.
4317 1013.33, F.S.; revising provisions relating to
4318 coordination of educational facilities planning pursuant

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4319 to certain interlocal agreements; revising procedures and
4320 requirements for updated agreements and agreement
4321 amendments; creating s. 1013.352, F.S.; creating a Charter
4322 School Incentive Program for Sustainable Schools;
4323 providing purposes; specifying conditions for eligibility
4324 for state funds; authorizing the Commissioner of Education
4325 to waive certain requirements and distribute certain funds
4326 to charter schools under certain circumstances;
4327 prohibiting the commissioner from distributing funds to
4328 certain schools under certain circumstances; providing for
4329 ineligibility of certain schools for charter school outlay
4330 funding under certain circumstances; amending s. 1013.64,
4331 F.S.; requiring the Department of Education to establish a
4332 the High Growth County Facility Construction Account as a
4333 separate account within the Public Education Capital
4334 Outlay and Debt Service Trust Fund for certain purposes;
4335 specifying requirements for funding from the account;
4336 creating the School Concurrency Task Force; providing
4337 purposes; providing for membership; requiring a report to
4338 the Governor and Legislature; repealing s. 163.31776,
4339 F.S., relating to the public educational facilities
4340 element; requiring the Department of Transportation to
4341 allocate sufficient funds so implement the transportation
4342 provisions of the act; requiring the department to develop
4343 a plan to expend revenues and amend the current work
4344 program; requiring the department to submit a budget
4345 amendment for certain purposes; requiring a report to the

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4346 Legislature; providing for funding for sustainable water
4347 supplies; providing an appropriation; providing for
4348 allocation of the appropriation; specifying uses of
4349 appropriations; providing for funding for sustainable
4350 schools; providing an appropriation; providing for
4351 allocation of the appropriation; specifying uses of the
4352 appropriation; providing for Statewide Technical
4353 Assistance for a Sustainable Florida; providing an
4354 appropriation; specifying uses; requiring the Department
4355 of Community Affairs to report to the Governor and
4356 Legislature; specifying report requirements; providing an
4357 appropriation to the Department of Community Affairs for
4358 certain staffing purposes; providing an effective date.

4359
4360 WHEREAS, the Legislature finds and declares that the
4361 state's population has increased by approximately 3 million
4362 individuals each decade since 1970 to nearly 16 million
4363 individuals in 2000, and

4364 WHEREAS, increased populations have resulted in greater
4365 density concentrations in many areas around the state and
4366 created growth issues that increasingly overlap multiple local
4367 government jurisdictional and state agency district boundaries,
4368 and

4369 WHEREAS, development patterns throughout areas of the
4370 state, in conjunction with the implementation of growth
4371 management policies, have increasingly caused urban flight which
4372 has resulted in urban sprawl and cause capacity issues related

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4373 to transportation facilities, public educational facilities, and
4374 water supply facilities, and

4375 WHEREAS, the Legislature recognizes that urban infill and
4376 redevelopment is a high state priority, and

4377 WHEREAS, consequently, the Legislature determines it in the
4378 best interests of the people of the state to undertake action to
4379 address these issues and work towards a sustainable Florida
4380 where facilities are planned and available concurrent with
4381 existing and projected demands while protecting Florida's
4382 natural and environmental resources, rural and agricultural
4383 resources, and maintaining a viable and sustainable economy, and

4384 WHEREAS, the Legislature enacts measures in the law and
4385 earmarks funds for the 2005-2006 fiscal year intended to result
4386 in a reemphasis on urban infill and redevelopment, achieving and
4387 maintaining concurrency with transportation and public
4388 educational facilities, and instilling a sense of
4389 intergovernmental cooperation and coordination, and

4390 WHEREAS, the Legislature will establish a standing
4391 commission tasked with helping Floridians envision and plan
4392 their collective future with an eye towards both 25-year and 50-
4393 year horizons, NOW, THEREFORE,

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