

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 (574291) (with title**  
4 **amendment)**

5 Remove everything after the enacting clause, and insert:

6 Remove everything after the enacting clause and insert:

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

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

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

13 (32) "Financial feasibility" means sufficient revenues are  
14 currently available or will be available from committed or  
15 planned funding sources available for financing capital

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

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

25 163.3172 Urban infill and redevelopment.--In recognition  
26 that urban infill and redevelopment is a high state priority,  
27 the Legislature determines that local governments should not  
28 adopt charter provisions, ordinances, or land development  
29 regulations that discourage this state priority, unless the  
30 charter provisions, ordinances, or land development regulations  
31 are to limit impacts to coastal high-hazard areas, historic  
32 districts, or aviation operations. Higher density urban  
33 development is appropriate in urban areas and should be  
34 encouraged in such areas. Conversely, it is appropriate to  
35 discourage greater height and density as a development form in  
36 areas outside the urban area where such development forms are  
37 incompatible with existing land uses. Notwithstanding chapters  
38 125 and s. 163.3171, any existing or future charter county  
39 charter provision, ordinance, land development regulation, or  
40 countywide special act that governs the use, development, or  
41 redevelopment of land shall not be effective within any  
42 municipality of the county unless the charter provision,

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43 ordinance, land development regulation, or countywide special  
44 act is approved by a majority vote of the municipality's  
45 governing board or is approved by a majority vote of the  
46 county's governing board for placement on the ballot as a  
47 countywide referendum and:

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

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

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

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70 between a countywide ordinance and a municipal ordinance within  
71 a charter county that regulates expressive conduct, the more  
72 restrictive ordinance shall govern. However, this section shall  
73 not apply within any areas of critical state concern designated  
74 pursuant to s. 380.05-380.0555, any unit of local government  
75 that is consolidated as provided by s. 9, Art. VIII of the State  
76 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
77 State Constitution of 1968, which is granted the authority in  
78 the State Constitution to exercise all the powers of a municipal  
79 corporation, any unit of local government operating under a home  
80 rule charter adopted pursuant to s. 11, Art. VIII of the State  
81 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
82 State Constitution of 1968, which is granted the authority in  
83 the State Constitution to exercise all the powers conferred now  
84 or hereafter by general law upon municipalities, or within any  
85 government consolidated pursuant to s. 3 of Art. VIII.

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

90 163.3177 Required and optional elements of comprehensive  
91 plan; studies and surveys.--

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

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96 1. A component which outlines principles for construction,  
97 extension, or increase in capacity of public facilities, as well  
98 as a component which outlines principles for correcting existing  
99 public facility deficiencies, which are necessary to implement  
100 the comprehensive plan. The components shall cover at least a 5-  
101 year period.

102 2. Estimated public facility costs, including a  
103 delineation of when facilities will be needed, the general  
104 location of the facilities, and projected revenue sources to  
105 fund the facilities.

106 3. Standards to ensure the availability of public  
107 facilities and the adequacy of those facilities including  
108 acceptable levels of service.

109 4. Standards for the management of debt.

110 5. A schedule of capital improvements which includes  
111 publicly funded projects and which may include privately funded  
112 projects.

113 6. The schedule of transportation improvements included in  
114 the applicable metropolitan planning organization's  
115 transportation improvement program adopted pursuant to s.  
116 339.175(7) to the extent that such improvements are relied upon  
117 to ensure concurrency and financial feasibility. The schedule  
118 must also be coordinated with the applicable metropolitan  
119 planning organization's long-range transportation plan adopted  
120 pursuant to s. 339.175(6).

121 (b)1. The capital improvements element shall be reviewed  
122 on an annual basis and modified as necessary in accordance with

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123 s. 163.3187 or s. 163.3189 in order to maintain a financially  
124 feasible 5-year schedule of capital improvements.~~, except that~~  
125 ~~Corrections, updates,~~ and modifications concerning costs,~~+~~  
126 revenue sources, ~~or~~ acceptance of facilities pursuant to  
127 dedications which are consistent with the plan; ~~or the date of~~  
128 ~~construction~~ of any facility enumerated in the capital  
129 improvements schedule element may be accomplished by ordinance  
130 and shall not be deemed to be amendments to the local  
131 comprehensive plan. A copy of the ordinance shall be transmitted  
132 to the state land planning agency. All public facilities shall  
133 be consistent with the capital improvements element. Amendments  
134 to implement this section must be adopted and transmitted no  
135 later than December 1, 2007. Thereafter, a local government may  
136 not amend its future land use map, except for plan amendments to  
137 meet new requirements under this part and emergency amendments  
138 pursuant to s. 163.3187(1)(a), after December 1, 2007, and every  
139 year thereafter until the local government has adopted the  
140 annual update and the annual update has been transmitted to the  
141 state land planning agency.

142 2. Capital improvements element amendments adopted after  
143 the effective date of this act shall require only a single  
144 public hearing before the governing board which shall be an  
145 adoption hearing as described in s. 163.3184(7). Such amendments  
146 are not subject to the requirements of s. 163.3184(3)-(6).  
147 Amendments to the 5-year schedule of capital improvements  
148 adopted after the effective date of this act shall not be  
149 subject to challenge by an affected party. If the department

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150 finds an amendment pursuant to this subparagraph not in  
151 compliance, the local government may challenge that  
152 determination pursuant to s. 163.3184(10).

153 (c) If the local government does not adopt the required  
154 annual update to the schedule of capital improvements or the  
155 annual update is found not in compliance, the state land  
156 planning agency shall notify the Administration Commission. A  
157 local government that has a demonstrated lack of commitment to  
158 meeting its obligations identified in the capital improvement  
159 element may be subject to sanctions by the Administration  
160 Commission pursuant to s. 163.3184(11).

161 (d) If a local government adopts a long-term concurrency  
162 management system pursuant to s. 163.3180(9), the local  
163 government shall also adopt a long-term capital improvements  
164 schedule covering up to a 10-year or 15-year period and shall  
165 update the long-term schedule annually. The long-term schedule  
166 of capital improvements must be financially feasible.

167 (6) In addition to the requirements of subsections (1)-  
168 (5), the comprehensive plan shall include the following  
169 elements:

170 (a) A future land use plan element designating proposed  
171 future general distribution, location, and extent of the uses of  
172 land for residential uses, commercial uses, industry,  
173 agriculture, recreation, conservation, education, public  
174 buildings and grounds, other public facilities, and other  
175 categories of the public and private uses of land. Counties are  
176 encouraged to designate rural land stewardship areas, pursuant

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177 to the provisions of paragraph (11)(d), as overlays on the  
178 future land use map. Each future land use category must be  
179 defined in terms of uses included, and must include standards to  
180 be followed in the control and distribution of population  
181 densities and building and structure intensities. The proposed  
182 distribution, location, and extent of the various categories of  
183 land use shall be shown on a land use map or map series which  
184 shall be supplemented by goals, policies, and measurable  
185 objectives. The future land use plan shall be based upon  
186 surveys, studies, and data regarding the area, including the  
187 amount of land required to accommodate anticipated growth; the  
188 projected population of the area; the character of undeveloped  
189 land; the availability of water supplies, public facilities, and  
190 services; the need for redevelopment, including the renewal of  
191 blighted areas and the elimination of nonconforming uses which  
192 are inconsistent with the character of the community; the  
193 compatibility of uses on lands adjacent to or closely proximate  
194 to military installations; and, in rural communities, the need  
195 for job creation, capital investment, and economic development  
196 that will strengthen and diversify the community's economy. The  
197 future land use plan may designate areas for future planned  
198 development use involving combinations of types of uses for  
199 which special regulations may be necessary to ensure development  
200 in accord with the principles and standards of the comprehensive  
201 plan and this act. The future land use plan element shall  
202 include criteria to be used to achieve the compatibility of  
203 adjacent or closely proximate lands with military installations.

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HOUSE AMENDMENT

Bill No. HB 1865

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204 In addition, for rural communities, the amount of land  
205 designated for future planned industrial use shall be based upon  
206 surveys and studies that reflect the need for job creation,  
207 capital investment, and the necessity to strengthen and  
208 diversify the local economies, and shall not be limited solely  
209 by the projected population of the rural community. The future  
210 land use plan of a county may also designate areas for possible  
211 future municipal incorporation. The land use maps or map series  
212 shall generally identify and depict historic district boundaries  
213 and shall designate historically significant properties meriting  
214 protection. The future land use element must clearly identify  
215 the land use categories in which public schools are an allowable  
216 use. When delineating the land use categories in which public  
217 schools are an allowable use, a local government shall include  
218 in the categories sufficient land proximate to residential  
219 development to meet the projected needs for schools in  
220 coordination with public school boards and may establish  
221 differing criteria for schools of different type or size. Each  
222 local government shall include lands contiguous to existing  
223 school sites, to the maximum extent possible, within the land  
224 use categories in which public schools are an allowable use. ~~All~~  
225 ~~comprehensive plans must comply with the school siting~~  
226 ~~requirements of this paragraph no later than October 1, 1999.~~  
227 ~~The failure by a local government to comply with these school~~  
228 ~~siting requirements by October 1, 1999, will result in the~~  
229 ~~prohibition of the local government's ability to amend the local~~  
230 ~~comprehensive plan, except for plan amendments described in s.~~

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231 ~~163.3187(1)(b), until the school siting requirements are met.~~  
232 Amendments proposed by a local government for purposes of  
233 identifying the land use categories in which public schools are  
234 an allowable use ~~or for adopting or amending the school siting~~  
235 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation  
236 on the frequency of plan amendments contained in s. 163.3187.  
237 The future land use element shall include criteria that  
238 encourage the location of schools proximate to urban residential  
239 areas to the extent possible and shall require that the local  
240 government seek to collocate public facilities, such as parks,  
241 libraries, and community centers, with schools to the extent  
242 possible and to encourage the use of elementary schools as focal  
243 points for neighborhoods. For schools serving predominantly  
244 rural counties, defined as a county with a population of 100,000  
245 or fewer, an agricultural land use category shall be eligible  
246 for the location of public school facilities if the local  
247 comprehensive plan contains school siting criteria and the  
248 location is consistent with such criteria. Local governments  
249 required to update or amend their comprehensive plan to include  
250 criteria and address compatibility of adjacent or closely  
251 proximate lands with existing military installations in their  
252 future land use plan element shall transmit the update or  
253 amendment to the department by June 30, 2006.

254 (b) A traffic circulation element consisting of the types,  
255 locations, and extent of existing and proposed major  
256 thoroughfares and transportation routes, including bicycle and  
257 pedestrian ways. Transportation corridors, as defined in s.

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258 334.03, may be designated in the traffic circulation element  
259 pursuant to s. 337.273. If the transportation corridors are  
260 designated, the local government may adopt a transportation  
261 corridor management ordinance. By December 1, 2006, each local  
262 government shall adopt by ordinance a transportation concurrency  
263 management system which shall include a methodology for  
264 assessing proportionate share mitigation options. By December 1,  
265 2005, the Department of Transportation shall develop a model  
266 transportation concurrency management ordinance with  
267 methodologies for assessing proportionate share options. The  
268 transportation concurrency management ordinance may assess a  
269 concurrency impact area by districts or systemwide.

270 (c) A general sanitary sewer, solid waste, drainage,  
271 potable water, and natural groundwater aquifer recharge element  
272 correlated to principles and guidelines for future land use,  
273 indicating ways to provide for future potable water, drainage,  
274 sanitary sewer, solid waste, and aquifer recharge protection  
275 requirements for the area. The element may be a detailed  
276 engineering plan including a topographic map depicting areas of  
277 prime groundwater recharge. The element shall describe the  
278 problems and needs and the general facilities that will be  
279 required for solution of the problems and needs. The element  
280 shall also include a topographic map depicting any areas adopted  
281 by a regional water management district as prime groundwater  
282 recharge areas for the Floridan or Biscayne aquifers, pursuant  
283 to s. 373.0395. These areas shall be given special consideration  
284 when the local government is engaged in zoning or considering

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285 future land use for said designated areas. For areas served by  
286 septic tanks, soil surveys shall be provided which indicate the  
287 suitability of soils for septic tanks. Within 18 months after  
288 the governing board approves an updated regional water supply  
289 plan, the local government shall submit a comprehensive plan  
290 amendment that incorporates the alternative water supply  
291 projects selected by the local government from those identified  
292 in the regional supply plan pursuant to s. 373.0361(2)(a) or  
293 proposed by the local government under s. 373.0361, into the  
294 element. If a local government is located within two water  
295 management districts, the local government shall adopt its  
296 comprehensive plan amendment within 18 months after the later  
297 updated ~~By December 1, 2006, The element must consider the~~  
298 ~~appropriate water management district's regional water supply~~  
299 ~~plan approved pursuant to s. 373.0361. The element must identify~~  
300 such alternative water supply projects and traditional water  
301 supply projects and conservation and reuse necessary to meet the  
302 water needs identified in s. 373.0361(2)(a) within the local  
303 government's jurisdiction and include a work plan, covering at  
304 least a 10-year planning period, for building public water  
305 supply facilities, including development of alternative water  
306 supplies that are necessary to meet existing and projected water  
307 use demand over the work planning period. The work plan shall  
308 also describe how the water supply needs will be met over the  
309 course of the planning period from any other providers of water,  
310 if applicable ~~that are identified in the element as necessary to~~  
311 ~~serve existing and new development and for which the local~~

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312 ~~government is responsible.~~ The work plan shall be updated, at a  
313 minimum, every 5 years within 18 ~~12~~ months after the governing  
314 board of a water management district approves an updated  
315 regional water supply plan. Local governments, public and  
316 private utilities, regional water supply authorities, special  
317 districts, and water management districts are encouraged to  
318 cooperatively plan for the development of multijurisdictional  
319 water supply facilities that are sufficient to meet projected  
320 demands for established planning periods, including the  
321 development of alternative water sources to supplement  
322 traditional sources of ground and surface water supplies.

323 Amendments to incorporate the work plan do not count toward the  
324 limitation on the frequency of adoption of amendments to the  
325 comprehensive plan.

326 (h)1. An intergovernmental coordination element showing  
327 relationships and stating principles and guidelines to be used  
328 in the accomplishment of coordination of the adopted  
329 comprehensive plan with the plans of school boards, regional  
330 water supply authorities, and other units of local government  
331 providing services but not having regulatory authority over the  
332 use of land, with the comprehensive plans of adjacent  
333 municipalities, the county, adjacent counties, or the region,  
334 with the state comprehensive plan and with the applicable  
335 regional water supply plan approved pursuant to s. 373.0361, as  
336 the case may require and as such adopted plans or plans in  
337 preparation may exist. This element of the local comprehensive  
338 plan shall demonstrate consideration of the particular effects

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339 of the local plan, when adopted, upon the development of  
340 adjacent municipalities, the county, adjacent counties, or the  
341 region, or upon the state comprehensive plan, as the case may  
342 require.

343 a. The intergovernmental coordination element shall  
344 provide for procedures to identify and implement joint planning  
345 areas, especially for the purpose of annexation, municipal  
346 incorporation, and joint infrastructure service areas.

347 b. The intergovernmental coordination element shall  
348 provide for recognition of campus master plans prepared pursuant  
349 to s. 1013.30.

350 c. The intergovernmental coordination element may provide  
351 for a voluntary dispute resolution process as established  
352 pursuant to s. 186.509 for bringing to closure in a timely  
353 manner intergovernmental disputes. A local government may  
354 develop and use an alternative local dispute resolution process  
355 for this purpose.

356 2. The intergovernmental coordination element shall  
357 further state principles and guidelines to be used in the  
358 accomplishment of coordination of the adopted comprehensive plan  
359 with the plans of school boards and other units of local  
360 government providing facilities and services but not having  
361 regulatory authority over the use of land. In addition, the  
362 intergovernmental coordination element shall describe joint  
363 processes for collaborative planning and decisionmaking on  
364 population projections and public school siting, the location  
365 and extension of public facilities subject to concurrency, and

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366 siting facilities with countywide significance, including  
367 locally unwanted land uses whose nature and identity are  
368 established in an agreement. Within 1 year of adopting their  
369 intergovernmental coordination elements, each county, all the  
370 municipalities within that county, the district school board,  
371 and any unit of local government service providers in that  
372 county shall establish by interlocal or other formal agreement  
373 executed by all affected entities, the joint processes described  
374 in this subparagraph consistent with their adopted  
375 intergovernmental coordination elements.

376 3. To foster coordination between special districts and  
377 local general-purpose governments as local general-purpose  
378 governments implement local comprehensive plans, each  
379 independent special district must submit a public facilities  
380 report to the appropriate local government as required by s.  
381 189.415.

382 4.a. Local governments ~~adopting a public educational~~  
383 ~~facilities element pursuant to s. 163.31776~~ must execute an  
384 interlocal agreement with the district school board, the county,  
385 and nonexempt municipalities pursuant to s. 163.31777, ~~as~~  
386 ~~defined by s. 163.31776(1), which includes the items listed in~~  
387 ~~s. 163.31777(2)~~. The local government shall amend the  
388 intergovernmental coordination element to provide that  
389 coordination between the local government and school board is  
390 pursuant to the agreement and shall state the obligations of the  
391 local government under the agreement.

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

394           5. The state land planning agency shall establish a  
395 schedule for phased completion and transmittal of plan  
396 amendments to implement subparagraphs 1., 2., and 3. from all  
397 jurisdictions so as to accomplish their adoption by December 31,  
398 1999. A local government may complete and transmit its plan  
399 amendments to carry out these provisions prior to the scheduled  
400 date established by the state land planning agency. The plan  
401 amendments are exempt from the provisions of s. 163.3187(1).

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

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

410           b. Identifies any deficits or duplication in the provision  
411 of services within its jurisdiction, whether capital or  
412 operational. Upon request, the Department of Community Affairs  
413 shall provide technical assistance to the local governments in  
414 identifying deficits or duplication.

415           7. Within 6 months after submission of the report, the  
416 Department of Community Affairs shall, through the appropriate  
417 regional planning council, coordinate a meeting of all local  
418 governments within the regional planning area to discuss the

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419 reports and potential strategies to remedy any identified  
420 deficiencies or duplications.

421 8. Each local government shall update its  
422 intergovernmental coordination element based upon the findings  
423 in the report submitted pursuant to subparagraph 6. The report  
424 may be used as supporting data and analysis for the  
425 intergovernmental coordination element.

426 9. By February 1, 2003, representatives of municipalities,  
427 counties, and special districts shall provide to the Legislature  
428 recommended statutory changes for annexation, including any  
429 changes that address the delivery of local government services  
430 in areas planned for annexation.

431 (11)

432 (d)1. The department, in cooperation with the Department  
433 of Agriculture and Consumer Services, the Department of  
434 Environmental Protection, water management districts, and  
435 regional planning councils, shall provide assistance to local  
436 governments in the implementation of this paragraph and rule 9J-  
437 5.006(5)(1), Florida Administrative Code. Implementation of  
438 those provisions shall include a process by which the department  
439 may authorize local governments to designate all or portions of  
440 lands classified in the future land use element as predominantly  
441 agricultural, rural, open, open-rural, or a substantively  
442 equivalent land use, as a rural land stewardship area within  
443 which planning and economic incentives are applied to encourage  
444 the implementation of innovative and flexible planning and  
445 development strategies and creative land use planning

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446 techniques, including those contained herein and in rule 9J-  
447 5.006(5)(1), Florida Administrative Code. Assistance may  
448 include, but is not limited to:

449 a. Assistance from the Department of Environmental  
450 Protection and water management districts in creating the  
451 geographic information systems land cover database and aerial  
452 photogrammetry needed to prepare for a rural land stewardship  
453 area;

454 b. Support for local government implementation of rural  
455 land stewardship concepts by providing information and  
456 assistance to local governments regarding land acquisition  
457 programs that may be used by the local government or landowners  
458 to leverage the protection of greater acreage and maximize the  
459 effectiveness of rural land stewardship areas; and

460 c. Expansion of the role of the Department of Community  
461 Affairs as a resource agency to facilitate establishment of  
462 rural land stewardship areas in smaller rural counties that do  
463 not have the staff or planning budgets to create a rural land  
464 stewardship area.

465 2. The state land planning agency ~~department~~ shall  
466 encourage participation by local governments of different sizes  
467 and rural characteristics in establishing and implementing rural  
468 land stewardship areas. It is the intent of the Legislature that  
469 rural land stewardship areas be used to further the following  
470 broad principles of rural sustainability: restoration and  
471 maintenance of the economic value of rural land; control of  
472 urban sprawl; identification and protection of ecosystems,

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473 habitats, and natural resources; promotion of rural economic  
474 activity; maintenance of the viability of Florida's agricultural  
475 economy; and protection of the character of rural areas of  
476 Florida. Rural land stewardship areas may be multicounty in  
477 order to encourage coordinated regional stewardship planning.

478 3. A local government, in conjunction with a regional  
479 planning council, a stakeholder organization of private land  
480 owners, or another local government, shall notify the department  
481 in writing of its intent to designate a rural land stewardship  
482 area. The written notification shall describe the basis for the  
483 designation, including the extent to which the rural land  
484 stewardship area enhances rural land values, controls urban  
485 sprawl, provides necessary open space for agriculture and  
486 protection of the natural environment, promotes rural economic  
487 activity, and maintains rural character and the economic  
488 viability of agriculture.

489 4. A rural land stewardship area shall be not less than  
490 10,000 acres and shall be located outside of municipalities and  
491 established urban growth boundaries, and shall be designated by  
492 plan amendment. The plan amendment designating a rural land  
493 stewardship area shall be subject to review by the Department of  
494 Community Affairs pursuant to s. 163.3184 and shall provide for  
495 the following:

496 a. Criteria for the designation of receiving areas within  
497 rural land stewardship areas in which innovative planning and  
498 development strategies may be applied. Criteria shall at a  
499 minimum provide for the following: adequacy of suitable land to

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500 accommodate development so as to avoid conflict with  
501 environmentally sensitive areas, resources, and habitats;  
502 compatibility between and transition from higher density uses to  
503 lower intensity rural uses; the establishment of receiving area  
504 service boundaries which provide for a separation between  
505 receiving areas and other land uses within the rural land  
506 stewardship area through limitations on the extension of  
507 services; and connection of receiving areas with the rest of the  
508 rural land stewardship area using rural design and rural road  
509 corridors.

510       b. Goals, objectives, and policies setting forth the  
511 innovative planning and development strategies to be applied  
512 within rural land stewardship areas pursuant to the provisions  
513 of this section.

514       c. A process for the implementation of innovative planning  
515 and development strategies within the rural land stewardship  
516 area, including those described in this subsection and rule 9J-  
517 5.006(5)(1), Florida Administrative Code, which provide for a  
518 functional mix of land uses and which are applied through the  
519 adoption by the local government of zoning and land development  
520 regulations applicable to the rural land stewardship area.

521       d. A process which encourages visioning pursuant to s.  
522 163.3167(11) to ensure that innovative planning and development  
523 strategies comply with the provisions of this section.

524       e. The control of sprawl through the use of innovative  
525 strategies and creative land use techniques consistent with the

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526 provisions of this subsection and rule 9J-5.006(5)(1), Florida  
527 Administrative Code.

528 5. A receiving area shall be designated by the adoption of  
529 a land development regulation. Prior to the designation of a  
530 receiving area, the local government shall provide the  
531 Department of Community Affairs a period of 30 days in which to  
532 review a proposed receiving area for consistency with the rural  
533 land stewardship area plan amendment and to provide comments to  
534 the local government.

535 6. Upon the adoption of a plan amendment creating a rural  
536 land stewardship area, the local government shall, by ordinance,  
537 establish the methodology for the creation, conveyance, and use  
538 of transferable rural land use credits, otherwise referred to as  
539 stewardship credits, the application of ~~assign to the area a~~  
540 ~~certain number of credits, to be known as "transferable rural~~  
541 ~~land use credits,"~~ which shall not constitute a right to develop  
542 land, nor increase density of land, except as provided by this  
543 section. The total amount of transferable rural land use credits  
544 within assigned to the rural land stewardship area must enable  
545 the realization of the long-term vision and goals for ~~correspond~~  
546 ~~to~~ the 25-year or greater projected population of the rural land  
547 stewardship area. Transferable rural land use credits are  
548 subject to the following limitations:

549 a. Transferable rural land use credits may only exist  
550 within a rural land stewardship area.

551 b. Transferable rural land use credits may only be used on  
552 lands designated as receiving areas and then solely for the

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553 purpose of implementing innovative planning and development  
554 strategies and creative land use planning techniques adopted by  
555 the local government pursuant to this section.

556 c. Transferable rural land use credits assigned to a  
557 parcel of land within a rural land stewardship area shall cease  
558 to exist if the parcel of land is removed from the rural land  
559 stewardship area by plan amendment.

560 d. Neither the creation of the rural land stewardship area  
561 by plan amendment nor the assignment of transferable rural land  
562 use credits by the local government shall operate to displace  
563 the underlying density of land uses assigned to a parcel of land  
564 within the rural land stewardship area; however, if transferable  
565 rural land use credits are transferred from a parcel for use  
566 within a designated receiving area, the underlying density  
567 assigned to the parcel of land shall cease to exist.

568 e. The underlying density on each parcel of land located  
569 within a rural land stewardship area shall not be increased or  
570 decreased by the local government, except as a result of the  
571 conveyance or use of transferable rural land use credits, as  
572 long as the parcel remains within the rural land stewardship  
573 area.

574 f. Transferable rural land use credits shall cease to  
575 exist on a parcel of land where the underlying density assigned  
576 to the parcel of land is utilized.

577 g. An increase in the density of use on a parcel of land  
578 located within a designated receiving area may occur only

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579 through the assignment or use of transferable rural land use  
580 credits and shall not require a plan amendment.

581 h. A change in the density of land use on parcels located  
582 within receiving areas shall be specified in a development order  
583 which reflects the total number of transferable rural land use  
584 credits assigned to the parcel of land and the infrastructure  
585 and support services necessary to provide for a functional mix  
586 of land uses corresponding to the plan of development.

587 i. Land within a rural land stewardship area may be  
588 removed from the rural land stewardship area through a plan  
589 amendment.

590 j. Transferable rural land use credits may be assigned at  
591 different ratios of credits per acre according to the natural  
592 resource or other beneficial use characteristics of the land and  
593 according to the land use remaining following the transfer of  
594 credits, with the highest number of credits per acre assigned to  
595 the most environmentally valuable land, or in locations where  
596 the retention of and a lesser number of credits to be assigned  
597 to open space and agricultural land is a priority, to such  
598 lands.

599 k. The use or conveyance of transferable rural land use  
600 credits must be recorded in the public records of the county in  
601 which the property is located as a covenant or restrictive  
602 easement running with the land in favor of the county and either  
603 the Department of Environmental Protection, Department of  
604 Agriculture and Consumer Services, a water management district,  
605 or a recognized statewide land trust.

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606           7. Owners of land within rural land stewardship areas  
607 should be provided incentives to enter into rural land  
608 stewardship agreements, pursuant to existing law and rules  
609 adopted thereto, with state agencies, water management  
610 districts, and local governments to achieve mutually agreed upon  
611 conservation objectives. Such incentives may include, but not be  
612 limited to, the following:

613           a. Opportunity to accumulate transferable mitigation  
614 credits.

615           b. Extended permit agreements.

616           c. Opportunities for recreational leases and ecotourism.

617           d. Payment for specified land management services on  
618 publicly owned land, or property under covenant or restricted  
619 easement in favor of a public entity.

620           e. Option agreements for sale to public entities or  
621 private land conservation entities, in either fee or easement,  
622 upon achievement of conservation objectives.

623           8. The department shall report to the Legislature on an  
624 annual basis on the results of implementation of rural land  
625 stewardship areas authorized by the department, including  
626 successes and failures in achieving the intent of the  
627 Legislature as expressed in this paragraph.

628           9. In recognition of the benefits of conceptual long-range  
629 planning, restoration and maintenance of the economic value of  
630 rural land; control of urban sprawl; identification and  
631 protection of ecosystems, habitats, and natural resources;  
632 promotion of rural economic activity; maintenance of the

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633 viability of the agricultural economy of this state; and  
634 protection of the character of rural areas of this state that  
635 will result from a rural land stewardship area, and to further  
636 encourage the innovative planning and development strategies in  
637 a rural land stewardship area, development within a rural land  
638 stewardship area is exempt from the requirements of s. 380.06.

639 (12) A public school facilities element adopted to  
640 implement a school concurrency program shall meet the  
641 requirements of this subsection.

642 (a) Each county and each municipality within the county  
643 must adopt a consistent public school facilities element and  
644 enter an interlocal agreement pursuant to s. 163.31777. The  
645 state land planning agency may provide a waiver to a county and  
646 to the municipalities within the county if the utilization rate  
647 for all schools within the district is less than 100 percent and  
648 the projected 5-year capital outlay full-time equivalent student  
649 growth rate is less than 10 percent. At its discretion, the  
650 state land planning agency may grant a waiver to a county or  
651 municipality for a single school to exceed the 100 percent  
652 limitation if it can be demonstrated that the capacity for that  
653 single school is not greater than 105 percent. A municipality in  
654 a nonexempt county is exempt if the municipality meets all of  
655 the following criteria for having no significant impact on  
656 school attendance:

657 1. The municipality has issued development orders for  
658 fewer than 50 residential dwelling units during the preceding 5

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659 years or the municipality has generated fewer than 25 additional  
660 public school students during the preceding 5 years.

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

664 3. The municipality has no public schools located within  
665 its boundaries.

666 (b)(a) A public school facilities element shall be based  
667 upon data and analyses that address, among other items, how  
668 level-of-service standards will be achieved and maintained. Such  
669 data and analyses must include, at a minimum, such items as: the  
670 interlocal agreement adopted pursuant to s. 163.31777 and the 5-  
671 year school district facilities work program adopted pursuant to  
672 s. 1013.35; the educational plant survey prepared pursuant to s.  
673 1013.31 and an existing educational and ancillary plant map or  
674 map series; information on existing development and development  
675 anticipated for the next 5 years and the long-term planning  
676 period; an analysis of problems and opportunities for existing  
677 schools and schools anticipated in the future; an analysis of  
678 opportunities to collocate future schools with other public  
679 facilities such as parks, libraries, and community centers; an  
680 analysis of the need for supporting public facilities for  
681 existing and future schools; an analysis of opportunities to  
682 locate schools to serve as community focal points; projected  
683 future population and associated demographics, including  
684 development patterns year by year for the upcoming 5-year and

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685 long-term planning periods; and anticipated educational and  
686 ancillary plants with land area requirements.

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

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

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

696 ~~(f)~~(e) The objectives and policies shall address items  
697 such as:

698 1. The procedure for an annual update process;

699 2. The procedure for school site selection;

700 3. The procedure for school permitting;

701 4. Provision of ~~supporting~~ infrastructure necessary to  
702 support proposed schools, including potable water, wastewater,  
703 drainage, solid waste, transportation, and means by which to  
704 ensure safe access to schools, including sidewalks, bicycle  
705 paths, turn lanes, and signalization;

706 5. Provision of colocation of other public facilities,  
707 such as parks, libraries, and community centers, in proximity to  
708 public schools;

709 6. Provision of location of schools proximate to  
710 residential areas and to complement patterns of development,

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711 including the location of future school sites so they serve as  
712 community focal points;

713 7. Measures to ensure compatibility of school sites and  
714 surrounding land uses;

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

718 9. Coordination with the future land use element.

719 (g)(f) The element shall include one or more future  
720 conditions maps which depict the anticipated location of  
721 educational and ancillary plants, including the general location  
722 of improvements to existing schools or new schools anticipated  
723 over the 5-year or long-term planning period. The maps will of  
724 necessity be general for the long-term planning period and more  
725 specific for the 5-year period. Maps indicating general  
726 locations of future schools or school improvements may not  
727 prescribe a land use on a particular parcel of land.

728 (h) The state land planning agency shall establish a  
729 phased schedule for adoption of the public school facilities  
730 element and the required updates to the public schools  
731 interlocal agreement pursuant to s. 163.31777. The schedule  
732 shall provide for each county and local government within the  
733 county to adopt the element and update to the agreement no later  
734 than December 1, 2008. Plan amendments to adopt a public school  
735 facilities element are exempt from the provisions of s.  
736 163.3187(1). The state land planning agency may grant a 1-year  
737 extension for the adoption of the element if a request is

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738 justified by good and sufficient cause as determined by the  
739 agency.

740 (i) Failure to timely adopt updating amendments to the  
741 comprehensive plan that are necessary to implement school  
742 concurrency prior to December 1, 2008, unless a one-year  
743 extension has been granted, shall result in a local government  
744 being prohibited from adopting amendments to the comprehensive  
745 plan that increase residential density until the necessary  
746 amendments have been adopted and the adopted amendments have  
747 been transmitted to the state land planning agency.

748 (j) The state land planning agency may issue the school  
749 board a notice to show cause why sanctions should not be  
750 enforced for failure to enter into an approved interlocal  
751 agreement as required by s. 163.31777 or for failure to  
752 implement the provisions of this act relating to public school  
753 concurrency. The school board may be subject to sanctions  
754 imposed by the Administration Commission directing the  
755 Department of Education to withhold from the district school  
756 board an equivalent amount of funds for school construction  
757 available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

758 (13) Local governments are encouraged to develop a  
759 community vision that provides for sustainable growth,  
760 recognizes the local government's fiscal constraints, and  
761 protects the local government's natural resources pursuant to s.  
762 163.167(11). At the request of a local government, the  
763 applicable regional planning council shall provide assistance in  
764 the development of a community vision.

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765 Section 5. Section 163.31777, Florida Statutes, is amended  
766 to read:

767 163.31777 Public schools interlocal agreement.--

768 (1)(a) The school board, county, and nonexempt  
769 municipalities located within the geographic area of a school  
770 district shall enter into an interlocal agreement ~~with the~~  
771 ~~district school board~~ which jointly establishes the specific  
772 ways in which the plans and processes of the district school  
773 board and the local governments are to be coordinated. ~~The~~  
774 ~~interlocal agreements shall be submitted to the state land~~  
775 ~~planning agency and the Office of Educational Facilities and the~~  
776 ~~SMART Schools Clearinghouse in accordance with a schedule~~  
777 ~~published by the state land planning agency.~~

778 ~~(b) The schedule must establish staggered due dates for~~  
779 ~~submission of interlocal agreements that are executed by both~~  
780 ~~the local government and the district school board, commencing~~  
781 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
782 ~~set the same date for all governmental entities within a school~~  
783 ~~district. However, if the county where the school district is~~  
784 ~~located contains more than 20 municipalities, the state land~~  
785 ~~planning agency may establish staggered due dates for the~~  
786 ~~submission of interlocal agreements by these municipalities. The~~  
787 ~~schedule must begin with those areas where both the number of~~  
788 ~~districtwide capital outlay full-time equivalent students equals~~  
789 ~~80 percent or more of the current year's school capacity and the~~  
790 ~~projected 5-year student growth is 1,000 or greater, or where~~

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791 ~~the projected 5-year student growth rate is 10 percent or~~  
792 ~~greater.~~

793 (b)(e) If the student population has declined over the 5-  
794 year period preceding the due date for submittal of an  
795 interlocal agreement by the local government and the district  
796 school board, the local government and the district school board  
797 may petition the state land planning agency for a waiver of one  
798 or more requirements of subsection (2). The waiver must be  
799 granted if the procedures called for in subsection (2) are  
800 unnecessary because of the school district's declining school  
801 age population, considering the district's 5-year facilities  
802 work program prepared pursuant to s. 1013.35. The state land  
803 planning agency may modify or revoke the waiver upon a finding  
804 that the conditions upon which the waiver was granted no longer  
805 exist. The district school board and local governments must  
806 submit an interlocal agreement within 1 year after notification  
807 by the state land planning agency that the conditions for a  
808 waiver no longer exist.

809 (c)(d) ~~Interlocal agreements between local governments and~~  
810 ~~district school boards adopted pursuant to s. 163.3177 before~~  
811 ~~the effective date of this section must be updated and executed~~  
812 ~~pursuant to the requirements of this section, if necessary.~~  
813 ~~Amendments to interlocal agreements adopted pursuant to this~~  
814 ~~section must be submitted to the state land planning agency~~  
815 ~~within 30 days after execution by the parties for review~~  
816 ~~consistent with this section.~~ Local governments and the district  
817 school board in each school district are encouraged to adopt a

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818 single updated interlocal agreement to which all join as  
819 parties. The state land planning agency shall assemble and make  
820 available model interlocal agreements meeting the requirements  
821 of this section and notify local governments and, jointly with  
822 the Department of Education, the district school boards of the  
823 requirements of this section, the dates for compliance, and the  
824 sanctions for noncompliance. The state land planning agency  
825 shall be available to informally review proposed interlocal  
826 agreements. If the state land planning agency has not received a  
827 proposed interlocal agreement for informal review, the state  
828 land planning agency shall, at least 60 days before the deadline  
829 for submission of the executed agreement, renotify the local  
830 government and the district school board of the upcoming  
831 deadline and the potential for sanctions.

832 (2) ~~At a minimum,~~ The interlocal agreement shall  
833 acknowledge the school board's constitutional and statutory  
834 obligations to provide a uniform system of free public schools  
835 on a countywide basis and the land use authority of local  
836 governments, including their authority to approve or deny  
837 comprehensive plan amendments and development orders. The  
838 interlocal agreement must address the following issues:

839 (a) Establish the mechanisms for coordinating the  
840 development, adoption, and amendment of each local government's  
841 public school facilities element with each other and the plans  
842 of the school board to ensure a uniform districtwide school  
843 concurrency system.

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844 (b) Establish a process for the development of siting  
845 criteria which encourages the location of public schools  
846 proximate to urban residential areas to the extent possible and  
847 seeks to collocate schools with other public facilities such as  
848 parks, libraries, and community centers to the extent possible.

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

852 (d) A process for establishing a financially feasible  
853 public school capital facilities program and a process and  
854 schedule for incorporation of the public school capital  
855 facilities program into the local government comprehensive plans  
856 on an annual basis.

857 (e) If school concurrency is to be applied on a less than  
858 districtwide basis in the form of concurrency service areas, the  
859 agreement shall establish criteria and standards for the  
860 establishment and modification of school concurrency service  
861 areas. The agreement shall also establish a process and schedule  
862 for the mandatory incorporation of the school concurrency  
863 service areas and the criteria and standards for establishment  
864 of the service areas into the local government comprehensive  
865 plans. The agreement shall ensure maximum utilization of school  
866 capacity, taking into account transportation costs and court-  
867 approved desegregation plans, as well as other applicable  
868 factors.

869 (f) Establish a uniform districtwide procedure for  
870 implementing school concurrency which provides for:

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871       1. The evaluation of development applications for  
872 compliance with school concurrency requirements, including  
873 information provided by the school board on affected schools.

874       2. The monitoring and evaluation of the school concurrency  
875 system.

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

878       (h)(a) A process by which each local government and the  
879 district school board agree and base their plans on consistent  
880 projections of the amount, type, and distribution of population  
881 growth and student enrollment. The geographic distribution of  
882 jurisdiction-wide growth forecasts is a major objective of the  
883 process.

884       (i)(b) A process to coordinate and share information  
885 relating to existing and planned public school facilities,  
886 including school renovations and closures, and local government  
887 plans for development and redevelopment.

888       (j)(e) Participation by affected local governments with  
889 the district school board in the process of evaluating potential  
890 school closures, significant renovations to existing schools,  
891 and new school site selection before land acquisition. Local  
892 governments shall advise the district school board as to the  
893 consistency of the proposed closure, renovation, or new site  
894 with the local comprehensive plan, including appropriate  
895 circumstances and criteria under which a district school board  
896 may request an amendment to the comprehensive plan for school  
897 siting.

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898        (k)~~(d)~~ A process for determining the need for and timing  
899 of onsite and offsite improvements to support new, proposed  
900 expansion, or redevelopment of existing schools. The process  
901 must address identification of the party or parties responsible  
902 for the improvements.

903        ~~(e) A process for the school board to inform the local  
904 government regarding school capacity. The capacity reporting  
905 must be consistent with laws and rules relating to measurement  
906 of school facility capacity and must also identify how the  
907 district school board will meet the public school demand based  
908 on the facilities work program adopted pursuant to s. 1013.35.~~

909        (l)~~(f)~~ Participation of the local governments in the  
910 preparation of the annual update to the district school board's  
911 5-year district facilities work program and educational plant  
912 survey prepared pursuant to s. 1013.35.

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

916        (n)~~(h)~~ A procedure for the resolution of disputes between  
917 the district school board and local governments, which may  
918 include the dispute resolution processes contained in chapters  
919 164 and 186.

920        (o)~~(i)~~ An oversight process, including an opportunity for  
921 public participation, for the implementation of the interlocal  
922 agreement.

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

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925 (q) Provisions for siting and modification or enhancements  
926 to existing school facilities so as to encourage urban infill  
927 and redevelopment.

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

931 (s) A process for informing the local government regarding  
932 the effect of comprehensive plan amendments and rezonings on  
933 school capacity. The capacity reporting must be consistent with  
934 laws and rules relating to measurement of school facility  
935 capacity and must also identify how the district school board  
936 will meet the public school demand based on the facilities work  
937 program adopted pursuant to s. 1013.35.

938 (t) A process to ensure an opportunity for the school  
939 board to review and comment on the effect of comprehensive plan  
940 amendments and rezonings on the public school facilities plan.

941  
942 For those local governments that receive a waiver pursuant to s.  
943 163.3177(2)(a), the interlocal agreement shall not include the  
944 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),  
945 and (p). For counties or municipalities that do not have a  
946 public schools interlocal agreement or public school facility  
947 element, the assessment shall determine whether the local  
948 government continues to meet the criteria of s. 163.3177(12). If  
949 the county or municipality determines that it no longer meets  
950 the criteria, the county or municipality must adopt appropriate  
951 school concurrency goals, objectives, and policies in its plan

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952 amendments pursuant to the requirements of the public school  
953 facility element and enter into the existing interlocal  
954 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
955 order to fully participate in the school concurrency system. A  
956 ~~signatory to the interlocal agreement may elect not to include a~~  
957 ~~provision meeting the requirements of paragraph (e); however,~~  
958 ~~such a decision may be made only after a public hearing on such~~  
959 ~~election, which may include the public hearing in which a~~  
960 ~~district school board or a local government adopts the~~  
961 ~~interlocal agreement. An interlocal agreement entered into~~  
962 ~~pursuant to this section must be consistent with the adopted~~  
963 ~~comprehensive plan and land development regulations of any local~~  
964 ~~government that is a signatory.~~

965 (3)(a) The updated interlocal agreement, adopted pursuant  
966 to the schedule adopted in accordance with s. 163.3177(12)(h),  
967 and any subsequent amendments must be submitted to the state  
968 land planning agency and the Office of Educational Facilities  
969 within 30 days after execution by the parties for review  
970 consistent with this section. The office and SMART Schools  
971 Clearinghouse shall submit any comments or concerns regarding  
972 the executed interlocal agreement or amendments to the state  
973 land planning agency within 30 days after receipt of the  
974 executed interlocal agreement or amendments. The state land  
975 planning agency shall review the updated executed interlocal  
976 agreement to determine whether it is consistent with the  
977 requirements of subsection (2), the adopted local government  
978 comprehensive plan, and other requirements of law. Within 60

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979 days after receipt of an updated executed interlocal agreement  
980 or amendment, the state land planning agency shall publish a  
981 notice on the agency's Internet website that states of intent in  
982 the Florida Administrative Weekly and shall post a copy of the  
983 notice on the agency's Internet site. The notice of intent must  
984 state whether the interlocal agreement is consistent or  
985 inconsistent with the requirements of subsection (2) and this  
986 subsection, as appropriate.

987 ~~(b) The state land planning agency's notice is subject to~~  
988 ~~challenge under chapter 120; however, an affected person, as~~  
989 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~  
990 ~~administrative proceeding, and this proceeding is the sole means~~  
991 ~~available to challenge the consistency of an interlocal~~  
992 ~~agreement required by this section with the criteria contained~~  
993 ~~in subsection (2) and this subsection. In order to have~~  
994 ~~standing, each person must have submitted oral or written~~  
995 ~~comments, recommendations, or objections to the local government~~  
996 ~~or the school board before the adoption of the interlocal~~  
997 ~~agreement by the school board and local government. The district~~  
998 ~~school board and local governments are parties to any such~~  
999 ~~proceeding. In this proceeding, when the state land planning~~  
1000 ~~agency finds the interlocal agreement to be consistent with the~~  
1001 ~~criteria in subsection (2) and this subsection, the interlocal~~  
1002 ~~agreement shall be determined to be consistent with subsection~~  
1003 ~~(2) and this subsection if the local government's and school~~  
1004 ~~board's determination of consistency is fairly debatable. When~~  
1005 ~~the state planning agency finds the interlocal agreement to be~~

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1006 ~~inconsistent with the requirements of subsection (2) and this~~  
1007 ~~subsection, the local government's and school board's~~  
1008 ~~determination of consistency shall be sustained unless it is~~  
1009 ~~shown by a preponderance of the evidence that the interlocal~~  
1010 ~~agreement is inconsistent.~~

1011 ~~(c) If the state land planning agency enters a final order~~  
1012 ~~that finds that the interlocal agreement is inconsistent with~~  
1013 ~~the requirements of subsection (2) or this subsection, it shall~~  
1014 ~~forward it to the Administration Commission, which may impose~~  
1015 ~~sanctions against the local government pursuant to s.~~  
1016 ~~163.3184(11) and may impose sanctions against the district~~  
1017 ~~school board by directing the Department of Education to~~  
1018 ~~withhold from the district school board an equivalent amount of~~  
1019 ~~funds for school construction available pursuant to ss. 1013.65,~~  
1020 ~~1013.68, 1013.70, and 1013.72.~~

1021 (4) If an updated executed interlocal agreement is not  
1022 timely submitted to the state land planning agency for review,  
1023 the state land planning agency shall, within 15 working days  
1024 after the deadline for submittal, issue to the local government  
1025 and the district school board a Notice to Show Cause why  
1026 sanctions should not be imposed for failure to submit an  
1027 executed interlocal agreement by the deadline established by the  
1028 agency. The agency shall forward the notice and the responses to  
1029 the Administration Commission, which may enter a final order  
1030 citing the failure to comply and imposing sanctions against the  
1031 local government and district school board by directing the  
1032 appropriate agencies to withhold at least 5 percent of state

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1033 funds pursuant to s. 163.3184(11) and by directing the  
1034 Department of Education to withhold from the district school  
1035 board at least 5 percent of funds for school construction  
1036 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
1037 1013.72.

1038 (5) Any local government transmitting a public school  
1039 element to implement school concurrency pursuant to the  
1040 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~  
1041 ~~date of this section~~ is not required to amend the element or any  
1042 interlocal agreement to conform with the provisions of this  
1043 section ~~if the element is adopted prior to or within 1 year~~  
1044 ~~after the effective date of this section and remains in effect.~~

1045 (6) Except as provided in subsection (7), municipalities  
1046 meeting the exemption criteria in s. 163.3177(12) ~~having no~~  
1047 ~~established need for a new school facility and meeting the~~  
1048 ~~following criteria~~ are exempt from the requirements of  
1049 subsections (1), (2), and (3).~~+~~

1050 (a) ~~The municipality has no public schools located within~~  
1051 ~~its boundaries.~~

1052 (b) ~~The district school board's 5-year facilities work~~  
1053 ~~program and the long-term 10-year and 20-year work programs, as~~  
1054 ~~provided in s. 1013.35, demonstrate that no new school facility~~  
1055 ~~is needed in the municipality. In addition, the district school~~  
1056 ~~board must verify in writing that no new school facility will be~~  
1057 ~~needed in the municipality within the 5-year and 10-year~~  
1058 ~~timeframes.~~

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1059 (7) At the time of the evaluation and appraisal report,  
1060 each exempt municipality shall assess the extent to which it  
1061 continues to meet the criteria for exemption under s.  
1062 163.3177(12) ~~subsection (6)~~. If the municipality continues to  
1063 meet these criteria ~~and the district school board verifies in~~  
1064 ~~writing that no new school facilities will be needed within the~~  
1065 ~~5-year and 10-year timeframes~~, the municipality shall continue  
1066 to be exempt from the interlocal-agreement requirement. Each  
1067 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must  
1068 comply with the provisions of this section within 1 year after  
1069 the district school board proposes, in its 5-year district  
1070 facilities work program, a new school within the municipality's  
1071 jurisdiction.

1072 Section 6. Paragraph (a) of subsection (1), paragraphs (a)  
1073 and (c) of subsection (2), paragraph (c) of subsection (4),  
1074 subsections (5), (7), (9), (10), and (13), and paragraph (a) of  
1075 subsection (15) of section 163.3180, Florida Statutes, are  
1076 amended, and subsections (16) and (17) are added to said  
1077 section, to read:

1078 163.3180 Concurrency.--

1079 (1)(a) Sanitary sewer, solid waste, drainage, potable  
1080 water, parks and recreation, schools, and transportation  
1081 facilities, including mass transit, where applicable, are the  
1082 only public facilities and services subject to the concurrency  
1083 requirement on a statewide basis. Additional public facilities  
1084 and services may not be made subject to concurrency on a  
1085 statewide basis without appropriate study and approval by the

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1086 Legislature; however, any local government may extend the  
1087 concurrency requirement so that it applies to additional public  
1088 facilities within its jurisdiction.

1089 (2)(a) Consistent with public health and safety, sanitary  
1090 sewer, solid waste, drainage, adequate water supplies, and  
1091 potable water facilities shall be in place and available to  
1092 serve new development no later than the issuance by the local  
1093 government of a certificate of occupancy or its functional  
1094 equivalent.

1095 (c) Consistent with the public welfare, and except as  
1096 otherwise provided in this section, transportation facilities  
1097 ~~designated as part of the Florida Intrastate Highway System~~  
1098 needed to serve new development shall be in place or under  
1099 actual construction within 3 not more than 5 years after  
1100 issuance by the local government of a building permit  
1101 ~~certificate of occupancy~~ or its functional equivalent for  
1102 construction of a facility that results in actual traffic  
1103 generation. For purposes of this paragraph, if the construction  
1104 funding needed for facilities is in the first three years of the  
1105 Department of Transportation's work program or the local  
1106 government's schedule of capital improvements, the under-actual-  
1107 construction requirements of this paragraph shall be deemed to  
1108 have been met. This provision shall not apply to developments of  
1109 regional impact for which a development order has been issued or  
1110 for which a development of regional impact application has been  
1111 found sufficient prior to the effective date of this act. Other  
1112 ~~transportation facilities needed to serve new development shall~~

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1113 ~~be in place or under actual construction no more than 3 years~~  
1114 ~~after issuance by the local government of a certificate of~~  
1115 ~~occupancy or its functional equivalent.~~

1116 (4)

1117 (c) The concurrency requirement, except as it relates to  
1118 transportation and public school facilities, as implemented in  
1119 local government comprehensive plans, may be waived by a local  
1120 government for urban infill and redevelopment areas designated  
1121 pursuant to s. 163.2517 if such a waiver does not endanger  
1122 public health or safety as defined by the local government in  
1123 its local government comprehensive plan. The waiver shall be  
1124 adopted as a plan amendment pursuant to the process set forth in  
1125 s. 163.3187(3)(a). A local government may grant a concurrency  
1126 exception pursuant to subsection (5) for transportation  
1127 facilities located within these urban infill and redevelopment  
1128 areas. Within designated urban infill and redevelopment areas,  
1129 the local government and Department of Transportation shall  
1130 cooperatively establish a plan for maintaining the adopted  
1131 level-of-service standards established by the Department of  
1132 Transportation for Strategic Intermodal System facilities, as  
1133 defined in s. 339.64. If the proposed concurrency exception area  
1134 is located within the boundaries of a municipality, the  
1135 municipality shall consult with the county to assess the impact  
1136 the proposed concurrency exception area is expected to have on  
1137 the adopted level of-service standards established for county  
1138 roads.

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1139 (5)(a) The Legislature finds that under limited  
1140 circumstances dealing with transportation facilities,  
1141 countervailing planning and public policy goals may come into  
1142 conflict with the requirement that adequate public facilities  
1143 and services be available concurrent with the impacts of such  
1144 development. The Legislature further finds that often the  
1145 unintended result of the concurrency requirement for  
1146 transportation facilities is the discouragement of urban infill  
1147 development and redevelopment. Such unintended results directly  
1148 conflict with the goals and policies of the ~~state comprehensive~~  
1149 ~~plan and~~ the intent of this part. Therefore, exceptions from the  
1150 concurrency requirement for transportation facilities may be  
1151 granted as provided by this subsection.

1152 (b) A local government may grant an exception from the  
1153 concurrency requirement for transportation facilities if the  
1154 proposed development is otherwise consistent with the adopted  
1155 local government comprehensive plan and is a project that  
1156 promotes public transportation or is located within an area  
1157 designated in the comprehensive plan for:

- 1158 1. Urban infill development,
- 1159 2. Urban redevelopment,
- 1160 3. Downtown revitalization, or
- 1161 4. Urban infill and redevelopment under s. 163.2517.

1162 (c) The Legislature also finds that developments located  
1163 within urban infill, urban redevelopment, existing urban  
1164 service, or downtown revitalization areas or areas designated as  
1165 urban infill and redevelopment areas under s. 163.2517 which

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1166 pose only special part-time demands on the transportation system  
1167 should be excepted from the concurrency requirement for  
1168 transportation facilities. A special part-time demand is one  
1169 that does not have more than 200 scheduled events during any  
1170 calendar year and does not affect the 100 highest traffic volume  
1171 hours.

1172 (d) A local government shall establish guidelines for  
1173 granting the exceptions authorized in paragraphs (b) and (c) in  
1174 the comprehensive plan. These guidelines must include  
1175 consideration of the Strategic Intermodal System ~~impacts on the~~  
1176 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The  
1177 exceptions may be available only within the specific geographic  
1178 area of the jurisdiction designated in the plan. Pursuant to s.  
1179 163.3184, any affected person may challenge a plan amendment  
1180 establishing these guidelines and the areas within which an  
1181 exception could be granted. Prior to the designation of a  
1182 concurrency management area, the Department of Transportation  
1183 shall be consulted by the local government to assess the impact  
1184 that the proposed concurrency management area is expected to  
1185 have on the adopted level-of-service standards established for  
1186 Strategic Intermodal System facilities, as defined in s. 339.64.  
1187 Within designated urban infill and redevelopment areas, the  
1188 local government and Department of Transportation shall  
1189 cooperatively establish a plan for maintaining the adopted  
1190 level-of-service standards established by the Department of  
1191 Transportation for Strategic Intermodal System facilities  
1192 pursuant to s. 339.64.

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1193 (e) It is a high state priority that urban infill and  
1194 redevelopment be promoted and provide incentives. By promoting  
1195 the revitalization of existing communities of this state, a more  
1196 efficient maximization of space and facilities may be achieved  
1197 and urban sprawl will be discouraged. If a local government  
1198 creates a long-term vision for its community that includes  
1199 adequate funding and services and multimodal transportation  
1200 options, the transportation facilities concurrency requirements  
1201 of paragraph (2)(c) are waived for:

1202 1.a. Urban infill development as designated in the  
1203 comprehensive plan;

1204 b. Urban redevelopment as designated in the comprehensive  
1205 plan;

1206 c. Downtown revitalization as designated in the  
1207 comprehensive plan; or

1208 d. Urban infill and redevelopment under s. 163.2517 as  
1209 designated in the comprehensive plan.

1210  
1211 The local government and Department of Transportation shall  
1212 cooperatively establish a plan for maintaining the adopted  
1213 level-of-service standards established by the Department of  
1214 Transportation for Strategic Intermodal System facilities, as  
1215 defined in s. 339.64. If a municipality creates a long-term  
1216 vision for its community pursuant to this paragraph, which  
1217 includes a waiver from the transportation concurrency  
1218 requirements established in s. 163.3180(2)(c), the municipality  
1219 must consult with the county to assess the impact that granting

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1220 waivers is expected to have on the adopted level of-service  
1221 standards established for county roads.

1222 2. Municipalities that are at least 90 percent built-out.  
1223 For purposes of this exemption:

1224 a. The term "built-out" means that 90 percent of the  
1225 property within the municipality's boundaries, excluding lands  
1226 that are designated as conservation, preservation, recreation,  
1227 or public facilities categories, have been developed, or are the  
1228 subject of an approved development order that has received a  
1229 building permit and the municipality has an average density of 5  
1230 units per acre for residential developments.

1231 b. The municipality must have adopted an ordinance that  
1232 provides the methodology for determining its built-out  
1233 percentage, declares that transportation concurrency  
1234 requirements are waived within its municipal boundary or within  
1235 a designated area of the municipality, and addresses multimodal  
1236 options and strategies, including alternative modes of  
1237 transportation within the municipality. Prior to the adoption of  
1238 the ordinance, the Department of Transportation shall be  
1239 consulted by the local government to assess the impact that the  
1240 waiver of the transportation concurrency requirements is  
1241 expected to have on the adopted level-of-service standards  
1242 established for Strategic Intermodal System facilities, as  
1243 defined in s. 339.64. Further, the local government shall  
1244 cooperatively establish a plan for maintaining the adopted  
1245 level-of-service standards established by the department for  
1246 Strategic Intermodal System facilities, as defined in s. 339.64.

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1247 c. If a municipality annexes any property, the  
1248 municipality must recalculate its built-out percentage pursuant  
1249 to the methodology set forth in its ordinance to verify whether  
1250 the annexed property may be included within this exemption.

1251 d. If transportation concurrency requirements are waived  
1252 under this subparagraph, the municipality must adopt a  
1253 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which  
1254 updates its transportation element to reflect the transportation  
1255 concurrency requirements waiver and must submit a copy of its  
1256 ordinance adopted in subparagraph b. to the state land planning  
1257 agency.

1258 (7) In order to promote infill development and  
1259 redevelopment, one or more transportation concurrency management  
1260 areas may be designated in a local government comprehensive  
1261 plan. A transportation concurrency management area must be a  
1262 compact geographic area with an existing network of roads where  
1263 multiple, viable alternative travel paths or modes are available  
1264 for common trips. A local government may establish an areawide  
1265 level-of-service standard for such a transportation concurrency  
1266 management area based upon an analysis that provides for a  
1267 justification for the areawide level of service, how urban  
1268 infill development or redevelopment will be promoted, and how  
1269 mobility will be accomplished within the transportation  
1270 concurrency management area. The state land planning agency  
1271 shall amend chapter 9J-5, Florida Administrative Code, to be  
1272 consistent with this subsection.

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1273 (9)(a) Each local government may adopt as a part of its  
1274 plan a long-term transportation and school concurrency  
1275 management systems ~~system~~ with a planning period of up to 10  
1276 years for specially designated districts or areas where  
1277 significant backlogs exist. The plan may include interim level-  
1278 of-service standards on certain facilities and shall ~~may~~ rely on  
1279 the local government's schedule of capital improvements for up  
1280 to 10 years as a basis for issuing development orders that  
1281 authorize commencement of construction ~~permits~~ in these  
1282 designated districts or areas. The concurrency management  
1283 system. ~~It~~ must be designed to correct existing deficiencies and  
1284 set priorities for addressing backlogged facilities. The  
1285 concurrency management system ~~It~~ must be financially feasible  
1286 and consistent with other portions of the adopted local plan,  
1287 including the future land use map.

1288 (b) If a local government has a transportation or school  
1289 facility backlog for existing development which cannot be  
1290 adequately addressed in a 10-year plan, the state land planning  
1291 agency may allow it to develop a plan and long-term schedule of  
1292 capital improvements covering ~~of~~ up to 15 years for good and  
1293 sufficient cause, based on a general comparison between that  
1294 local government and all other similarly situated local  
1295 jurisdictions, using the following factors:

- 1296 1. The extent of the backlog.
- 1297 2. For roads, whether the backlog is on local or state  
1298 roads.
- 1299 3. The cost of eliminating the backlog.

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1300 4. The local government's tax and other revenue-raising  
1301 efforts.

1302 (c) The local government may issue approvals to commence  
1303 construction, notwithstanding s. 163.3180, consistent with and  
1304 in areas that are subject to a long-term concurrency management  
1305 system.

1306 (d) If the local government adopts a long-term concurrency  
1307 management system, the government must evaluate the system  
1308 periodically. At a minimum, the local government must assess its  
1309 progress toward improving levels of service within the long-term  
1310 concurrency management district or area in the evaluation and  
1311 appraisal report and determine any changes that are necessary to  
1312 accelerate progress in meeting acceptable levels of service or  
1313 providing other methods of transportation.

1314 (10) With regard to roadway facilities on the Strategic  
1315 Intermodal System designated in accordance with ss. 339.61,  
1316 339.62, 339.63, and 339.64 Florida Intrastate Highway System as  
1317 defined in s. 338.001, with concurrence from the Department of  
1318 Transportation, the level-of-service standard for general lanes  
1319 in urbanized areas, as defined in s. 334.03(36), may be  
1320 established by the local government in the comprehensive plan.  
1321 ~~For all other facilities on the Florida Intrastate Highway~~  
1322 ~~System, local governments shall adopt the level-of-service~~  
1323 ~~standard established by the Department of Transportation by~~  
1324 ~~rule. For all other roads on the State Highway System, local~~  
1325 ~~governments shall establish an adequate level-of-service~~

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1326 standard that need not be consistent with any level-of-service  
1327 standard established by the Department of Transportation.

1328       (13) In accordance with the schedule adopted in accordance  
1329 with s. 163.3177(12)(h), school concurrency, if imposed by local  
1330 option, shall be established on a districtwide basis and shall  
1331 include all public schools in the district and all portions of  
1332 the district, whether located in a municipality or an  
1333 unincorporated area unless exempt from the public school  
1334 facilities element pursuant to s. 163.3177(12), except that this  
1335 subsection shall not apply to the Florida School for the Deaf  
1336 and the Blind. The development of school concurrency shall be  
1337 accomplished through a coordinated process including the local  
1338 school district, the county, and all nonexempt municipalities  
1339 within the county and shall be reflected in the public school  
1340 facilities element adopted pursuant to the schedule provided for  
1341 in s. 163.3177(12)(h). The school concurrency requirement shall  
1342 not be effective until the adoption of the public school  
1343 facilities element. The application of school concurrency to  
1344 development shall be based upon the adopted comprehensive plan,  
1345 as amended. All local governments within a county, except as  
1346 provided in paragraph (f), shall adopt and transmit to the state  
1347 land planning agency the necessary plan amendments, along with  
1348 the interlocal agreement, for a compliance review pursuant to s.  
1349 163.3184(7) and (8). ~~School concurrency shall not become~~  
1350 ~~effective in a county until all local governments, except as~~  
1351 ~~provided in paragraph (f), have adopted the necessary plan~~  
1352 ~~amendments, which together with the interlocal agreement, are~~

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1353 ~~determined to be in compliance with the requirements of this~~  
1354 ~~part.~~ The minimum requirements for school concurrency are the  
1355 following:

1356 (a) Public school facilities element.--A local government  
1357 shall adopt and transmit to the state land planning agency a  
1358 plan or plan amendment which includes a public school facilities  
1359 element which is consistent with the requirements of s.  
1360 163.3177(12) and which is determined to be in compliance as  
1361 defined in s. 163.3184(1)(b). All local government public school  
1362 facilities plan elements within a county must be consistent with  
1363 each other as well as the requirements of this part.

1364 (b) Level-of-service standards.--The Legislature  
1365 recognizes that an essential requirement for a concurrency  
1366 management system is the level of service at which a public  
1367 facility is expected to operate.

1368 1. Local governments and school boards imposing school  
1369 concurrency shall exercise authority in conjunction with each  
1370 other to establish jointly adequate level-of-service standards,  
1371 as defined in chapter 9J-5, Florida Administrative Code,  
1372 necessary to implement the adopted local government  
1373 comprehensive plan, based on data and analysis.

1374 2. Public school level-of-service standards shall be  
1375 included and adopted into the capital improvements element of  
1376 the local comprehensive plan and shall apply districtwide to all  
1377 schools of the same type. Types of schools may include charter,  
1378 elementary, middle, and high schools as well as special purpose  
1379 facilities such as magnet schools.

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1380           3. Local governments and school boards shall have the  
1381 option to utilize tiered level-of-service standards to allow  
1382 time to achieve an adequate and desirable level of service as  
1383 circumstances warrant.

1384           (c) Service areas.--The Legislature recognizes that an  
1385 essential requirement for a concurrency system is a designation  
1386 of the area within which the level of service will be measured  
1387 when an application for a residential development permit is  
1388 reviewed for school concurrency purposes. This delineation is  
1389 also important for purposes of determining whether the local  
1390 government has a financially feasible public school capital  
1391 facilities program that will provide schools which will achieve  
1392 and maintain the adopted level-of-service standards.

1393           1. In order to balance competing interests, preserve the  
1394 constitutional concept of uniformity, and avoid disruption of  
1395 existing educational and growth management processes, local  
1396 governments are encouraged to initially apply school concurrency  
1397 to development only on a districtwide basis so that a  
1398 concurrency determination for a specific development will be  
1399 based upon the availability of school capacity districtwide. To  
1400 ensure that development is coordinated with schools having  
1401 available capacity, within 5 years after adoption of school  
1402 concurrency local governments shall apply school concurrency on  
1403 a less than districtwide basis, such as using school attendance  
1404 zones or concurrency service areas, as provided in subparagraph  
1405 2.

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1406           2. For local governments applying school concurrency on a  
1407 less than districtwide basis, such as utilizing school  
1408 attendance zones or larger school concurrency service areas,  
1409 local governments and school boards shall have the burden to  
1410 demonstrate that the utilization of school capacity is maximized  
1411 to the greatest extent possible in the comprehensive plan and  
1412 amendment, taking into account transportation costs and court-  
1413 approved desegregation plans, as well as other factors. In  
1414 addition, in order to achieve concurrency within the service  
1415 area boundaries selected by local governments and school boards,  
1416 the service area boundaries, together with the standards for  
1417 establishing those boundaries, shall be identified and, included  
1418 as supporting data and analysis for, ~~and adopted as part of the~~  
1419 ~~comprehensive plan. Any subsequent change to the service area~~  
1420 ~~boundaries for purposes of a school concurrency system shall be~~  
1421 ~~by plan amendment and shall be exempt from the limitation on the~~  
1422 ~~frequency of plan amendments in s. 163.3187(1).~~

1423           3. Where school capacity is available on a districtwide  
1424 basis but school concurrency is applied on a less than  
1425 districtwide basis in the form of concurrency service areas, if  
1426 the adopted level-of-service standard cannot be met in a  
1427 particular service area as applied to an application for a  
1428 development permit through mitigation or other measures and if  
1429 the needed capacity for the particular service area is available  
1430 in one or more contiguous service areas, as adopted by the local  
1431 government, ~~then~~ the development order may not shall be denied  
1432 on the basis of school concurrency, and if issued, development

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1433 impacts shall be shifted to contiguous service areas with  
1434 schools having available capacity and mitigation measures shall  
1435 ~~not be exacted.~~

1436 (d) Financial feasibility.--The Legislature recognizes  
1437 that financial feasibility is an important issue because the  
1438 premise of concurrency is that the public facilities will be  
1439 provided in order to achieve and maintain the adopted level-of-  
1440 service standard. This part and chapter 9J-5, Florida  
1441 Administrative Code, contain specific standards to determine the  
1442 financial feasibility of capital programs. These standards were  
1443 adopted to make concurrency more predictable and local  
1444 governments more accountable.

1445 1. A comprehensive plan amendment seeking to impose school  
1446 concurrency shall contain appropriate amendments to the capital  
1447 improvements element of the comprehensive plan, consistent with  
1448 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida  
1449 Administrative Code. The capital improvements element shall set  
1450 forth a financially feasible public school capital facilities  
1451 program, established in conjunction with the school board, that  
1452 demonstrates that the adopted level-of-service standards will be  
1453 achieved and maintained.

1454 2. Such amendments shall demonstrate that the public  
1455 school capital facilities program meets all of the financial  
1456 feasibility standards of this part and chapter 9J-5, Florida  
1457 Administrative Code, that apply to capital programs which  
1458 provide the basis for mandatory concurrency on other public  
1459 facilities and services.

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1460           3. When the financial feasibility of a public school  
1461 capital facilities program is evaluated by the state land  
1462 planning agency for purposes of a compliance determination, the  
1463 evaluation shall be based upon the service areas selected by the  
1464 local governments and school board.

1465           (e) Availability standard.--Consistent with the public  
1466 welfare, a local government may not deny an application for site  
1467 plan or final subdivision approval, or a functional equivalent  
1468 for a development or phase of a development, ~~permit~~ authorizing  
1469 residential development for failure to achieve and maintain the  
1470 level-of-service standard for public school capacity in a local  
1471 ~~option~~ school concurrency management system where adequate  
1472 school facilities will be in place or under actual construction  
1473 within 3 years after the permit issuance by the local government  
1474 of site plan or final subdivision approval or its functional  
1475 equivalent. School concurrency shall be satisfied if the  
1476 developer executes a legally binding commitment to provide  
1477 mitigation proportionate to the demand for public school  
1478 facilities to be created by actual development of the property,  
1479 including, but not limited to, the options described in  
1480 subparagraph 1. Approval of a funding agreement shall not be  
1481 unreasonably withheld. Any dispute shall be mediated pursuant to  
1482 s. 120.573. Options for proportionate-share mitigation of  
1483 impacts on public school facilities shall be established in the  
1484 interlocal agreement pursuant to s. 163.31777.

1485           1. Appropriate mitigation options include the contribution  
1486 of land; the construction, expansion, or payment for land

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1487 acquisition or construction of a public school facility; or the  
1488 creation of mitigation banking based on the construction of a  
1489 public school facility in exchange for the right to sell  
1490 capacity credits. Such options must include execution by the  
1491 applicant and the local government of a binding development  
1492 agreement that constitutes a legally binding commitment to pay  
1493 proportionate-share mitigation for the additional residential  
1494 units approved by the local government in a development order  
1495 and actually developed on the property, taking into account  
1496 residential density allowed on the property prior to the plan  
1497 amendment that increased overall residential density. Mitigation  
1498 for development impacts to public schools requires the  
1499 concurrence of the local school board. As a condition of its  
1500 entry into such a development agreement, the local government  
1501 may require the landowner to agree to continuing renewal of the  
1502 agreement upon its expiration.

1503 2. If the education facilities plan and the public  
1504 educational facilities element authorize a contribution of land;  
1505 the construction, expansion, or payment for land acquisition; or  
1506 the construction or expansion of a public school facility, or a  
1507 portion of such facility, as proportionate-share mitigation, the  
1508 local government shall credit such a contribution, construction,  
1509 expansion, or payment toward any other impact fee or exaction  
1510 imposed by local ordinance for the same need, on a dollar-for-  
1511 dollar basis at fair market value.

1512 3. Any proportionate-share mitigation must be directed by  
1513 the school board toward a school capacity improvement that is

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1514 identified in the financially feasible 5-year district work plan  
1515 and that will be provided in accordance with a legally binding  
1516 agreement.

1517 (f) Intergovernmental coordination.--

1518 1. When establishing concurrency requirements for public  
1519 schools, a local government shall satisfy the requirements for  
1520 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
1521 and 2., except that a municipality is not required to be a  
1522 signatory to the interlocal agreement required by ss. s.  
1523 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
1524 imposition of school concurrency, and as a nonsignatory, shall  
1525 not participate in the adopted local school concurrency system,  
1526 if the municipality meets all of the following criteria for  
1527 having no significant impact on school attendance:

1528 a. The municipality has issued development orders for  
1529 fewer than 50 residential dwelling units during the preceding 5  
1530 years, or the municipality has generated fewer than 25  
1531 additional public school students during the preceding 5 years.

1532 b. The municipality has not annexed new land during the  
1533 preceding 5 years in land use categories which permit  
1534 residential uses that will affect school attendance rates.

1535 c. The municipality has no public schools located within  
1536 its boundaries.

1537 d. At least 80 percent of the developable land within the  
1538 boundaries of the municipality has been built upon.

1539 2. A municipality which qualifies as having no significant  
1540 impact on school attendance pursuant to the criteria of

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1541 subparagraph 1. must review and determine at the time of its  
1542 evaluation and appraisal report pursuant to s. 163.3191 whether  
1543 it continues to meet the criteria pursuant to s. 163.3177(6).  
1544 If the municipality determines that it no longer meets the  
1545 criteria, it must adopt appropriate school concurrency goals,  
1546 objectives, and policies in its plan amendments based on the  
1547 evaluation and appraisal report, and enter into the existing  
1548 interlocal agreement required by ss. s. 163.3177(6)(h)2. and  
1549 163.31777, in order to fully participate in the school  
1550 concurrency system. If such a municipality fails to do so, it  
1551 will be subject to the enforcement provisions of s. 163.3191.

1552 ~~(g) Interlocal agreement for school concurrency. When~~  
1553 ~~establishing concurrency requirements for public schools, a~~  
1554 ~~local government must enter into an interlocal agreement which~~  
1555 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~  
1556 ~~requirements of this subsection. The interlocal agreement shall~~  
1557 ~~acknowledge both the school board's constitutional and statutory~~  
1558 ~~obligations to provide a uniform system of free public schools~~  
1559 ~~on a countywide basis, and the land use authority of local~~  
1560 ~~governments, including their authority to approve or deny~~  
1561 ~~comprehensive plan amendments and development orders. The~~  
1562 ~~interlocal agreement shall be submitted to the state land~~  
1563 ~~planning agency by the local government as a part of the~~  
1564 ~~compliance review, along with the other necessary amendments to~~  
1565 ~~the comprehensive plan required by this part. In addition to the~~  
1566 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~  
1567 ~~shall meet the following requirements:~~

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1568           ~~1. Establish the mechanisms for coordinating the~~  
1569 ~~development, adoption, and amendment of each local government's~~  
1570 ~~public school facilities element with each other and the plans~~  
1571 ~~of the school board to ensure a uniform districtwide school~~  
1572 ~~concurrency system.~~

1573           ~~2. Establish a process by which each local government and~~  
1574 ~~the school board shall agree and base their plans on consistent~~  
1575 ~~projections of the amount, type, and distribution of population~~  
1576 ~~growth and coordinate and share information relating to existing~~  
1577 ~~and planned public school facilities projections and proposals~~  
1578 ~~for development and redevelopment, and infrastructure required~~  
1579 ~~to support public school facilities.~~

1580           ~~3. Establish a process for the development of siting~~  
1581 ~~criteria which encourages the location of public schools~~  
1582 ~~proximate to urban residential areas to the extent possible and~~  
1583 ~~seeks to collocate schools with other public facilities such as~~  
1584 ~~parks, libraries, and community centers to the extent possible.~~

1585           ~~4. Specify uniform, districtwide level of service~~  
1586 ~~standards for public schools of the same type and the process~~  
1587 ~~for modifying the adopted levels of service standards.~~

1588           ~~5. Establish a process for the preparation, amendment, and~~  
1589 ~~joint approval by each local government and the school board of~~  
1590 ~~a public school capital facilities program which is financially~~  
1591 ~~feasible, and a process and schedule for incorporation of the~~  
1592 ~~public school capital facilities program into the local~~  
1593 ~~government comprehensive plans on an annual basis.~~

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1594       ~~6. Define the geographic application of school~~  
1595 ~~concurrency. If school concurrency is to be applied on a less~~  
1596 ~~than districtwide basis in the form of concurrency service~~  
1597 ~~areas, the agreement shall establish criteria and standards for~~  
1598 ~~the establishment and modification of school concurrency service~~  
1599 ~~areas. The agreement shall also establish a process and schedule~~  
1600 ~~for the mandatory incorporation of the school concurrency~~  
1601 ~~service areas and the criteria and standards for establishment~~  
1602 ~~of the service areas into the local government comprehensive~~  
1603 ~~plans. The agreement shall ensure maximum utilization of school~~  
1604 ~~capacity, taking into account transportation costs and court-~~  
1605 ~~approved desegregation plans, as well as other factors. The~~  
1606 ~~agreement shall also ensure the achievement and maintenance of~~  
1607 ~~the adopted level of service standards for the geographic area~~  
1608 ~~of application throughout the 5 years covered by the public~~  
1609 ~~school capital facilities plan and thereafter by adding a new~~  
1610 ~~fifth year during the annual update.~~

1611       ~~7. Establish a uniform districtwide procedure for~~  
1612 ~~implementing school concurrency which provides for:~~

1613       ~~a. The evaluation of development applications for~~  
1614 ~~compliance with school concurrency requirements;~~

1615       ~~b. An opportunity for the school board to review and~~  
1616 ~~comment on the effect of comprehensive plan amendments and~~  
1617 ~~rezonings on the public school facilities plan; and~~

1618       ~~c. The monitoring and evaluation of the school concurrency~~  
1619 ~~system.~~

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1620 ~~8. Include provisions relating to termination, suspension,~~  
1621 ~~and amendment of the agreement. The agreement shall provide that~~  
1622 ~~if the agreement is terminated or suspended, the application of~~  
1623 ~~school concurrency shall be terminated or suspended.~~

1624 (15)

1625 (a) Multimodal transportation districts may be established  
1626 under a local government comprehensive plan in areas delineated  
1627 on the future land use map for which the local comprehensive  
1628 plan assigns secondary priority to vehicle mobility and primary  
1629 priority to assuring a safe, comfortable, and attractive  
1630 pedestrian environment, with convenient interconnection to  
1631 transit. Such districts must incorporate community design  
1632 features that will reduce the number of automobile trips or  
1633 vehicle miles of travel and will support an integrated,  
1634 multimodal transportation system. Prior to the designation of  
1635 multimodal transportation districts, the local government shall  
1636 consult with the Department of Transportation to assess the  
1637 impact that the proposed multimodal district area is expected to  
1638 have on the adopted level-of-service standards established for  
1639 Strategic Intermodal System facilities, as defined in s. 339.64.  
1640 Within designated urban infill and redevelopment areas, the  
1641 local government and Department of Transportation shall  
1642 cooperatively establish a plan for maintaining the adopted  
1643 level-of-service standards established by the Department of  
1644 Transportation for Strategic Intermodal System facilities, as  
1645 defined in s. 339.64. Multimodal transportation districts  
1646 existing prior to July 1, 2005, shall meet at a minimum, the

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1647 provision of this section by July 1, 2006, or at the time of the  
1648 comprehensive plan update pursuant to the evaluation and  
1649 appraisal report, whichever occurs last.

1650 (16)(a) It is the intent of the Legislature to provide a  
1651 method by which the impacts of development on transportation  
1652 facilities can be mitigated by the cooperative efforts of the  
1653 public and private sectors.

1654 (b) When authorized in a local government comprehensive  
1655 plan, local governments may create mitigation banks for  
1656 transportation facilities to satisfy the concurrency provisions  
1657 of this section, using the process and methodology developed in  
1658 accordance with s. 163.3177(6)(b). The Department of  
1659 Transportation, in consultation with local governments, shall  
1660 develop a process and uniform methodology for determining  
1661 proportionate-share mitigation for development impacts on  
1662 transportation corridors that traverse one or more political  
1663 subdivisions.

1664 (c) Mitigation contributions shall be used to satisfy the  
1665 transportation concurrency requirements of this section and may  
1666 be applied as a credit against impact fees. Mitigation for  
1667 development impacts to facilities on the Strategic Intermodal  
1668 System made pursuant to this subsection requires the concurrence  
1669 of the Department of Transportation. However, this does not  
1670 authorize the Department of Transportation to arbitrarily charge  
1671 a fee or require additional mitigation. Concurrence by the  
1672 Department of Transportation may not be withheld unduly.

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1673       (d) Transportation facilities concurrency shall be  
1674 satisfied if the developer executes a legally binding commitment  
1675 to provide mitigation proportionate to the demand for  
1676 transportation facilities to be created by actual development of  
1677 the property, including, but not limited to, the options for  
1678 mitigation established in the transportation element or traffic  
1679 circulation element. Approval of a funding agreement shall not  
1680 be unreasonably withheld. Any dispute shall be mediated pursuant  
1681 to s. 120.573. Appropriate transportation mitigation  
1682 contributions may include public or private funds; the  
1683 contribution of right-of-way; the construction of a  
1684 transportation facility or payment for the right-of-way or  
1685 construction of a transportation facility or service; or the  
1686 provision of transit service. Such options shall include  
1687 execution of an enforceable development agreement for projects  
1688 to be funded by a developer.

1689       (17) A development may satisfy the concurrency  
1690 requirements of the local comprehensive plan, the local  
1691 government's land development regulations, and s. 380.06 by  
1692 entering into a legally binding commitment to provide mitigation  
1693 proportionate to the direct impact of the development. A local  
1694 government may not require a development to pay more than its  
1695 proportionate-share contribution regardless of the method  
1696 mitigation.

1697       Section 7. Paragraph (b) of subsection (1), subsection  
1698 (4), and paragraph (a) of subsection (6) of section 163.3184,  
1699 Florida Statutes, are amended to read:

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

1700 163.3184 Process for adoption of comprehensive plan or  
1701 plan amendment.--

1702 (1) DEFINITIONS.--As used in this section, the term:

1703 (b) "In compliance" means consistent with the requirements  
1704 of s. ss. 163.3177, ~~163.31776~~, when a local government adopts an  
1705 educational facilities element, 163.3178, 163.3180, 163.3191,  
1706 and 163.3245, with the state comprehensive plan, with the  
1707 appropriate strategic regional policy plan, and with chapter 9J-  
1708 5, Florida Administrative Code, where such rule is not  
1709 inconsistent with this part and with the principles for guiding  
1710 development in designated areas of critical state concern and  
1711 with part III of chapter 369, where applicable.

1712 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies  
1713 specified in paragraph (3)(a) shall provide comments to the  
1714 state land planning agency within 30 days after receipt by the  
1715 state land planning agency of the complete proposed plan  
1716 amendment. If the plan or plan amendment includes or relates to  
1717 the public school facilities element pursuant to s. 163.3177  
1718 ~~163.31776~~, the state land planning agency shall submit a copy to  
1719 the Office of Educational Facilities of the Commissioner of  
1720 Education for review and comment. The appropriate regional  
1721 planning council shall also provide its written comments to the  
1722 state land planning agency within 30 days after receipt by the  
1723 state land planning agency of the complete proposed plan  
1724 amendment and shall specify any objections, recommendations for  
1725 modifications, and comments of any other regional agencies to  
1726 which the regional planning council may have referred the

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Amendment No. (for drafter's use only)

1727 proposed plan amendment. Written comments submitted by the  
1728 public within 30 days after notice of transmittal by the local  
1729 government of the proposed plan amendment will be considered as  
1730 if submitted by governmental agencies. All written agency and  
1731 public comments must be made part of the file maintained under  
1732 subsection (2).

1733 (6) STATE LAND PLANNING AGENCY REVIEW.--

1734 (a) The state land planning agency may ~~shall~~ review a  
1735 proposed plan amendment upon request of a regional planning  
1736 council, affected person, or local government transmitting the  
1737 plan amendment. The request from the regional planning council  
1738 or affected person must be received within 30 days after  
1739 transmittal of the proposed plan amendment pursuant to  
1740 subsection (3). A regional planning council or affected person  
1741 requesting a review shall do so by submitting a written request  
1742 to the agency with a notice of the request to the local  
1743 government and any other person who has requested notice.

1744 Section 8. Paragraphs (c) and (l) of subsection (1) of  
1745 section 163.3187, Florida Statutes, are amended, and paragraph  
1746 (o) is added to said subsection, to read:

1747 163.3187 Amendment of adopted comprehensive plan.--

1748 (1) Amendments to comprehensive plans adopted pursuant to  
1749 this part may be made not more than two times during any  
1750 calendar year, except:

1751 (c) Any local government comprehensive plan amendments  
1752 directly related to proposed small scale development activities  
1753 may be approved without regard to statutory limits on the

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

1754 frequency of consideration of amendments to the local  
1755 comprehensive plan. A small scale development amendment may be  
1756 adopted only under the following conditions:

1757 1. The proposed amendment involves a use of 10 acres or  
1758 fewer and:

1759 a. The cumulative annual effect of the acreage for all  
1760 small scale development amendments adopted by the local  
1761 government shall not exceed:

1762 (I) A maximum of 120 acres in a local government that  
1763 contains areas specifically designated in the local  
1764 comprehensive plan for urban infill, urban redevelopment, or  
1765 downtown revitalization as defined in s. 163.3164, urban infill  
1766 and redevelopment areas designated under s. 163.2517,  
1767 transportation concurrency exception areas approved pursuant to  
1768 s. 163.3180(5), or regional activity centers and urban central  
1769 business districts approved pursuant to s. 380.06(2)(e);  
1770 however, amendments under this paragraph may be applied to no  
1771 more than 60 acres annually of property outside the designated  
1772 areas listed in this sub-sub-subparagraph. Amendments adopted  
1773 pursuant to paragraph (k) shall not be counted toward the  
1774 acreage limitations for small scale amendments under this  
1775 paragraph.

1776 (II) A maximum of 80 acres in a local government that does  
1777 not contain any of the designated areas set forth in sub-sub-  
1778 subparagraph (I).

1779 (III) A maximum of 120 acres in a county established  
1780 pursuant to s. 9, Art. VIII of the State Constitution.

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1781 b. The proposed amendment does not involve the same  
1782 property granted a change within the prior 12 months.

1783 c. The proposed amendment does not involve the same  
1784 owner's property within 200 feet of property granted a change  
1785 within the prior 12 months.

1786 d. The proposed amendment does not involve a text change  
1787 to the goals, policies, and objectives of the local government's  
1788 comprehensive plan, but only proposes a land use change to the  
1789 future land use map for a site-specific small scale development  
1790 activity.

1791 e. The property that is the subject of the proposed  
1792 amendment is not located within an area of critical state  
1793 concern, unless the project subject to the proposed amendment  
1794 involves the construction of affordable housing units meeting  
1795 the criteria of s. 420.0004(3), and is located within an area of  
1796 critical state concern designated by s. 380.0552 or by the  
1797 Administration Commission pursuant to s. 380.05(1). Such  
1798 amendment is not subject to the density limitations of sub-  
1799 subparagraph f., and shall be reviewed by the state land  
1800 planning agency for consistency with the principles for guiding  
1801 development applicable to the area of critical state concern  
1802 where the amendment is located and shall not become effective  
1803 until a final order is issued under s. 380.05(6).

1804 f. If the proposed amendment involves a residential land  
1805 use, the residential land use has a density of 10 units or less  
1806 per acre, except that this limitation does not apply to small  
1807 scale amendments involving the construction of affordable

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1808 housing units meeting the criteria of s. 420.0004(3) on property  
1809 which will be the subject of a land use restriction agreement or  
1810 extended use agreement recorded in conjunction with the issuance  
1811 of tax exempt bond financing or an allocation of federal tax  
1812 credits issued through the Florida Housing Finance Corporation  
1813 or a local housing finance authority authorized by the Division  
1814 of Bond Finance of the State Board of Administration, or small  
1815 scale amendments described in sub-sub-subparagraph a.(I) that  
1816 are designated in the local comprehensive plan for urban infill,  
1817 urban redevelopment, or downtown revitalization as defined in s.  
1818 163.3164, urban infill and redevelopment areas designated under  
1819 s. 163.2517, transportation concurrency exception areas approved  
1820 pursuant to s. 163.3180(5), or regional activity centers and  
1821 urban central business districts approved pursuant to s.  
1822 380.06(2)(e).

1823       2.a. A local government that proposes to consider a plan  
1824 amendment pursuant to this paragraph is not required to comply  
1825 with the procedures and public notice requirements of s.  
1826 163.3184(15)(c) for such plan amendments if the local government  
1827 complies with the provisions in s. 125.66(4)(a) for a county or  
1828 in s. 166.041(3)(c) for a municipality. If a request for a plan  
1829 amendment under this paragraph is initiated by other than the  
1830 local government, public notice is required.

1831       b. The local government shall send copies of the notice  
1832 and amendment to the state land planning agency, the regional  
1833 planning council, and any other person or entity requesting a  
1834 copy. This information shall also include a statement

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1835 identifying any property subject to the amendment that is  
1836 located within a coastal high hazard area as identified in the  
1837 local comprehensive plan.

1838 3. Small scale development amendments adopted pursuant to  
1839 this paragraph require only one public hearing before the  
1840 governing board, which shall be an adoption hearing as described  
1841 in s. 163.3184(7), and are not subject to the requirements of s.  
1842 163.3184(3)-(6) unless the local government elects to have them  
1843 subject to those requirements.

1844 (1) A comprehensive plan amendment to adopt a public  
1845 educational facilities element pursuant to s. 163.3177 ~~163.31776~~  
1846 and future land-use-map amendments for school siting may be  
1847 approved notwithstanding statutory limits on the frequency of  
1848 adopting plan amendments.

1849 (o)1. For municipalities that are more than 90 percent  
1850 built-out, any municipality's comprehensive plan amendments may  
1851 be approved without regard to statutory limits on the frequency  
1852 of consideration of amendments to the local comprehensive plan  
1853 only if the proposed amendment involves a use of 100 acres or  
1854 fewer and:

1855 a. The cumulative annual effect of the acreage for all  
1856 amendments adopted pursuant to this paragraph does not exceed  
1857 500 acres.

1858 b. The proposed amendment does not involve the same  
1859 property granted a change within the prior 12 months.

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1860 c. The proposed amendment does not involve the same  
1861 owner's property within 200 feet of property granted a change  
1862 within the prior 12 months.

1863 d. The proposed amendment does not involve a text change  
1864 to the goals, policies, and objectives of the local government's  
1865 comprehensive plan but only proposes a land use change to the  
1866 future land use map for a site-specific small scale development  
1867 activity.

1868 e. The property that is the subject of the proposed  
1869 amendment is not located within an area of critical state  
1870 concern.

1871 2. For purposes of this paragraph, the term "built-out"  
1872 means 90 percent of the property within the municipality's  
1873 boundaries, excluding lands that are designated as conservation,  
1874 preservation, recreation, or public facilities categories, have  
1875 been developed, or are the subject of an approved development  
1876 order that has received a building permit, and the municipality  
1877 has an average density of 5 units per acre for residential  
1878 development.

1879 3.a. A local government that proposes to consider a plan  
1880 amendment pursuant to this paragraph is not required to comply  
1881 with the procedures and public notice requirements of s.  
1882 163.3184(15)(c) for such plan amendments if the local government  
1883 complies with the provisions of s. 166.041(3)(c). If a request  
1884 for a plan amendment under this paragraph is initiated by other  
1885 than the local government, public notice is required.

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1886        b. The local government shall send copies of the notice  
1887 and amendment to the state land planning agency, the regional  
1888 planning council, and any other person or entity requesting a  
1889 copy. This information shall also include a statement  
1890 identifying any property subject to the amendment that is  
1891 located within a coastal high hazard area as identified in the  
1892 local comprehensive plan.

1893        4. Amendments adopted pursuant to this paragraph require  
1894 only one public hearing before the governing board, which shall  
1895 be an adoption hearing as described in s. 163.3184(7), and are  
1896 not subject to the requirements of s. 163.3184(3)-(6) unless the  
1897 local government elects to have them subject to those  
1898 requirements.

1899        5. This paragraph shall not apply if a municipality  
1900 annexes unincorporated property that decreases the percentage of  
1901 build-out to an amount below 90 percent.

1902        5. A municipality shall notify the state land planning  
1903 agency in writing of its built-out percentage prior to the  
1904 submission of any comprehensive plan amendments under this  
1905 subsection.

1906        Section 9. Paragraphs (k) and (l) of subsection (2) and  
1907 subsection (10) of section 163.3191, Florida Statutes, are  
1908 amended, and paragraph (o) is added to subsection (2) of said  
1909 section, to read:

1910        163.3191 Evaluation and appraisal of comprehensive plan.--

1911        (2) The report shall present an evaluation and assessment  
1912 of the comprehensive plan and shall contain appropriate

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1913 statements to update the comprehensive plan, including, but not  
1914 limited to, words, maps, illustrations, or other media, related  
1915 to:

1916 (k) The coordination of the comprehensive plan with  
1917 existing public schools and those identified in the applicable  
1918 educational facilities plan adopted pursuant to s. 1013.35. The  
1919 assessment shall address, where relevant, the success or failure  
1920 of the coordination of the future land use map and associated  
1921 planned residential development with public schools and their  
1922 capacities, as well as the joint decisionmaking processes  
1923 engaged in by the local government and the school board in  
1924 regard to establishing appropriate population projections and  
1925 the planning and siting of public school facilities. For  
1926 counties or municipalities that do not have a public schools  
1927 interlocal agreement or public school facility element, the  
1928 assessment shall determine whether the local government  
1929 continues to meet the criteria of s. 163.3177(12). If the county  
1930 or municipality determines that it no longer meets the criteria,  
1931 the county or municipality must adopt appropriate school  
1932 concurrency goals, objectives, and policies in its plan  
1933 amendments pursuant to the requirements of the public school  
1934 facility element and enter into the existing interlocal  
1935 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
1936 order to fully participate in the school concurrency system ~~if~~  
1937 ~~the issues are not relevant, the local government shall~~  
1938 ~~demonstrate that they are not relevant.~~

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1939           (1) The extent to which the local government has been  
1940 successful in identifying alternative water supply projects and  
1941 traditional water supply projects including conservation and  
1942 reuse, necessary to meet existing and projected water use demand  
1943 for the comprehensive plan's water supply work plan and the  
1944 water needs identified in s. 373.0361(2) within the local  
1945 government's jurisdiction. The report must evaluate the degree  
1946 to which the local government has implemented the work plan for  
1947 water supply facilities included in the potable water element.  
1948 ~~The evaluation must consider the appropriate water management~~  
1949 ~~district's regional water supply plan approved pursuant to s.~~  
1950 ~~373.0361. The potable water element must be revised to include a~~  
1951 ~~work plan, covering at least a 10-year planning period, for~~  
1952 ~~building any water supply facilities that are identified in the~~  
1953 ~~element as necessary to serve existing and new development and~~  
1954 ~~for which the local government is responsible.~~

1955           (o) The extent to which a concurrency exception area  
1956 designated pursuant to s. 163.3180(5), a concurrency management  
1957 area designated pursuant to s. 163.3180(7), or a multimodal  
1958 district designated pursuant to s. 163.3180(15) has achieved the  
1959 purposes for which it was created and otherwise complies with  
1960 the provisions of s. 163.3180.

1961           (10) The governing body shall amend its comprehensive plan  
1962 based on the recommendations in the report and shall update the  
1963 comprehensive plan based on the components of subsection (2),  
1964 pursuant to the provisions of ss. 163.3184, 163.3187, and  
1965 163.3189. Amendments to update a comprehensive plan based on the

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1966 evaluation and appraisal report shall be adopted within 18  
1967 months after the report is determined to be sufficient by the  
1968 state land planning agency, except the state land planning  
1969 agency may grant an extension for adoption of a portion of such  
1970 amendments. The state land planning agency may grant a 6-month  
1971 extension for the adoption of such amendments if the request is  
1972 justified by good and sufficient cause as determined by the  
1973 agency. An additional extension may also be granted if the  
1974 request will result in greater coordination between  
1975 transportation and land use, for the purposes of improving  
1976 Florida's transportation system, as determined by the agency in  
1977 coordination with the Metropolitan Planning Organization  
1978 program. Beginning July 1, 2006, failure to timely transmit  
1979 updating amendments to the comprehensive plan based on the  
1980 evaluation and appraisal report shall result in a local  
1981 government being prohibited from adopting amendments to the  
1982 comprehensive plan until the evaluation and appraisal report  
1983 updating amendments have been transmitted to the state land  
1984 planning agency. The prohibition on plan amendments shall  
1985 commence when the updating amendments to the comprehensive plan  
1986 are past due. The comprehensive plan as amended shall be in  
1987 compliance as defined in s. 163.3184(1)(b). Within 6 months  
1988 after the effective date of the updating amendments to the  
1989 comprehensive plan, the local government shall provide to the  
1990 state land planning agency and to all agencies designated by  
1991 rule a complete copy of the updated comprehensive plan.

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1992 Section 10. Section 163.3247, Florida Statutes, is created  
1993 to read:

1994 163.3247 Century Commission for a Sustainable Florida.--

1995 (1) POPULAR NAME.--This section may be cited as the  
1996 "Century Commission for a Sustainable Florida Act."

1997 (2) FINDINGS AND INTENT.--The Legislature finds and  
1998 declares that the population of this state is expected to more  
1999 than double over the next 100 years, with commensurate impacts  
2000 to the state's natural resources and public infrastructure.  
2001 Consequently, it is in the best interests of the people of the  
2002 state to ensure sound planning for the proper placement of this  
2003 growth and protection of the state's land, water, and other  
2004 natural resources since such resources are essential to our  
2005 collective quality of life and a strong economy. The state's  
2006 growth management system should foster economic stability  
2007 through regional solutions and strategies, urban renewal and  
2008 infill, and the continued viability of agricultural economies,  
2009 while allowing for rural economic development and protecting the  
2010 unique characteristics of rural areas, and should reduce the  
2011 complexity of the regulatory process while carrying out the  
2012 intent of the laws and encouraging greater citizen  
2013 participation.

2014 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;  
2015 CREATION; ORGANIZATION.--The Century Commission for a  
2016 Sustainable Florida is created as a standing body to help the  
2017 citizens of this state envision and plan their collective future  
2018 with an eye towards both 20-year and 50-year horizons.

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2019        (a) The commission shall consist of nine members, three  
2020 appointed by the Governor, three appointed by the President of  
2021 the Senate, and three appointed by the Speaker of the House of  
2022 Representatives. Appointments shall be made no later than  
2023 October 1, 2005. The membership must represent local  
2024 governments, school boards, developers and homebuilders, the  
2025 business community, the agriculture community, the environmental  
2026 community, and other appropriate stakeholders. One member shall  
2027 be designated by the Governor as chair of the commission. Any  
2028 vacancy that occurs on the commission must be filled in the same  
2029 manner as the original appointment and shall be for the  
2030 unexpired term of that commission seat. Members shall serve 4-  
2031 year terms, except that, initially, to provide for staggered  
2032 terms, three of the appointees, one each by the Governor, the  
2033 President of the Senate, and the Speaker of the House of  
2034 Representatives, shall serve 2-year terms, three shall serve 3-  
2035 year terms, and three shall serve 4-year terms. All subsequent  
2036 appointments shall be for 4-year terms. An appointee may not  
2037 serve more than 6 years.

2038        (b) The first meeting of the commission shall be held no  
2039 later than December 1, 2005, and shall meet at the call of the  
2040 chair but not less frequently than three times per year in  
2041 different regions of the state to solicit input from the public  
2042 or any other individuals offering testimony relevant to the  
2043 issues to be considered.

2044        (c) Each member of the commission is entitled to one vote  
2045 and actions of the commission are not binding unless taken by a

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2046 three-fifths vote of the members present. A majority of the  
2047 members is required to constitute a quorum, and the affirmative  
2048 vote of a quorum is required for a binding vote.

2049 (d) Members of the commission shall serve without  
2050 compensation but shall be entitled to receive per diem and  
2051 travel expenses in accordance with s. 112.061 while in  
2052 performance of their duties.

2053 (4) POWERS AND DUTIES.--The commission shall:

2054 (a) Annually conduct a process through which the  
2055 commission envisions the future for the state and then develops  
2056 and recommends policies, plans, action steps, or strategies to  
2057 assist in achieving the vision.

2058 (b) Continuously review and consider statutory and  
2059 regulatory provisions, governmental processes, and societal and  
2060 economic trends in its inquiry of how state, regional, and local  
2061 governments and entities and citizens of this state can best  
2062 accommodate projected increased populations while maintaining  
2063 the natural, historical, cultural, and manmade life qualities  
2064 that best represent the state.

2065 (c) Bring together people representing varied interests to  
2066 develop a shared image of the state and its developed and  
2067 natural areas. The process should involve exploring the impact  
2068 of the estimated population increase and other emerging trends  
2069 and issues; creating a vision for the future; and developing a  
2070 strategic action plan to achieve that vision using 20-year and  
2071 50-year intermediate planning timeframes.

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2072 (d) Focus on essential state interests, defined as those  
2073 interests that transcend local or regional boundaries and are  
2074 most appropriately conserved, protected, and promoted at the  
2075 state level.

2076 (e) Serve as an objective, nonpartisan repository of  
2077 exemplary community-building ideas and as a source to recommend  
2078 strategies and practices to assist others in working  
2079 collaboratively to problem solve on issues relating to growth  
2080 management.

2081 (f) Annually, beginning January 16, 2007, and every year  
2082 thereafter on the same date, provide to the Governor, the  
2083 President of the Senate, and the Speaker of the House of  
2084 Representatives a written report containing specific  
2085 recommendations for addressing growth management in the state,  
2086 including executive and legislative recommendations. Further,  
2087 the report shall contain discussions regarding the need for  
2088 intergovernmental cooperation and the balancing of environmental  
2089 protection and future development and recommendations on issues,  
2090 including, but not limited to, recommendations regarding  
2091 dedicated sources of funding for sewer facilities, water supply  
2092 and quality, transportation facilities that are not adequately  
2093 addressed by the Strategic Intermodal System, and educational  
2094 infrastructure to support existing development and projected  
2095 population growth. This report shall be verbally presented to a  
2096 joint session of both houses annually as scheduled by the  
2097 President of the Senate and the Speaker of the House of  
2098 Representatives.

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2099       (g) Beginning with the 2007 Regular Session of the  
2100 Legislature, the President of the Senate and Speaker of the  
2101 House of Representatives shall create a joint select committee,  
2102 the task of which shall be to review the findings and  
2103 recommendations of the Century Commission for a Sustainable  
2104 Florida for potential action.

2105       (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2106       (a) The Secretary of Community Affairs shall select an  
2107 executive director of the commission, and the executive director  
2108 shall serve at the pleasure of the secretary under the  
2109 supervision and control of the commission.

2110       (b) The Department of Community Affairs shall provide  
2111 staff and other resources necessary to accomplish the goals of  
2112 the commission based upon recommendations of the Governor.

2113       (c) All agencies under the control of the Governor are  
2114 directed, and all other agencies are requested, to render  
2115 assistance to, and cooperate with, the commission.

2116       Section 11. Paragraph (d) of subsection (1) of section  
2117 201.15, Florida Statutes, is amended to read:

2118       201.15 Distribution of taxes collected.--All taxes  
2119 collected under this chapter shall be distributed as follows and  
2120 shall be subject to the service charge imposed in s. 215.20(1),  
2121 except that such service charge shall not be levied against any  
2122 portion of taxes pledged to debt service on bonds to the extent  
2123 that the amount of the service charge is required to pay any  
2124 amounts relating to the bonds:

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2125 (1) Sixty-two and sixty-three hundredths percent of the  
2126 remaining taxes collected under this chapter shall be used for  
2127 the following purposes:

2128 (d) The remainder of the moneys distributed under this  
2129 subsection, after the required payments under paragraphs (a),  
2130 (b), and (c), shall be paid into the State Treasury to the  
2131 credit of the State Transportation Trust Fund in the Department  
2132 of Transportation in the amount of \$566.75 million each fiscal  
2133 year to be paid in quarterly installments and allocated for the  
2134 following specified purposes notwithstanding any other provision  
2135 of law:

2136 1. New Starts Transit Program pursuant to 49 U.S.C. s.  
2137 5309 and implemented by s. 341.051, \$50 million for fiscal year  
2138 2005-2006, \$65 million for fiscal year 2006-2007, \$70 million  
2139 each fiscal year for fiscal years 2007-2008 through 2009-2010,  
2140 \$80 million for fiscal year 2010-2011 and each fiscal year  
2141 thereafter.

2142 2. Small County Outreach Program pursuant to s. 339.2818,  
2143 \$35 million for each fiscal year for fiscal years 2005-2006  
2144 through 2009-2010, \$45 million for fiscal year 2010-2011 and  
2145 each fiscal year thereafter.

2146 3. Transportation Incentive Program for a Sustainable  
2147 Florida pursuant to s. 339.28171, \$81.75 million for fiscal year  
2148 2005-2006, \$65 million for fiscal year 2006-2007, \$150 million  
2149 each year for fiscal years 2007-2008 through 2009-2010, \$125  
2150 million for fiscal year 2010-2011, and each fiscal year  
2151 thereafter.

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2152        4. Strategic Intermodal System pursuant to s. 339.64, all  
2153 remaining funds after allocations are made for subparagraphs 1.  
2154 through 3. ~~The remainder of the moneys distributed under this~~  
2155 ~~subsection, after the required payments under paragraphs (a),~~  
2156 ~~(b), and (c), shall be paid into the State Treasury to the~~  
2157 ~~credit of the General Revenue Fund of the state to be used and~~  
2158 ~~expended for the purposes for which the General Revenue Fund was~~  
2159 ~~created and exists by law or to the Ecosystem Management and~~  
2160 ~~Restoration Trust Fund or to the Marine Resources Conservation~~  
2161 ~~Trust Fund as provided in subsection (11).~~

2162        Section 12. Subsection (3) of section 215.211, Florida  
2163 Statutes, is amended to read:

2164        215.211 Service charge; elimination or reduction for  
2165 specified proceeds.--

2166        (3) Notwithstanding the provisions of s. 215.20(1), the  
2167 service charge provided in s. 215.20(1), which is deducted from  
2168 the proceeds of the local option fuel tax distributed under s.  
2169 336.025, shall be reduced as follows:

2170        (a) For the period July 1, 2005, through June 30, 2006,  
2171 the rate of the service charge shall be 3.5 percent.

2172        (b) Beginning July 1, 2006, and thereafter, no service  
2173 charge shall be deducted from the proceeds of the local option  
2174 fuel tax distributed under s. 336.025.

2175  
2176 The increased revenues derived from this subsection shall be  
2177 deposited in the State Transportation Trust Fund and used to  
2178 fund the Transportation Incentive Program for a Sustainable

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2179 ~~Florida County Incentive Grant Program~~ and the Small County  
2180 Outreach Program. Up to 20 percent of such funds shall be used  
2181 for the purpose of implementing the Small County Outreach  
2182 Program created pursuant to s. 339.2818 as provided in this act.  
2183 ~~Notwithstanding any other laws to the contrary, the requirements~~  
2184 ~~of ss. 339.135, 339.155, and 339.175 shall not apply to these~~  
2185 ~~funds and programs.~~

2186 Section 13. Section 337.107, Florida Statutes, is amended  
2187 to read:

2188 337.107 Contracts for right-of-way services.--The  
2189 department may enter into contracts pursuant to s. 287.055 for  
2190 right-of-way services on transportation corridors and  
2191 transportation facilities or the department may include right-  
2192 of-way services as part of design-build contracts awarded  
2193 pursuant to s. 337.11. Right-of-way services include negotiation  
2194 and acquisition services, appraisal services, demolition and  
2195 removal of improvements, and asbestos-abatement services.

2196 Section 14. Effective July 1, 2007, section 337.107,  
2197 Florida Statutes, as amended by this act, is amended to read:

2198 337.107 Contracts for right-of-way services.--The  
2199 department may enter into contracts pursuant to s. 287.055 for  
2200 right-of-way services on transportation corridors and  
2201 transportation facilities ~~or the department may include right-~~  
2202 ~~of-way services as part of design-build contracts awarded~~  
2203 ~~pursuant to s. 337.11.~~ Right-of-way services include negotiation  
2204 and acquisition services, appraisal services, demolition and  
2205 removal of improvements, and asbestos-abatement services.

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2206 Section 15. Paragraph (a) of subsection (7) of section  
2207 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of  
2208 Florida, is amended to read:

2209 337.11 Contracting authority of department; bids;  
2210 emergency repairs, supplemental agreements, and change orders;  
2211 combined design and construction contracts; progress payments;  
2212 records; requirements of vehicle registration.--

2213 (7)(a) If the head of the department determines that it is  
2214 in the best interests of the public, the department may combine  
2215 the design and construction phases of any a building, a major  
2216 bridge, a limited access facility, or a rail corridor project  
2217 into a single contract, except for a resurfacing or minor bridge  
2218 project the right-of-way services and design construction phases  
2219 of which may be combined under s. 337.025. Such contract is  
2220 referred to as a design-build contract. Design-build contracts  
2221 may be advertised and awarded notwithstanding the requirements  
2222 of paragraph (3)(c). However, construction activities may not  
2223 begin on any portion of such projects for which the department  
2224 has not yet obtained title until title to the necessary rights-  
2225 of-way and easements for the construction of that portion of the  
2226 project has vested in the state or a local governmental entity  
2227 and all railroad crossing and utility agreements have been  
2228 executed. Title to rights-of-way shall be deemed to have vested  
2229 vests in the state when the title has been dedicated to the  
2230 public or acquired by prescription.

2231 Section 16. Effective July 1, 2007, paragraph (a) of  
2232 subsection (7) of section 337.11, Florida Statutes, as amended

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2233 by chapter 2002-20, Laws of Florida, as amended by this act, is  
2234 amended to read:

2235 337.11 Contracting authority of department; bids;  
2236 emergency repairs, supplemental agreements, and change orders;  
2237 combined design and construction contracts; progress payments;  
2238 records; requirements of vehicle registration.--

2239 (7)(a) If the head of the department determines that it is  
2240 in the best interests of the public, the department may combine  
2241 the design and construction phases of a building, a major  
2242 bridge, a limited access facility, or a rail corridor ~~any~~  
2243 ~~project into a single contract, except for a resurfacing or~~  
2244 ~~minor bridge project the right-of-way services and design~~  
2245 ~~construction phases of which may be combined under s. 337.025.~~

2246 Such contract is referred to as a design-build contract. Design-  
2247 build contracts may be advertised and awarded notwithstanding  
2248 the requirements of paragraph (3)(c). However, construction  
2249 activities may not begin on any portion of such projects ~~for~~  
2250 ~~which the department has not yet obtained title~~ until title to  
2251 the necessary rights-of-way and easements for the construction  
2252 of that portion of the project has vested in the state or a  
2253 local governmental entity and all railroad crossing and utility  
2254 agreements have been executed. Title to rights-of-way vests  
2255 ~~shall be deemed to have vested~~ in the state when the title has  
2256 been dedicated to the public or acquired by prescription.

2257 Section 17. Paragraph (j) of subsection (1) of section  
2258 339.08, Florida Statutes, is amended, and paragraph (m) of said

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2259 subsection is redesignated as paragraph (n) and new paragraph  
2260 (m) is added to said subsection, to read:

2261 339.08 Use of moneys in State Transportation Trust Fund.--

2262 (1) The department shall expend moneys in the State  
2263 Transportation Trust Fund accruing to the department, in  
2264 accordance with its annual budget. The use of such moneys shall  
2265 be restricted to the following purposes:

2266 (j) To pay the cost of county or municipal road projects  
2267 selected in accordance with the ~~County Incentive Grant Program~~  
2268 ~~created in s. 339.2817~~ and the Small County Outreach Program  
2269 created in s. 339.2818.

2270 (m) To pay the cost of transportation projects selected in  
2271 accordance with the Transportation Incentive Program for a  
2272 Sustainable Florida created in s. 339.28171.

2273 Section 18. Paragraph (b) of subsection (4) of section  
2274 339.135, Florida Statutes, is amended to read:

2275 339.135 Work program; legislative budget request;  
2276 definitions; preparation, adoption, execution, and amendment.--

2277 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2278 (b)1. A tentative work program, including the ensuing  
2279 fiscal year and the successive 4 fiscal years, shall be prepared  
2280 for the State Transportation Trust Fund and other funds managed  
2281 by the department, unless otherwise provided by law. The  
2282 tentative work program shall be based on the district work  
2283 programs and shall set forth all projects by phase to be  
2284 undertaken during the ensuing fiscal year and planned for the  
2285 successive 4 fiscal years. The total amount of the liabilities

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2286 accruing in each fiscal year of the tentative work program may  
2287 not exceed the revenues available for expenditure during the  
2288 respective fiscal year based on the cash forecast for that  
2289 respective fiscal year.

2290 2. The tentative work program shall be developed in  
2291 accordance with the Florida Transportation Plan required in s.  
2292 339.155 and must comply with the program funding levels  
2293 contained in the program and resource plan.

2294 3. The department may include in the tentative work  
2295 program proposed changes to the programs contained in the  
2296 previous work program adopted pursuant to subsection (5);  
2297 however, the department shall minimize changes and adjustments  
2298 that affect the scheduling of project phases in the 4 common  
2299 fiscal years contained in the previous adopted work program and  
2300 the tentative work program. The department, in the development  
2301 of the tentative work program, shall advance by 1 fiscal year  
2302 all projects included in the second year of the previous year's  
2303 adopted work program, unless the secretary specifically  
2304 determines that it is necessary, for specific reasons, to  
2305 reschedule or delete one or more projects from that year. Such  
2306 changes and adjustments shall be clearly identified, and the  
2307 effect on the 4 common fiscal years contained in the previous  
2308 adopted work program and the tentative work program shall be  
2309 shown. It is the intent of the Legislature that ~~the first 5~~  
2310 ~~years of the adopted work program for facilities designated as~~  
2311 ~~part of the Florida Intrastate Highway System and the first 3~~  
2312 years of the adopted work program stand as the commitment of the

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2313 state to undertake transportation projects that local  
2314 governments may rely on for planning and concurrency purposes  
2315 and in the development and amendment of the capital improvements  
2316 elements of their local government comprehensive plans.

2317 4. The tentative work program must include a balanced 36-  
2318 month forecast of cash and expenditures and a 5-year finance  
2319 plan supporting the tentative work program.

2320 Section 19. Paragraphs (c), (d), and (e) are added to  
2321 subsection (5) of section 339.155, Florida Statutes, to read:

2322 339.155 Transportation planning.--

2323 (5) ADDITIONAL TRANSPORTATION PLANS.--

2324 (c) Regional transportation plans may be developed in  
2325 regional transportation areas in accordance with an interlocal  
2326 agreement entered into pursuant to s. 163.01 by the department  
2327 and two or more contiguous metropolitan planning organizations,  
2328 one or more metropolitan planning organizations and one or more  
2329 contiguous counties that are not members of a metropolitan  
2330 planning organization, a multicounty regional transportation  
2331 authority created by or pursuant to law, two or more contiguous  
2332 counties that are not members of a metropolitan planning  
2333 organization, or metropolitan planning organizations comprised  
2334 of three or more counties.

2335 (d) The department shall develop a model draft interlocal  
2336 agreement that, at a minimum, shall identify the entity that  
2337 will coordinate the development of the regional transportation  
2338 plan; delineate the boundaries of the regional transportation  
2339 area; provide the duration of the agreement and specify how the

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2340 agreement may be terminated, modified, or rescinded; describe  
2341 the process by which the regional transportation plan will be  
2342 developed; and provide how members of the entity will resolve  
2343 disagreements regarding interpretation of the interlocal  
2344 agreement or disputes relating to the development or content of  
2345 the regional transportation plan. The designated entity shall  
2346 coordinate the adoption of the interlocal agreement using as its  
2347 framework the department model. Such interlocal agreement shall  
2348 become effective upon approval by supermajority vote of the  
2349 affected local governments.

2350 (e) The regional transportation plan developed pursuant to  
2351 this section shall, at a minimum, identify regionally  
2352 significant transportation facilities located within a regional  
2353 transportation area, and recommend a list to the department for  
2354 prioritization. The project shall be adopted into the capital  
2355 improvements schedule of the local government comprehensive plan  
2356 pursuant to s. 163. 3177(3).

2357 Section 20. Section 339.175, Florida Statutes, is amended  
2358 to read:

2359 339.175 Metropolitan planning organization.--It is the  
2360 intent of the Legislature to encourage and promote the safe and  
2361 efficient management, operation, and development of surface  
2362 transportation systems that will serve the mobility needs of  
2363 people and freight within and through urbanized areas of this  
2364 state while minimizing transportation-related fuel consumption  
2365 and air pollution. To accomplish these objectives, metropolitan  
2366 planning organizations, referred to in this section as M.P.O.'s,

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2367 shall develop, in cooperation with the state and public transit  
2368 operators, transportation plans and programs for metropolitan  
2369 areas. The plans and programs for each metropolitan area must  
2370 provide for the development and integrated management and  
2371 operation of transportation systems and facilities, including  
2372 pedestrian walkways and bicycle transportation facilities that  
2373 will function as an intermodal transportation system for the  
2374 metropolitan area, based upon the prevailing principles provided  
2375 in s. 334.046(1). The process for developing such plans and  
2376 programs shall provide for consideration of all modes of  
2377 transportation and shall be continuing, cooperative, and  
2378 comprehensive, to the degree appropriate, based on the  
2379 complexity of the transportation problems to be addressed. To  
2380 ensure that the process is integrated with the statewide  
2381 planning process, M.P.O.'s shall develop plans and programs that  
2382 identify transportation facilities that should function as an  
2383 integrated metropolitan transportation system, giving emphasis  
2384 to facilities that serve important national, state, and regional  
2385 transportation functions. For the purposes of this section,  
2386 those facilities include the facilities on the Strategic  
2387 Intermodal System designated under s. 339.63 and facilities for  
2388 which projects have been identified pursuant to s. 339.28171.

2389 (1) DESIGNATION.--

2390 (a)1. An M.P.O. shall be designated for each urbanized  
2391 area of the state; however, this does not require that an  
2392 individual M.P.O. be designated for each such area. Such  
2393 designation shall be accomplished by agreement between the

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2394 Governor and units of general-purpose local government  
2395 representing at least 75 percent of the population of the  
2396 urbanized area; however, the unit of general-purpose local  
2397 government that represents the central city or cities within the  
2398 M.P.O. jurisdiction, as defined by the United States Bureau of  
2399 the Census, must be a party to such agreement.

2400         2. More than one M.P.O. may be designated within an  
2401 existing metropolitan planning area only if the Governor and the  
2402 existing M.P.O. determine that the size and complexity of the  
2403 existing metropolitan planning area makes the designation of  
2404 more than one M.P.O. for the area appropriate.

2405         (b) Each M.P.O. shall be created and operated under the  
2406 provisions of this section pursuant to an interlocal agreement  
2407 entered into pursuant to s. 163.01. The signatories to the  
2408 interlocal agreement shall be the department and the  
2409 governmental entities designated by the Governor for membership  
2410 on the M.P.O. If there is a conflict between this section and s.  
2411 163.01, this section prevails.

2412         (c) The jurisdictional boundaries of an M.P.O. shall be  
2413 determined by agreement between the Governor and the applicable  
2414 M.P.O. The boundaries must include at least the metropolitan  
2415 planning area, which is the existing urbanized area and the  
2416 contiguous area expected to become urbanized within a 20-year  
2417 forecast period, and may encompass the entire metropolitan  
2418 statistical area or the consolidated metropolitan statistical  
2419 area.

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2420 (d) In the case of an urbanized area designated as a  
2421 nonattainment area for ozone or carbon monoxide under the Clean  
2422 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
2423 metropolitan planning area in existence as of the date of  
2424 enactment of this paragraph shall be retained, except that the  
2425 boundaries may be adjusted by agreement of the Governor and  
2426 affected metropolitan planning organizations in the manner  
2427 described in this section. If more than one M.P.O. has authority  
2428 within a metropolitan area or an area that is designated as a  
2429 nonattainment area, each M.P.O. shall consult with other  
2430 M.P.O.'s designated for such area and with the state in the  
2431 coordination of plans and programs required by this section.  
2432

2433 Each M.P.O. required under this section must be fully operative  
2434 no later than 6 months following its designation.

2435 (2) VOTING MEMBERSHIP.--

2436 (a) The voting membership of an M.P.O. shall consist of  
2437 not fewer than 5 or more than 19 apportioned members, the exact  
2438 number to be determined on an equitable geographic-population  
2439 ratio basis by the Governor, based on an agreement among the  
2440 affected units of general-purpose local government as required  
2441 by federal rules and regulations. The Governor, in accordance  
2442 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
2443 represent municipalities to alternate with representatives from  
2444 other municipalities within the metropolitan planning area that  
2445 do not have members on the M.P.O. County commission members  
2446 shall compose not less than one-third of the M.P.O. membership,

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2447 | except for an M.P.O. with more than 15 members located in a  
2448 | county with a five-member county commission or an M.P.O. with 19  
2449 | members located in a county with no more than 6 county  
2450 | commissioners, in which case county commission members may  
2451 | compose less than one-third percent of the M.P.O. membership,  
2452 | but all county commissioners must be members. All voting members  
2453 | shall be elected officials of general-purpose governments,  
2454 | except that an M.P.O. may include, as part of its apportioned  
2455 | voting members, a member of a statutorily authorized planning  
2456 | board, an official of an agency that operates or administers a  
2457 | major mode of transportation, or an official of the Florida  
2458 | Space Authority. The county commission shall compose not less  
2459 | than 20 percent of the M.P.O. membership if an official of an  
2460 | agency that operates or administers a major mode of  
2461 | transportation has been appointed to an M.P.O.

2462 |       (b) In metropolitan areas in which authorities or other  
2463 | agencies have been or may be created by law to perform  
2464 | transportation functions and are performing transportation  
2465 | functions that are not under the jurisdiction of a general  
2466 | purpose local government represented on the M.P.O., they shall  
2467 | be provided voting membership on the M.P.O. In all other  
2468 | M.P.O.'s where transportation authorities or agencies are to be  
2469 | represented by elected officials from general purpose local  
2470 | governments, the M.P.O. shall establish a process by which the  
2471 | collective interests of such authorities or other agencies are  
2472 | expressed and conveyed.

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2473 (c) Any other provision of this section to the contrary  
2474 notwithstanding, a chartered county with over 1 million  
2475 population may elect to reapportion the membership of an M.P.O.  
2476 whose jurisdiction is wholly within the county. The charter  
2477 county may exercise the provisions of this paragraph if:

2478 1. The M.P.O. approves the reapportionment plan by a  
2479 three-fourths vote of its membership;

2480 2. The M.P.O. and the charter county determine that the  
2481 reapportionment plan is needed to fulfill specific goals and  
2482 policies applicable to that metropolitan planning area; and

2483 3. The charter county determines the reapportionment plan  
2484 otherwise complies with all federal requirements pertaining to  
2485 M.P.O. membership.

2486  
2487 Any charter county that elects to exercise the provisions of  
2488 this paragraph shall notify the Governor in writing.

2489 (d) Any other provision of this section to the contrary  
2490 notwithstanding, any county chartered under s. 6(e), Art. VIII  
2491 of the State Constitution may elect to have its county  
2492 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
2493 wholly contained within the county. Any charter county that  
2494 elects to exercise the provisions of this paragraph shall so  
2495 notify the Governor in writing. Upon receipt of such  
2496 notification, the Governor must designate the county commission  
2497 as the M.P.O. The Governor must appoint four additional voting  
2498 members to the M.P.O., one of whom must be an elected official  
2499 representing a municipality within the county, one of whom must

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2500 be an expressway authority member, one of whom must be a person  
2501 who does not hold elected public office and who resides in the  
2502 unincorporated portion of the county, and one of whom must be a  
2503 school board member.

2504 (3) APPORTIONMENT.--

2505 (a) The Governor shall, with the agreement of the affected  
2506 units of general-purpose local government as required by federal  
2507 rules and regulations, apportion the membership on the  
2508 applicable M.P.O. among the various governmental entities within  
2509 the area and shall prescribe a method for appointing alternate  
2510 members who may vote at any M.P.O. meeting that an alternate  
2511 member attends in place of a regular member. An appointed  
2512 alternate member must be an elected official serving the same  
2513 governmental entity or a general-purpose local government with  
2514 jurisdiction within all or part of the area that the regular  
2515 member serves. The governmental entity so designated shall  
2516 appoint the appropriate number of members to the M.P.O. from  
2517 eligible officials. Representatives of the department shall  
2518 serve as nonvoting members of the M.P.O. Nonvoting advisers may  
2519 be appointed by the M.P.O. as deemed necessary. The Governor  
2520 shall review the composition of the M.P.O. membership in  
2521 conjunction with the decennial census as prepared by the United  
2522 States Department of Commerce, Bureau of the Census, and  
2523 reapportion it as necessary to comply with subsection (2).

2524 (b) Except for members who represent municipalities on the  
2525 basis of alternating with representatives from other  
2526 municipalities that do not have members on the M.P.O. as

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2527 provided in paragraph (2)(a), the members of an M.P.O. shall  
2528 serve 4-year terms. Members who represent municipalities on the  
2529 basis of alternating with representatives from other  
2530 municipalities that do not have members on the M.P.O. as  
2531 provided in paragraph (2)(a) may serve terms of up to 4 years as  
2532 further provided in the interlocal agreement described in  
2533 paragraph (1)(b). The membership of a member who is a public  
2534 official automatically terminates upon the member's leaving his  
2535 or her elective or appointive office for any reason, or may be  
2536 terminated by a majority vote of the total membership of a  
2537 county or city governing entity represented by the member. A  
2538 vacancy shall be filled by the original appointing entity. A  
2539 member may be reappointed for one or more additional 4-year  
2540 terms.

2541 (c) If a governmental entity fails to fill an assigned  
2542 appointment to an M.P.O. within 60 days after notification by  
2543 the Governor of its duty to appoint, that appointment shall be  
2544 made by the Governor from the eligible representatives of that  
2545 governmental entity.

2546 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
2547 responsibility of an M.P.O. is to manage a continuing,  
2548 cooperative, and comprehensive transportation planning process  
2549 that, based upon the prevailing principles provided in s.  
2550 334.046(1), results in the development of plans and programs  
2551 which are consistent, to the maximum extent feasible, with the  
2552 approved local government comprehensive plans of the units of  
2553 local government the boundaries of which are within the

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2554 metropolitan area of the M.P.O. An M.P.O. shall be the forum for  
2555 cooperative decisionmaking by officials of the affected  
2556 governmental entities in the development of the plans and  
2557 programs required by subsections (5), (6), (7), and (8).

2558 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
2559 privileges, and authority of an M.P.O. are those specified in  
2560 this section or incorporated in an interlocal agreement  
2561 authorized under s. 163.01. Each M.P.O. shall perform all acts  
2562 required by federal or state laws or rules, now and subsequently  
2563 applicable, which are necessary to qualify for federal aid. It  
2564 is the intent of this section that each M.P.O. shall be involved  
2565 in the planning and programming of transportation facilities,  
2566 including, but not limited to, airports, intercity and high-  
2567 speed rail lines, seaports, and intermodal facilities, to the  
2568 extent permitted by state or federal law.

2569 (a) Each M.P.O. shall, in cooperation with the department,  
2570 develop:

2571 1. A long-range transportation plan pursuant to the  
2572 requirements of subsection (6);

2573 2. An annually updated transportation improvement program  
2574 pursuant to the requirements of subsection (7); and

2575 3. An annual unified planning work program pursuant to the  
2576 requirements of subsection (8).

2577 (b) In developing the long-range transportation plan and  
2578 the transportation improvement program required under paragraph  
2579 (a), each M.P.O. shall provide for consideration of projects and  
2580 strategies that will:

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2581 1. Support the economic vitality of the metropolitan area,  
2582 especially by enabling global competitiveness, productivity, and  
2583 efficiency;

2584 2. Increase the safety and security of the transportation  
2585 system for motorized and nonmotorized users;

2586 3. Increase the accessibility and mobility options  
2587 available to people and for freight;

2588 4. Protect and enhance the environment, promote energy  
2589 conservation, and improve quality of life;

2590 5. Enhance the integration and connectivity of the  
2591 transportation system, across and between modes, for people and  
2592 freight;

2593 6. Promote efficient system management and operation; and

2594 7. Emphasize the preservation of the existing  
2595 transportation system.

2596 (c) In order to provide recommendations to the department  
2597 and local governmental entities regarding transportation plans  
2598 and programs, each M.P.O. shall:

2599 1. Prepare a congestion management system for the  
2600 metropolitan area and cooperate with the department in the  
2601 development of all other transportation management systems  
2602 required by state or federal law;

2603 2. Assist the department in mapping transportation  
2604 planning boundaries required by state or federal law;

2605 3. Assist the department in performing its duties relating  
2606 to access management, functional classification of roads, and  
2607 data collection;

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2608 4. Execute all agreements or certifications necessary to  
2609 comply with applicable state or federal law;

2610 5. Represent all the jurisdictional areas within the  
2611 metropolitan area in the formulation of transportation plans and  
2612 programs required by this section; and

2613 6. Perform all other duties required by state or federal  
2614 law.

2615 (d) Each M.P.O. shall appoint a technical advisory  
2616 committee that includes planners; engineers; representatives of  
2617 local aviation authorities, port authorities, and public transit  
2618 authorities or representatives of aviation departments, seaport  
2619 departments, and public transit departments of municipal or  
2620 county governments, as applicable; the school superintendent of  
2621 each county within the jurisdiction of the M.P.O. or the  
2622 superintendent's designee; and other appropriate representatives  
2623 of affected local governments. In addition to any other duties  
2624 assigned to it by the M.P.O. or by state or federal law, the  
2625 technical advisory committee is responsible for considering safe  
2626 access to schools in its review of transportation project  
2627 priorities, long-range transportation plans, and transportation  
2628 improvement programs, and shall advise the M.P.O. on such  
2629 matters. In addition, the technical advisory committee shall  
2630 coordinate its actions with local school boards and other local  
2631 programs and organizations within the metropolitan area which  
2632 participate in school safety activities, such as locally  
2633 established community traffic safety teams. Local school boards  
2634 must provide the appropriate M.P.O. with information concerning

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2635 future school sites and in the coordination of transportation  
2636 service.

2637 (e)1. Each M.P.O. shall appoint a citizens' advisory  
2638 committee, the members of which serve at the pleasure of the  
2639 M.P.O. The membership on the citizens' advisory committee must  
2640 reflect a broad cross section of local residents with an  
2641 interest in the development of an efficient, safe, and cost-  
2642 effective transportation system. Minorities, the elderly, and  
2643 the handicapped must be adequately represented.

2644 2. Notwithstanding the provisions of subparagraph 1., an  
2645 M.P.O. may, with the approval of the department and the  
2646 applicable federal governmental agency, adopt an alternative  
2647 program or mechanism to ensure citizen involvement in the  
2648 transportation planning process.

2649 (f) The department shall allocate to each M.P.O., for the  
2650 purpose of accomplishing its transportation planning and  
2651 programming duties, an appropriate amount of federal  
2652 transportation planning funds.

2653 (g) Each M.P.O. may employ personnel or may enter into  
2654 contracts with local or state agencies, private planning firms,  
2655 or private engineering firms to accomplish its transportation  
2656 planning and programming duties required by state or federal  
2657 law.

2658 (h) A chair's coordinating committee is created, composed  
2659 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,  
2660 Pinellas, Polk, and Sarasota Counties. The committee must, at a  
2661 minimum:

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2662 1. Coordinate transportation projects deemed to be  
2663 regionally significant by the committee.

2664 2. Review the impact of regionally significant land use  
2665 decisions on the region.

2666 3. Review all proposed regionally significant  
2667 transportation projects in the respective transportation  
2668 improvement programs which affect more than one of the M.P.O.'s  
2669 represented on the committee.

2670 4. Institute a conflict resolution process to address any  
2671 conflict that may arise in the planning and programming of such  
2672 regionally significant projects.

2673 (i)1. The Legislature finds that the state's rapid growth  
2674 in recent decades has caused many urbanized areas subject to  
2675 M.P.O. jurisdiction to become contiguous to each other. As a  
2676 result, various transportation projects may cross from the  
2677 jurisdiction of one M.P.O. into the jurisdiction of another  
2678 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
2679 have been mandated, M.P.O.'s shall develop coordination  
2680 mechanisms with one another to expand and improve transportation  
2681 within the state. The appropriate method of coordination between  
2682 M.P.O.'s shall vary depending upon the project involved and  
2683 given local and regional needs. Consequently, it is appropriate  
2684 to set forth a flexible methodology that can be used by M.P.O.'s  
2685 to coordinate with other M.P.O.'s and appropriate political  
2686 subdivisions as circumstances demand.

2687 2. Any M.P.O. may join with any other M.P.O. or any  
2688 individual political subdivision to coordinate activities or to

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2689 | achieve any federal or state transportation planning or  
2690 | development goals or purposes consistent with federal or state  
2691 | law. When an M.P.O. determines that it is appropriate to join  
2692 | with another M.P.O. or any political subdivision to coordinate  
2693 | activities, the M.P.O. or political subdivision shall enter into  
2694 | an interlocal agreement pursuant to s. 163.01, which, at a  
2695 | minimum, creates a separate legal or administrative entity to  
2696 | coordinate the transportation planning or development activities  
2697 | required to achieve the goal or purpose; provide the purpose for  
2698 | which the entity is created; provide the duration of the  
2699 | agreement and the entity, and specify how the agreement may be  
2700 | terminated, modified, or rescinded; describe the precise  
2701 | organization of the entity, including who has voting rights on  
2702 | the governing board, whether alternative voting members are  
2703 | provided for, how voting members are appointed, and what the  
2704 | relative voting strength is for each constituent M.P.O. or  
2705 | political subdivision; provide the manner in which the parties  
2706 | to the agreement will provide for the financial support of the  
2707 | entity and payment of costs and expenses of the entity; provide  
2708 | the manner in which funds may be paid to and disbursed from the  
2709 | entity; and provide how members of the entity will resolve  
2710 | disagreements regarding interpretation of the interlocal  
2711 | agreement or disputes relating to the operation of the entity.  
2712 | Such interlocal agreement shall become effective upon its  
2713 | recordation in the official public records of each county in  
2714 | which a member of the entity created by the interlocal agreement  
2715 | has a voting member. This paragraph does not require any

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2716 M.P.O.'s to merge, combine, or otherwise join together as a  
2717 single M.P.O.

2718 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
2719 develop a long-range transportation plan that addresses at least  
2720 a 20-year planning horizon. The plan must include both long-  
2721 range and short-range strategies and must comply with all other  
2722 state and federal requirements. The prevailing principles to be  
2723 considered in the long-range transportation plan are: preserving  
2724 the existing transportation infrastructure; enhancing Florida's  
2725 economic competitiveness; and improving travel choices to ensure  
2726 mobility. The long-range transportation plan must be consistent,  
2727 to the maximum extent feasible, with future land use elements  
2728 and the goals, objectives, and policies of the approved local  
2729 government comprehensive plans of the units of local government  
2730 located within the jurisdiction of the M.P.O. The approved long-  
2731 range transportation plan must be considered by local  
2732 governments in the development of the transportation elements in  
2733 local government comprehensive plans and any amendments thereto.  
2734 The long-range transportation plan must, at a minimum:

2735 (a) Identify transportation facilities, including, but not  
2736 limited to, major roadways, airports, seaports, spaceports,  
2737 commuter rail systems, transit systems, and intermodal or  
2738 multimodal terminals that will function as an integrated  
2739 metropolitan transportation system. The long-range  
2740 transportation plan must give emphasis to those transportation  
2741 facilities that serve national, statewide, or regional  
2742 functions, and must consider the goals and objectives identified

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2743 in the Florida Transportation Plan as provided in s. 339.155. If  
2744 a project is located within the boundaries of more than one  
2745 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
2746 in the long-range transportation plan.

2747 (b) Include a financial plan that demonstrates how the  
2748 plan can be implemented, indicating resources from public and  
2749 private sources which are reasonably expected to be available to  
2750 carry out the plan, and recommends any additional financing  
2751 strategies for needed projects and programs. The financial plan  
2752 may include, for illustrative purposes, additional projects that  
2753 would be included in the adopted long-range transportation plan  
2754 if reasonable additional resources beyond those identified in  
2755 the financial plan were available. For the purpose of developing  
2756 the long-range transportation plan, the M.P.O. and the  
2757 department shall cooperatively develop estimates of funds that  
2758 will be available to support the plan implementation. Innovative  
2759 financing techniques may be used to fund needed projects and  
2760 programs. Such techniques may include the assessment of tolls,  
2761 the use of value capture financing, or the use of value pricing.

2762 (c) Assess capital investment and other measures necessary  
2763 to:

2764 1. Ensure the preservation of the existing metropolitan  
2765 transportation system including requirements for the operation,  
2766 resurfacing, restoration, and rehabilitation of major roadways  
2767 and requirements for the operation, maintenance, modernization,  
2768 and rehabilitation of public transportation facilities; and

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2769           2. Make the most efficient use of existing transportation  
2770 facilities to relieve vehicular congestion and maximize the  
2771 mobility of people and goods.

2772           (d) Indicate, as appropriate, proposed transportation  
2773 enhancement activities, including, but not limited to,  
2774 pedestrian and bicycle facilities, scenic easements,  
2775 landscaping, historic preservation, mitigation of water  
2776 pollution due to highway runoff, and control of outdoor  
2777 advertising.

2778           (e) In addition to the requirements of paragraphs (a)-(d),  
2779 in metropolitan areas that are classified as nonattainment areas  
2780 for ozone or carbon monoxide, the M.P.O. must coordinate the  
2781 development of the long-range transportation plan with the State  
2782 Implementation Plan developed pursuant to the requirements of  
2783 the federal Clean Air Act.

2784  
2785 In the development of its long-range transportation plan, each  
2786 M.P.O. must provide the public, affected public agencies,  
2787 representatives of transportation agency employees, freight  
2788 shippers, providers of freight transportation services, private  
2789 providers of transportation, representatives of users of public  
2790 transit, and other interested parties with a reasonable  
2791 opportunity to comment on the long-range transportation plan.  
2792 The long-range transportation plan must be approved by the  
2793 M.P.O.

2794           (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
2795 shall, in cooperation with the state and affected public

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

2796 transportation operators, develop a transportation improvement  
2797 program for the area within the jurisdiction of the M.P.O. In  
2798 the development of the transportation improvement program, each  
2799 M.P.O. must provide the public, affected public agencies,  
2800 representatives of transportation agency employees, freight  
2801 shippers, providers of freight transportation services, private  
2802 providers of transportation, representatives of users of public  
2803 transit, and other interested parties with a reasonable  
2804 opportunity to comment on the proposed transportation  
2805 improvement program.

2806 (a) Each M.P.O. is responsible for developing, annually, a  
2807 list of project priorities and a transportation improvement  
2808 program. The prevailing principles to be considered by each  
2809 M.P.O. when developing a list of project priorities and a  
2810 transportation improvement program are: preserving the existing  
2811 transportation infrastructure; enhancing Florida's economic  
2812 competitiveness; and improving travel choices to ensure  
2813 mobility. The transportation improvement program will be used to  
2814 initiate federally aided transportation facilities and  
2815 improvements as well as other transportation facilities and  
2816 improvements including transit, rail, aviation, spaceport, and  
2817 port facilities to be funded from the State Transportation Trust  
2818 Fund within its metropolitan area in accordance with existing  
2819 and subsequent federal and state laws and rules and regulations  
2820 related thereto. The transportation improvement program shall be  
2821 consistent, to the maximum extent feasible, with the approved  
2822 local government comprehensive plans of the units of local

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2823 government whose boundaries are within the metropolitan area of  
2824 the M.P.O. and include those projects programmed pursuant to s.  
2825 339.28171.

2826 (b) Each M.P.O. annually shall prepare a list of project  
2827 priorities and shall submit the list to the appropriate district  
2828 of the department by October 1 of each year; however, the  
2829 department and a metropolitan planning organization may, in  
2830 writing, agree to vary this submittal date. The list of project  
2831 priorities must be formally reviewed by the technical and  
2832 citizens' advisory committees, and approved by the M.P.O.,  
2833 before it is transmitted to the district. The approved list of  
2834 project priorities must be used by the district in developing  
2835 the district work program and must be used by the M.P.O. in  
2836 developing its transportation improvement program. The annual  
2837 list of project priorities must be based upon project selection  
2838 criteria that, at a minimum, consider the following:

2839 1. The approved M.P.O. long-range transportation plan;  
2840 2. The Strategic Intermodal System Plan developed under s.  
2841 339.64;-

2842 3. The priorities developed pursuant to s. 339.28171;  
2843 4.3- The results of the transportation management systems;

2844 and

2845 5.4- The M.P.O.'s public-involvement procedures.

2846 (c) The transportation improvement program must, at a  
2847 minimum:

2848 1. Include projects and project phases to be funded with  
2849 state or federal funds within the time period of the

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2850 transportation improvement program and which are recommended for  
2851 advancement during the next fiscal year and 4 subsequent fiscal  
2852 years. Such projects and project phases must be consistent, to  
2853 the maximum extent feasible, with the approved local government  
2854 comprehensive plans of the units of local government located  
2855 within the jurisdiction of the M.P.O. For informational  
2856 purposes, the transportation improvement program shall also  
2857 include a list of projects to be funded from local or private  
2858 revenues.

2859         2. Include projects within the metropolitan area which are  
2860 proposed for funding under 23 U.S.C. s. 134 of the Federal  
2861 Transit Act and which are consistent with the long-range  
2862 transportation plan developed under subsection (6).

2863         3. Provide a financial plan that demonstrates how the  
2864 transportation improvement program can be implemented; indicates  
2865 the resources, both public and private, that are reasonably  
2866 expected to be available to accomplish the program; identifies  
2867 any innovative financing techniques that may be used to fund  
2868 needed projects and programs; and may include, for illustrative  
2869 purposes, additional projects that would be included in the  
2870 approved transportation improvement program if reasonable  
2871 additional resources beyond those identified in the financial  
2872 plan were available. Innovative financing techniques may include  
2873 the assessment of tolls, the use of value capture financing, or  
2874 the use of value pricing. The transportation improvement program  
2875 may include a project or project phase only if full funding can  
2876 reasonably be anticipated to be available for the project or

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2877 project phase within the time period contemplated for completion  
2878 of the project or project phase.

2879 4. Group projects and project phases of similar urgency  
2880 and anticipated staging into appropriate staging periods.

2881 5. Indicate how the transportation improvement program  
2882 relates to the long-range transportation plan developed under  
2883 subsection (6), including providing examples of specific  
2884 projects or project phases that further the goals and policies  
2885 of the long-range transportation plan.

2886 6. Indicate whether any project or project phase is  
2887 inconsistent with an approved comprehensive plan of a unit of  
2888 local government located within the jurisdiction of the M.P.O.  
2889 If a project is inconsistent with an affected comprehensive  
2890 plan, the M.P.O. must provide justification for including the  
2891 project in the transportation improvement program.

2892 7. Indicate how the improvements are consistent, to the  
2893 maximum extent feasible, with affected seaport, airport, and  
2894 spaceport master plans and with public transit development plans  
2895 of the units of local government located within the jurisdiction  
2896 of the M.P.O. If a project is located within the boundaries of  
2897 more than one M.P.O., the M.P.O.'s must coordinate plans  
2898 regarding the project in the transportation improvement program.

2899 (d) Projects included in the transportation improvement  
2900 program and that have advanced to the design stage of  
2901 preliminary engineering may be removed from or rescheduled in a  
2902 subsequent transportation improvement program only by the joint  
2903 action of the M.P.O. and the department. Except when recommended

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2904 in writing by the district secretary for good cause, any project  
2905 removed from or rescheduled in a subsequent transportation  
2906 improvement program shall not be rescheduled by the M.P.O. in  
2907 that subsequent program earlier than the 5th year of such  
2908 program.

2909 (e) During the development of the transportation  
2910 improvement program, the M.P.O. shall, in cooperation with the  
2911 department and any affected public transit operation, provide  
2912 citizens, affected public agencies, representatives of  
2913 transportation agency employees, freight shippers, providers of  
2914 freight transportation services, private providers of  
2915 transportation, representatives of users of public transit, and  
2916 other interested parties with reasonable notice of and an  
2917 opportunity to comment on the proposed program.

2918 (f) The adopted annual transportation improvement program  
2919 for M.P.O.'s in nonattainment or maintenance areas must be  
2920 submitted to the district secretary and the Department of  
2921 Community Affairs at least 90 days before the submission of the  
2922 state transportation improvement program by the department to  
2923 the appropriate federal agencies. The annual transportation  
2924 improvement program for M.P.O.'s in attainment areas must be  
2925 submitted to the district secretary and the Department of  
2926 Community Affairs at least 45 days before the department submits  
2927 the state transportation improvement program to the appropriate  
2928 federal agencies; however, the department, the Department of  
2929 Community Affairs, and a metropolitan planning organization may,  
2930 in writing, agree to vary this submittal date. The Governor or

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2931 the Governor's designee shall review and approve each  
2932 transportation improvement program and any amendments thereto.

2933 (g) The Department of Community Affairs shall review the  
2934 annual transportation improvement program of each M.P.O. for  
2935 consistency with the approved local government comprehensive  
2936 plans of the units of local government whose boundaries are  
2937 within the metropolitan area of each M.P.O. and shall identify  
2938 those projects that are inconsistent with such comprehensive  
2939 plans. The Department of Community Affairs shall notify an  
2940 M.P.O. of any transportation projects contained in its  
2941 transportation improvement program which are inconsistent with  
2942 the approved local government comprehensive plans of the units  
2943 of local government whose boundaries are within the metropolitan  
2944 area of the M.P.O.

2945 (h) The M.P.O. shall annually publish or otherwise make  
2946 available for public review the annual listing of projects for  
2947 which federal funds have been obligated in the preceding year.  
2948 Project monitoring systems must be maintained by those agencies  
2949 responsible for obligating federal funds and made accessible to  
2950 the M.P.O.'s.

2951 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
2952 develop, in cooperation with the department and public  
2953 transportation providers, a unified planning work program that  
2954 lists all planning tasks to be undertaken during the program  
2955 year. The unified planning work program must provide a complete  
2956 description of each planning task and an estimated budget  
2957 therefor and must comply with applicable state and federal law.

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2958 (9) AGREEMENTS.--

2959 (a) Each M.P.O. shall execute the following written  
2960 agreements, which shall be reviewed, and updated as necessary,  
2961 every 5 years:

2962 1. An agreement with the department clearly establishing  
2963 the cooperative relationship essential to accomplish the  
2964 transportation planning requirements of state and federal law.

2965 2. An agreement with the metropolitan and regional  
2966 intergovernmental coordination and review agencies serving the  
2967 metropolitan areas, specifying the means by which activities  
2968 will be coordinated and how transportation planning and  
2969 programming will be part of the comprehensive planned  
2970 development of the area.

2971 3. An agreement with operators of public transportation  
2972 systems, including transit systems, commuter rail systems,  
2973 airports, seaports, and spaceports, describing the means by  
2974 which activities will be coordinated and specifying how public  
2975 transit, commuter rail, aviation, seaport, and aerospace  
2976 planning and programming will be part of the comprehensive  
2977 planned development of the metropolitan area.

2978 (b) An M.P.O. may execute other agreements required by  
2979 state or federal law or as necessary to properly accomplish its  
2980 functions.

2981 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
2982 COUNCIL.--

2983 (a) A Metropolitan Planning Organization Advisory Council  
2984 is created to augment, and not supplant, the role of the

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2985 individual M.P.O.'s in the cooperative transportation planning  
2986 process described in this section.

2987 (b) The council shall consist of one representative from  
2988 each M.P.O. and shall elect a chairperson annually from its  
2989 number. Each M.P.O. shall also elect an alternate representative  
2990 from each M.P.O. to vote in the absence of the representative.  
2991 Members of the council do not receive any compensation for their  
2992 services, but may be reimbursed from funds made available to  
2993 council members for travel and per diem expenses incurred in the  
2994 performance of their council duties as provided in s. 112.061.

2995 (c) The powers and duties of the Metropolitan Planning  
2996 Organization Advisory Council are to:

2997 1. Enter into contracts with individuals, private  
2998 corporations, and public agencies.

2999 2. Acquire, own, operate, maintain, sell, or lease  
3000 personal property essential for the conduct of business.

3001 3. Accept funds, grants, assistance, gifts, or bequests  
3002 from private, local, state, or federal sources.

3003 4. Establish bylaws and adopt rules pursuant to ss.  
3004 120.536(1) and 120.54 to implement provisions of law conferring  
3005 powers or duties upon it.

3006 5. Assist M.P.O.'s in carrying out the urbanized area  
3007 transportation planning process by serving as the principal  
3008 forum for collective policy discussion pursuant to law.

3009 6. Serve as a clearinghouse for review and comment by  
3010 M.P.O.'s on the Florida Transportation Plan and on other issues  
3011 required to comply with federal or state law in carrying out the

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3012 urbanized area transportation and systematic planning processes  
3013 instituted pursuant to s. 339.155.

3014 7. Employ an executive director and such other staff as  
3015 necessary to perform adequately the functions of the council,  
3016 within budgetary limitations. The executive director and staff  
3017 are exempt from part II of chapter 110 and serve at the  
3018 direction and control of the council. The council is assigned to  
3019 the Office of the Secretary of the Department of Transportation  
3020 for fiscal and accountability purposes, but it shall otherwise  
3021 function independently of the control and direction of the  
3022 department.

3023 8. Adopt an agency strategic plan that provides the  
3024 priority directions the agency will take to carry out its  
3025 mission within the context of the state comprehensive plan and  
3026 any other statutory mandates and directions given to the agency.

3027 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an  
3028 agency of the Federal Government that any provision of this  
3029 section conflicts with federal laws or regulations, such federal  
3030 laws or regulations will take precedence to the extent of the  
3031 conflict until such conflict is resolved. The department or an  
3032 M.P.O. may take any necessary action to comply with such federal  
3033 laws and regulations or to continue to remain eligible to  
3034 receive federal funds.

3035 Section 21. Section 339.28171, Florida Statutes, is  
3036 created to read:

3037 339.28171 Transportation Incentive Program for a  
3038 Sustainable Florida.--

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3039       (1) There is created within the Department of  
3040 Transportation a Transportation Incentive Program for a  
3041 Sustainable Florida, which may be cited as TRIP for a  
3042 Sustainable Florida, for the purpose of providing grants to  
3043 local governments to improve a transportation facility or system  
3044 which addresses an identified concurrency management system  
3045 backlog or relieve traffic congestion in urban infill and  
3046 redevelopment areas. Bridge projects off of the State Highway  
3047 System are eligible to receive funding from this program.

3048       (2) To be eligible for consideration, projects must be  
3049 consistent with local government comprehensive plans, the  
3050 transportation improvement program of the applicable  
3051 metropolitan organization, and the Strategic Intermodal System  
3052 plan developed in accordance with s. 339.64.

3053       (3) The funds shall be distributed by the department to  
3054 each district in accordance with the statutory formula pursuant  
3055 to s. 339.135(4). The district secretary shall use the following  
3056 criteria to evaluate the project applications:

3057       (a) The level of local government funding efforts.

3058       (b) The level of local, regional, or private financial  
3059 matching funds as a percentage of the overall project cost.

3060       (c) The ability of local government to rapidly address  
3061 project construction.

3062       (d) The level of municipal and county agreement on the  
3063 scope of the proposed project.

3064       (e) Whether the project is located within and supports the  
3065 objectives of an urban infill area, a community redevelopment

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3066 area, an urban redevelopment area, or a concurrency management  
3067 area.

3068 (f) The extent to which the project would foster public-  
3069 private partnerships and investment.

3070 (g) The extent to which the project protects  
3071 environmentally sensitive areas.

3072 (h) The extent to which the project would support urban  
3073 mobility, including public transit systems, the use of new  
3074 technologies, and the provision of bicycle facilities or  
3075 pedestrian pathways.

3076 (i) The extent to which the project implements a regional  
3077 transportation plan developed in accordance with s.  
3078 339.155(2)(c), (d), and (e).

3079 (j) Whether the project is subject to a local ordinance  
3080 that establishes corridor management techniques, including  
3081 access management strategies, right-of-way acquisition and  
3082 protection measures, appropriate land use strategies, zoning,  
3083 and setback requirements for adjacent land uses.

3084 (k) Whether or not the local government has adopted a  
3085 vision pursuant to s. 163.3167(11) either prior to or after the  
3086 effective date of this act.

3087 (4) As part of the project application, the local  
3088 government shall demonstrate how the proposed project implements  
3089 a capital improvement element and a long-term transportation  
3090 concurrency system, if applicable, to address the existing  
3091 capital improvement element backlogs.

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3092       (5) The percentage of matching funds available to  
3093 applicants shall be based on the following:

3094       (a) For projects that provide capacity on the Strategic  
3095 Intermodal System, the percentage shall be 35 percent.

3096       (b) For projects that provide capacity on regionally  
3097 significant transportation facilities identified in s.  
3098 339.155(2)(c), (d), and (e), the percentage shall be 50 percent  
3099 or up to 50 percent of the nonfederal share of the eligible  
3100 project costs for a public transportation facility project.

3101 Total funds expended shall not exceed 20 percent of the total  
3102 amount available for the program. For off-system bridges, the  
3103 percentage shall be 50 percent. Projects to be funded pursuant  
3104 to this paragraph shall, at a minimum meet the following  
3105 additional criteria:

3106       1. Support those transportation facilities that serve  
3107 national, statewide, or regional functions and function as an  
3108 integrated regional transportation system.

3109       2. Be identified in the capital improvements element of a  
3110 comprehensive plan that has been determined to be in compliance  
3111 with part II of chapter 163, after the effective date of this  
3112 act, or to implement a long-term concurrency management system  
3113 adopted a local government in accordance with s. 163.3177(9).

3114       3. Provide connectivity to the Strategic Intermodal System  
3115 designated pursuant to s. 339.64.

3116       4. Support economic development and the movement of goods  
3117 in areas of critical economic concern designated pursuant to s.  
3118 288.0656(7).

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3119 5. Improve connectivity between military installations and  
3120 the Strategic Highway Network or the Strategic Rail Corridor  
3121 Network.

3122 6. For off-system bridge projects to replace,  
3123 rehabilitate, paint, or install scour countermeasures to highway  
3124 bridges located on public roads, other than those on a federal-  
3125 aid highway, such projects shall, at a minimum:

3126 (a) Be classified as a structurally deficient bridge with  
3127 a poor condition rating for either the deck, superstructure, or  
3128 substructure component, or culvert.

3129 (b) Have a sufficiency rating of 35 or below.

3130 (c) Have average daily traffic of at least 500 vehicles.

3131  
3132 Special consideration shall be given to bridges that are closed  
3133 to all traffic or that have a load restriction of less than 10  
3134 tons.

3135 (c) For local projects that demonstrate capacity  
3136 improvements in the urban service boundary, urban infill, or  
3137 urban redevelopment area or provide such capacity replacement to  
3138 the State Intrastate Highway System, the percentage shall be 65  
3139 percent.

3140 (6) The department may administer contracts at the request  
3141 of a local government selected to receive funding for a project  
3142 under this section. All projects funded under this section shall  
3143 be included in the department's work program developed pursuant  
3144 to s. 339.135.

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3145 Section 22. Subsection (1) and paragraph (c) of subsection  
3146 (4) of section 339.2818, Florida Statutes, are amended to read:

3147 339.2818 Small County Outreach Program.--

3148 (1) There is created within the Department of  
3149 Transportation the Small County Outreach Program. The purpose of  
3150 this program is to assist small county governments to improve a  
3151 transportation facility or system which addresses identified  
3152 concurrency management system backlog and relieves traffic  
3153 congestion, or to assist in resurfacing or reconstructing county  
3154 roads or in constructing capacity or safety improvements to  
3155 county roads.

3156 (4)

3157 (c) The following criteria shall be used to prioritize  
3158 road projects for funding under the program:

3159 ~~1. The primary criterion is the physical condition of the~~  
3160 ~~road as measured by the department.~~

3161 ~~1.2. As secondary criteria~~ The department may consider:

- 3162 a. Whether a road is used as an evacuation route.  
3163 b. Whether a road has high levels of agricultural travel.  
3164 c. Whether a road is considered a major arterial route.  
3165 d. Whether a road is considered a feeder road.  
3166 e. Other criteria related to the impact of a project on  
3167 the public road system or on the state or local economy as  
3168 determined by the department.

3169 2. As secondary criteria, the department may consider the  
3170 physical condition of the road as measured by the department.

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3171 Section 23. Section 339.55, Florida Statutes, is amended  
3172 to read:

3173 339.55 State-funded infrastructure bank.--

3174 (1) There is created within the Department of  
3175 Transportation a state-funded infrastructure bank for the  
3176 purpose of providing loans and credit enhancements to government  
3177 units and private entities for use in constructing and improving  
3178 transportation facilities.

3179 (2) The bank may lend capital costs or provide credit  
3180 enhancements for:

3181 (a) A transportation facility project that is on the State  
3182 Highway System or that provides for increased mobility on the  
3183 state's transportation system or provides intermodal  
3184 connectivity with airports, seaports, rail facilities, and other  
3185 transportation terminals, pursuant to s. 341.053, for the  
3186 movement of people and goods.

3187 (b) Transportation Incentive Program for a Sustainable  
3188 Florida projects identified pursuant to s. 339.28171.

3189 (3) Loans from the bank may be subordinated to senior  
3190 project debt that has an investment grade rating of "BBB" or  
3191 higher.

3192 (4)~~(3)~~ Loans from the bank may bear interest at or below  
3193 market interest rates, as determined by the department.

3194 Repayment of any loan from the bank shall commence not later  
3195 than 5 years after the project has been completed or, in the  
3196 case of a highway project, the facility has opened to traffic,

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3197 whichever is later, and shall be repaid in no more than 30  
3198 years.

3199 (5)(4) Except as provided in s. 339.137, To be eligible  
3200 for consideration, projects must be consistent, to the maximum  
3201 extent feasible, with local metropolitan planning organization  
3202 plans and local government comprehensive plans and must provide  
3203 a dedicated repayment source to ensure the loan is repaid to the  
3204 bank.

3205 (6) Funding awarded for projects under paragraph (2)(b)  
3206 must be matched by a minimum of 25 percent from funds other than  
3207 the state-funded infrastructure bank loan.

3208 (7)(5) The department may consider, but is not limited to,  
3209 the following criteria for evaluation of projects for assistance  
3210 from the bank:

3211 (a) The credit worthiness of the project.

3212 (b) A demonstration that the project will encourage,  
3213 enhance, or create economic benefits.

3214 (c) The likelihood that assistance would enable the  
3215 project to proceed at an earlier date than would otherwise be  
3216 possible.

3217 (d) The extent to which assistance would foster innovative  
3218 public-private partnerships and attract private debt or equity  
3219 investment.

3220 (e) The extent to which the project would use new  
3221 technologies, including intelligent transportation systems, that  
3222 would enhance the efficient operation of the project.

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3223 (f) The extent to which the project would maintain or  
3224 protect the environment.

3225 (g) A demonstration that the project includes  
3226 transportation benefits for improving intermodalism, cargo and  
3227 freight movement, and safety.

3228 (h) The amount of the proposed assistance as a percentage  
3229 of the overall project costs with emphasis on local and private  
3230 participation.

3231 (i) The extent to which the project will provide for  
3232 connectivity between the State Highway System and airports,  
3233 seaports, rail facilities, and other transportation terminals  
3234 and intermodal options pursuant to s. 341.053 for the increased  
3235 accessibility and movement of people and goods.

3236 ~~(8)(6)~~ Loan assistance provided by the bank shall be  
3237 included in the department's work program developed in  
3238 accordance with s. 339.135.

3239 ~~(9)(7)~~ The department is authorized to adopt rules to  
3240 implement the state-funded infrastructure bank.

3241 Section 24. Section 373.19615, Florida Statutes, is  
3242 created to read:

3243 373.19615 Florida's Sustainable Water Supplies Program.--

3244 (1) There is hereby created "Florida's Sustainable Water  
3245 Supplies Program." The Legislature recognizes that alternative  
3246 water supply projects are more expensive to develop compared to  
3247 traditional water supply projects. As Florida's population  
3248 continues to grow, the need for alternative water supplies is  
3249 also growing as our groundwater supplies in portions of the

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3250 state are decreasing. Beginning in fiscal year 2005-2006, the  
3251 state shall annually appropriate \$100 million for the purpose of  
3252 providing funding assistance to local governments for the  
3253 development of alternative water supply projects. At the  
3254 beginning of each fiscal year, beginning with fiscal year 2005-  
3255 2006, such revenues shall be distributed to the Department of  
3256 Environmental Protection. The department shall then distribute  
3257 the revenues into alternative water supply accounts created by  
3258 the department for each district for the purpose of alternative  
3259 water supply development under the following funding formula:

3260 1. Forty percent to the South Florida Water Management  
3261 District.

3262 2. Twenty-five percent to the Southwest Florida Water  
3263 Management District.

3264 3. Twenty-five percent to the St. Johns River Water  
3265 Management District.

3266 4. Five percent to the Suwannee River Water Management  
3267 District.

3268 5. Five percent to the Northwest Florida Water Management  
3269 District.

3270 (2) For the purposes of this section, the following  
3271 definitions shall apply:

3272 (a) "Alternative water supplies" includes saltwater;  
3273 brackish surface and groundwater; surface water captured  
3274 predominantly during wet-weather flows; sources made available  
3275 through the addition of new storage capacity for surface or  
3276 groundwater; water that has been reclaimed after one or more

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3277 public supply, municipal, industrial, commercial, or  
3278 agricultural uses; stormwater; and any other water supply source  
3279 that is designated as non-traditional for a water supply  
3280 planning region in the applicable regional water supply plan  
3281 developed under s. 373.0361.

3282 (b) "Capital costs" means planning, design, engineering,  
3283 and project construction costs.

3284 (c) "Local government" means any municipality, county,  
3285 special district, regional water supply authority, or  
3286 multijurisdictional entity, or an agency thereof, or a  
3287 combination of two or more of the foregoing acting jointly with  
3288 an alternative water supply project.

3289 (3) To be eligible for assistance in funding capital costs  
3290 of alternative water supply projects under this program, the  
3291 water management district governing board must select those  
3292 alternative water supply projects that will receive financial  
3293 assistance. The water management district governing board shall  
3294 establish factors to determine project funding.

3295 (a) Significant weight shall be given to the following  
3296 factors:

3297 1. Whether the project provides substantial environmental  
3298 benefits by preventing or limiting adverse water resource  
3299 impacts.

3300 2. Whether the project reduces competition for water  
3301 supplies.

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3302 3. Whether the project brings about replacement of  
3303 traditional sources in order to help implement a minimum flow or  
3304 level or a reservation.

3305 4. Whether the project will be implemented by a  
3306 consumptive use permittee that has achieved the targets  
3307 contained in a goal-based water conservation program approved  
3308 pursuant to s. 373.227.

3309 5. The quantity of water supplied by the project as  
3310 compared to its cost.

3311 6. Projects in which the construction and delivery to end  
3312 users of reuse water are major components.

3313 7. Whether the project will be implemented by a  
3314 multijurisdictional water supply entity or regional water supply  
3315 authority.

3316 (b) Additional factors to be considered in determining  
3317 project funding shall include:

3318 1. Whether the project is part of a plan to implement two  
3319 or more alternative water supply projects, all of which will be  
3320 operated to produce water at a uniform rate for the participants  
3321 in a multijurisdictional water supply entity or regional water  
3322 supply authority.

3323 2. The percentage of project costs to be funded by the  
3324 water supplier or water user.

3325 3. Whether the project proposal includes sufficient  
3326 preliminary planning and engineering to demonstrate that the  
3327 project can reasonably be implemented within the timeframes  
3328 provided in the regional water supply plan.

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3329 4. Whether the project is a subsequent phase of an  
3330 alternative water supply project underway.

3331 5. Whether and in what percentage a local government or  
3332 local government utility is transferring water supply system  
3333 revenues to the local government general fund in excess of  
3334 reimbursements for services received from the general fund  
3335 including direct and indirect costs and legitimate payments in  
3336 lieu of taxes.

3337 (4)(a) All projects submitted to the governing board for  
3338 consideration shall reflect the total cost for implementation.  
3339 The costs shall be segregated pursuant to the categories  
3340 described in the definition of capital costs.

3341 (b) Applicants for projects that receive funding  
3342 assistance pursuant to this section shall be required to pay 33  
3343 1/3 percent of the project's total capital costs.

3344 (c) The water management district shall be required to pay  
3345 33 1/3 percent of the project's total capital costs.

3346 (5) After conducting one or more meetings to solicit  
3347 public input on eligible projects for implementation of  
3348 alternative water supply projects, the governing board of each  
3349 water management district shall select projects for funding  
3350 assistance based upon the above criteria. The governing board  
3351 may select a project identified or listed as an alternative  
3352 water supply development project in the regional water supply  
3353 plan, or may select an alternative water supply projects not  
3354 identified or listed in the regional water supply plan but which  
3355 are consistent with the goals of the plans.

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3356       (6) Once an alternative water supply project is selected  
3357 by the governing board, the applicant and the water management  
3358 district must, in writing, each commit to a financial  
3359 contribution of 33 1/3 percent of the project's total capital  
3360 costs. The water management district shall then submit a request  
3361 for distribution of revenues held by the department in the  
3362 district's alternative water supply account. The request must  
3363 include the amount of current and projected water demands within  
3364 the water management district, the additional water made  
3365 available by the project, the date the water will be made  
3366 available, and the applicant's and water management district's  
3367 financial commitment for the alternative water supply project.  
3368 Upon receipt of a request from a water management district, the  
3369 department shall determine whether the alternative water supply  
3370 project meets the department's criteria for financial  
3371 assistance. The department shall establish factors to determine  
3372 whether state financial assistance for an alternative water  
3373 supply project shall be granted.

3374       (a) Significant weight shall be given to the following  
3375 factors:

3376       1. Whether the project provides substantial environmental  
3377 benefits by preventing or limiting adverse water resource  
3378 impacts.

3379       2. Whether the project reduces competition for water  
3380 supplies.

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3381 3. Whether the project brings about replacement of  
3382 traditional sources in order to help implement a minimum flow or  
3383 level or a reservation.

3384 4. Whether the project will be implemented by a  
3385 consumptive use permittee that has achieved the targets  
3386 contained in a goal-based water conservation program approved  
3387 pursuant to s. 373.227.

3388 5. The quantity of water supplied by the project as  
3389 compared to its cost.

3390 6. Projects in which the construction and delivery to end  
3391 users of reuse water are major components.

3392 7. Whether the project will be implemented by a  
3393 multijurisdictional water supply entity or regional water supply  
3394 authority.

3395 (b) Additional factors to be considered in determining  
3396 project funding shall include:

3397 1. Whether the project is part of a plan to implement two  
3398 or more alternative water supply projects, all of which will be  
3399 operated to produce water at a uniform rate for the participants  
3400 in a multijurisdictional water supply entity or regional water  
3401 supply authority.

3402 2. The percentage of project costs to be funded by the  
3403 water supplier or water user.

3404 3. Whether the project proposal includes sufficient  
3405 preliminary planning and engineering to demonstrate that the  
3406 project can reasonably be implemented within the timeframes  
3407 provided in the regional water supply plan.

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3408 4. Whether the project is a subsequent phase of an  
3409 alternative water supply project underway.

3410 5. Whether and in what percentage a local government or  
3411 local government utility is transferring water supply system  
3412 revenues to the local government general fund in excess of  
3413 reimbursements for services received from the general fund  
3414 including direct and indirect costs and legitimate payments in  
3415 lieu of taxes.

3416  
3417 If the department determines that the project should receive  
3418 financial assistance, the department shall distribute to the  
3419 water management district 33 1/3 percent of the total capital  
3420 costs from the district's alternative water supply account.

3421 Section 25. Section 373.19616, Florida Statutes, is  
3422 created to read:

3423 373.19616 Water Transition Assistance Program.--

3424 (1) The Legislature recognizes that as a result of  
3425 Florida's increasing population, there are limited ground water  
3426 resources in some portions of the state to serve increased water  
3427 quantities demands. As a result, a transition from ground water  
3428 supply to more expensive alternative water supply is necessary.  
3429 The purpose of this section is to assist local governments by  
3430 establishing a low-interest revolving loan program for  
3431 infrastructure financing for alternative water supplies.

3432 (2) For purposes of this section, the term:

3433 (a) "Alternative water supplies" has the same meaning as  
3434 provided in s. 373.19615(2).

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3435 (b) "Local government" has the same meaning as provided in  
3436 s. 373.19615(2).

3437 (3) The Department of Environmental Protection is  
3438 authorized to make loans to local governments to assist them in  
3439 planning, designing, and constructing alternative water supply  
3440 projects. The department may provide loan guarantees, purchase  
3441 loan insurance, and refinance local debt through issue of new  
3442 loans for alternative water supply projects approved by the  
3443 department. Local governments may borrow funds made available  
3444 pursuant to this section and may pledge any revenues or other  
3445 adequate security available to them to repay any funds borrowed.

3446 (4) The term of loans made pursuant to this section shall  
3447 not exceed 30 years. The interest rate on such loans shall be no  
3448 greater than that paid on the last bonds sold pursuant to s. 14,  
3449 Art. VII of the State Constitution.

3450 (5) In order to ensure that public moneys are managed in  
3451 an equitable and prudent manner, the total amount of money  
3452 loaned to any local government during a fiscal year shall be no  
3453 more than 25 percent of the total funds available for making  
3454 loans during that year. The minimum amount of a loan shall be  
3455 \$75,000.

3456 (6) The department may adopt rules that:

3457 (a) Set forth a priority system for loans based on factors  
3458 provided for in s. 373.19615(6)(a) and (b).

3459 (b) Establish the requirements for the award and repayment  
3460 of financial assistance.

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3461 (c) Require adequate security to ensure that each loan  
3462 recipient can meet its loan payment requirements.

3463 (d) Establish, at the department's discretion, a specific  
3464 percentage of funding, not to exceed 20 percent, for financially  
3465 disadvantaged communities for the development of alternative  
3466 water supply projects. The department shall include within the  
3467 rule a definition of the term "financially disadvantaged  
3468 community," and the criteria for determining whether the project  
3469 serves a financially disadvantaged community. Such criteria  
3470 shall be based on the median household income of the service  
3471 population or other reliably documented measures of  
3472 disadvantaged status.

3473 (e) Require each project receiving financial assistance to  
3474 be cost-effective, environmentally sound, implementable, and  
3475 self-supporting.

3476 (7) The department shall prepare a report at the end of  
3477 each fiscal year detailing the financial assistance provided  
3478 under this section and outstanding loans.

3479 (8) Prior to approval of a loan, the local government  
3480 shall, at a minimum:

3481 (a) Provide a repayment schedule.

3482 (b) Submit evidence of the ability of the project proposed  
3483 for financial assistance to be permitted and implemented.

3484 (c) Submit plans and specifications, biddable contract  
3485 documents, or other documentation of appropriate procurement of  
3486 goods and services.

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3487 (d) Provide assurance that records will be kept using  
3488 generally accepted accounting principles and that the department  
3489 or its agent and the Auditor General will have access to all  
3490 records pertaining to the loan.

3491 (9) The department may conduct an audit of the loan  
3492 project upon completion or may require that a separate project  
3493 audit, prepared by an independent certified public accountant,  
3494 be submitted.

3495 (10) The department may require reasonable service fees on  
3496 loans made to local governments to ensure that the program will  
3497 be operated in perpetuity and to implement the purposes  
3498 authorized under this section. Service fees shall not be more  
3499 than 4 percent of the loan amount exclusive of the service fee.  
3500 The fee revenues, and interest earnings thereon, shall be used  
3501 exclusively to carry out the purposes of this section.

3502 (11) All moneys available for financial assistance under  
3503 this section shall be appropriated to the department exclusively  
3504 to carry out this program. The principal and interest of all  
3505 loans repaid and interest shall be used exclusively to carry out  
3506 this section.

3507 (12)(a) If a local government agency defaults under the  
3508 terms of its loan agreement, the department shall certify the  
3509 default to the Chief Financial Officer, shall forward the  
3510 delinquent amount to the department from any unobligated funds  
3511 due to the local government agency under any revenue-sharing or  
3512 tax-sharing fund established by the state, except as otherwise  
3513 provided by the State Constitution. Certification of delinquency

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3514 shall not limit the department from pursuing other remedies  
3515 available for default on a loan, including accelerating loan  
3516 repayments, eliminating all or part of the interest rate subsidy  
3517 on the loan, and court appointment of a receiver to manage  
3518 alternative water supply project.

3519 (b) The department may impose penalty for delinquent local  
3520 payments in the amount of 6 percent of the amount due, in  
3521 addition to charging the cost to handle and process the debt.  
3522 Penalty interest shall accrue on any amount due and payable  
3523 beginning on the 30th day following the date upon which payment  
3524 is due.

3525 (13) The department may terminate or rescind a financial  
3526 assistance agreement when the local government fails to comply  
3527 with the terms and conditions of the agreement.

3528 Section 26. Paragraphs (l) and (m) are added to subsection  
3529 (24) of section 380.06, Florida Statutes, to read:

3530 380.06 Developments of regional impact.--

3531 (24) STATUTORY EXEMPTIONS.--

3532 (1) Any proposed development or redevelopment within an  
3533 area designated for:

3534 1. Urban infill development as designated in the  
3535 comprehensive plan;

3536 2. Urban redevelopment as designated in the comprehensive  
3537 plan;

3538 3. Downtown revitalization as designated in the  
3539 comprehensive plan; or

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3540       4. Urban infill and redevelopment under s. 163.2517 as  
3541 designated in the comprehensive plan,  
3542  
3543 is exempt from the provisions of this section. However, a  
3544 municipality with a population of 7,500 or fewer may adopt an  
3545 ordinance imposing a fee upon an applicant for purposes of  
3546 reimbursing the municipality for the reasonable costs that the  
3547 municipality may incur in reviewing any project which is exempt  
3548 under this subparagraph. The municipality may use all or part of  
3549 this fee to employ professional expertise to ensure that the  
3550 impacts of such projects are properly evaluated. Municipalities  
3551 adopting such ordinances may not impose a fee on a project in  
3552 excess of its actual out-of-pocket reasonable review costs. A  
3553 copy of such ordinance shall be transmitted to the state land  
3554 planning agency and the applicable regional planning council.

3555       (m) Any proposed development within a rural land  
3556 stewardship area created pursuant to s. 163.3177(11)(d) is  
3557 exempt from the provisions of this section.

3558       Section 27. Section 380.115, Florida Statutes, is amended  
3559 to read:

3560       380.115 Vested rights and duties; effect of size  
3561 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~  
3562 ~~2002-296.~~ --

3563       (1) A change in a development of regional impact guideline  
3564 or standard does not abridge or modify ~~Nothing contained in this~~  
3565 ~~act abridges or modifies~~ any vested or other right or any duty  
3566 or obligation pursuant to any development order or agreement

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3567 that is applicable to a development of regional impact ~~on the~~  
3568 ~~effective date of this act~~. A development that has received a  
3569 development-of-regional-impact development order pursuant to s.  
3570 380.06, but would ~~is~~ no longer be required to undergo  
3571 development-of-regional-impact review by operation of a change  
3572 in the guidelines and standards or has reduced its size below  
3573 the thresholds in s. 380.0651 ~~this act~~, shall be governed by the  
3574 following procedures:

3575 (a) The development shall continue to be governed by the  
3576 development-of-regional-impact development order and may be  
3577 completed in reliance upon and pursuant to the development order  
3578 unless the developer or landowner has followed the procedures  
3579 for rescission in paragraph (b). The development-of-regional-  
3580 impact development order may be enforced by the local government  
3581 as provided by ss. 380.06(17) and 380.11.

3582 (b) If requested by the developer or landowner, the  
3583 development-of-regional-impact development order shall ~~may~~ be  
3584 rescinded by the local government with jurisdiction upon a  
3585 showing by clear and convincing evidence that all required  
3586 mitigation relating to the amount of development existing on the  
3587 date of rescission has been completed ~~abandoned pursuant to the~~  
3588 ~~process in s. 380.06(26)~~.

3589 (2) A development with an application for development  
3590 approval pending, and determined sufficient pursuant to s.  
3591 380.06(10), on the effective date of a change to the guidelines  
3592 and standards ~~this act~~, or a notification of proposed change  
3593 pending on the effective date of a change to the guidelines and

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3594 standards this act, may elect to continue such review pursuant  
3595 to s. 380.06. At the conclusion of the pending review, including  
3596 any appeals pursuant to s. 380.07, the resulting development  
3597 order shall be governed by the provisions of subsection (1).

3598 (3) A landowner that has filed an application for a  
3599 development of regional impact review prior to the adoption of  
3600 an optional sector plan pursuant to s. 163.3245 may elect to  
3601 have the application reviewed pursuant to s. 380.06,  
3602 comprehensive plan provisions in force prior to adoption of the  
3603 sector plan and any requested comprehensive plan amendments that  
3604 accompany the application.

3605 Section 28. The Office of Program Policy Analysis and  
3606 Government Accountability shall conduct a study on adjustments  
3607 to the boundaries of regional planning councils, water  
3608 management districts, and transportation districts. The purpose  
3609 of the study is to organize these regional boundaries, without  
3610 eliminating any regional agency, to be more coterminous with one  
3611 another, creating a more unified system of regional boundaries.  
3612 The study must be completed by December 31, 2005, and a study  
3613 report submitted to the President of the Senate, the Speaker of  
3614 the House of Representatives, and the Governor and the Century  
3615 Commission for a Sustainable Florida by January 15, 2006.

3616 Section 29. Subsections (2), (3), (6), and (12) of section  
3617 1013.33, Florida Statutes, are amended to read:

3618 1013.33 Coordination of planning with local governing  
3619 bodies.--

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3620 (2)(a) The school board, county, and nonexempt  
3621 municipalities located within the geographic area of a school  
3622 district shall enter into an interlocal agreement that jointly  
3623 establishes the specific ways in which the plans and processes  
3624 of the district school board and the local governments are to be  
3625 coordinated. Any updated ~~The~~ interlocal agreements and  
3626 amendments to such agreements shall be submitted to the state  
3627 land planning agency and the Office of Educational Facilities  
3628 ~~and the SMART Schools Clearinghouse~~ in accordance with a  
3629 schedule published by the state land planning agency pursuant to  
3630 s. 163.3177(12)(h).

3631 ~~(b) The schedule must establish staggered due dates for~~  
3632 ~~submission of interlocal agreements that are executed by both~~  
3633 ~~the local government and district school board, commencing on~~  
3634 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~  
3635 ~~the same date for all governmental entities within a school~~  
3636 ~~district. However, if the county where the school district is~~  
3637 ~~located contains more than 20 municipalities, the state land~~  
3638 ~~planning agency may establish staggered due dates for the~~  
3639 ~~submission of interlocal agreements by these municipalities. The~~  
3640 ~~schedule must begin with those areas where both the number of~~  
3641 ~~districtwide capital outlay full-time equivalent students equals~~  
3642 ~~80 percent or more of the current year's school capacity and the~~  
3643 ~~projected 5-year student growth rate is 1,000 or greater, or~~  
3644 ~~where the projected 5-year student growth rate is 10 percent or~~  
3645 ~~greater.~~

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3646        ~~(b)(e)~~ If the student population has declined over the 5-  
3647 year period preceding the due date for submittal of an  
3648 interlocal agreement by the local government and the district  
3649 school board, the local government and district school board may  
3650 petition the state land planning agency for a waiver of one or  
3651 more of the requirements of subsection (3). The waiver must be  
3652 granted if the procedures called for in subsection (3) are  
3653 unnecessary because of the school district's declining school  
3654 age population, considering the district's 5-year work program  
3655 prepared pursuant to s. 1013.35. The state land planning agency  
3656 may modify or revoke the waiver upon a finding that the  
3657 conditions upon which the waiver was granted no longer exist.  
3658 The district school board and local governments must submit an  
3659 interlocal agreement within 1 year after notification by the  
3660 state land planning agency that the conditions for a waiver no  
3661 longer exist.

3662        ~~(c)(d) Interlocal agreements between local governments and~~  
3663 ~~district school boards adopted pursuant to s. 163.3177 before~~  
3664 ~~the effective date of subsections (2)-(9) must be updated and~~  
3665 ~~executed pursuant to the requirements of subsections (2)-(9), if~~  
3666 ~~necessary. Amendments to interlocal agreements adopted pursuant~~  
3667 ~~to subsections (2)-(9) must be submitted to the state land~~  
3668 ~~planning agency within 30 days after execution by the parties~~  
3669 ~~for review consistent with subsections (3) and (4). Local~~  
3670 ~~governments and the district school board in each school~~  
3671 ~~district are encouraged to adopt a single updated interlocal~~  
3672 ~~agreement in which all join as parties. The state land planning~~

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3673 agency shall assemble and make available model interlocal  
3674 agreements meeting the requirements of subsections (2)-(9) and  
3675 shall notify local governments and, jointly with the Department  
3676 of Education, the district school boards of the requirements of  
3677 subsections (2)-(9), the dates for compliance, and the sanctions  
3678 for noncompliance. The state land planning agency shall be  
3679 available to informally review proposed interlocal agreements.  
3680 If the state land planning agency has not received a proposed  
3681 interlocal agreement for informal review, the state land  
3682 planning agency shall, at least 60 days before the deadline for  
3683 submission of the executed agreement, renotify the local  
3684 government and the district school board of the upcoming  
3685 deadline and the potential for sanctions.

3686 (3) ~~At a minimum,~~ The interlocal agreement must address  
3687 the ~~following~~ issues required in s. 163.31777.÷

3688 ~~(a) A process by which each local government and the~~  
3689 ~~district school board agree and base their plans on consistent~~  
3690 ~~projections of the amount, type, and distribution of population~~  
3691 ~~growth and student enrollment. The geographic distribution of~~  
3692 ~~jurisdiction-wide growth forecasts is a major objective of the~~  
3693 ~~process.~~

3694 ~~(b) A process to coordinate and share information relating~~  
3695 ~~to existing and planned public school facilities, including~~  
3696 ~~school renovations and closures, and local government plans for~~  
3697 ~~development and redevelopment.~~

3698 ~~(c) Participation by affected local governments with the~~  
3699 ~~district school board in the process of evaluating potential~~

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3700 ~~school closures, significant renovations to existing schools,~~  
3701 ~~and new school site selection before land acquisition. Local~~  
3702 ~~governments shall advise the district school board as to the~~  
3703 ~~consistency of the proposed closure, renovation, or new site~~  
3704 ~~with the local comprehensive plan, including appropriate~~  
3705 ~~circumstances and criteria under which a district school board~~  
3706 ~~may request an amendment to the comprehensive plan for school~~  
3707 ~~siting.~~

3708 ~~(d) A process for determining the need for and timing of~~  
3709 ~~onsite and offsite improvements to support new construction,~~  
3710 ~~proposed expansion, or redevelopment of existing schools. The~~  
3711 ~~process shall address identification of the party or parties~~  
3712 ~~responsible for the improvements.~~

3713 ~~(e) A process for the school board to inform the local~~  
3714 ~~government regarding school capacity. The capacity reporting~~  
3715 ~~must be consistent with laws and rules regarding measurement of~~  
3716 ~~school facility capacity and must also identify how the district~~  
3717 ~~school board will meet the public school demand based on the~~  
3718 ~~facilities work program adopted pursuant to s. 1013.35.~~

3719 ~~(f) Participation of the local governments in the~~  
3720 ~~preparation of the annual update to the school board's 5-year~~  
3721 ~~district facilities work program and educational plant survey~~  
3722 ~~prepared pursuant to s. 1013.35.~~

3723 ~~(g) A process for determining where and how joint use of~~  
3724 ~~either school board or local government facilities can be shared~~  
3725 ~~for mutual benefit and efficiency.~~

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3726 ~~(h) A procedure for the resolution of disputes between the~~  
3727 ~~district school board and local governments, which may include~~  
3728 ~~the dispute resolution processes contained in chapters 164 and~~  
3729 ~~186.~~

3730 ~~(i) An oversight process, including an opportunity for~~  
3731 ~~public participation, for the implementation of the interlocal~~  
3732 ~~agreement.~~

3733  
3734 ~~A signatory to the interlocal agreement may elect not to include~~  
3735 ~~a provision meeting the requirements of paragraph (c); however,~~  
3736 ~~such a decision may be made only after a public hearing on such~~  
3737 ~~election, which may include the public hearing in which a~~  
3738 ~~district school board or a local government adopts the~~  
3739 ~~interlocal agreement. An interlocal agreement entered into~~  
3740 ~~pursuant to this section must be consistent with the adopted~~  
3741 ~~comprehensive plan and land development regulations of any local~~  
3742 ~~government that is a signatory.~~

3743 (6) Any local government transmitting a public school  
3744 element to implement school concurrency pursuant to the  
3745 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~  
3746 ~~date of this section~~ is not required to amend the element or any  
3747 interlocal agreement to conform with the provisions of  
3748 subsections (2)-(8) ~~if the element is adopted prior to or within~~  
3749 ~~1 year after the effective date of subsections (2)-(8) and~~  
3750 ~~remains in effect.~~

3751 (12) As early in the design phase as feasible and  
3752 consistent with an interlocal agreement entered pursuant to

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3753 subsections (2)-(8), but no later than 120 ~~90~~ days before  
3754 commencing construction, the district school board shall in  
3755 writing request a determination of consistency with the local  
3756 government's comprehensive plan. The local governing body that  
3757 regulates the use of land shall determine, in writing within 45  
3758 days after receiving the necessary information and a school  
3759 board's request for a determination, whether a proposed  
3760 educational facility is consistent with the local comprehensive  
3761 plan and consistent with local land development regulations. If  
3762 the determination is affirmative, school construction may  
3763 commence and further local government approvals are not  
3764 required, except as provided in this section. Failure of the  
3765 local governing body to make a determination in writing within  
3766 90 days after a district school board's request for a  
3767 determination of consistency shall be considered an approval of  
3768 the district school board's application. Campus master plans and  
3769 development agreements must comply with the provisions of ss.  
3770 1013.30 and 1013.63.

3771 Section 30. Section 1013.352, Florida Statutes, is created  
3772 to read:

3773 1013.352 Charter School Incentive Program for Sustainable  
3774 Schools.--

3775 (1) There is hereby created the "Charter School Incentive  
3776 Program for Sustainable Schools." Recognizing that there is an  
3777 increasing deficit in educational facilities in this state, the  
3778 Legislature believes that there is a need for creativeness in  
3779 planning and development of additional educational facilities.

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3780 To assist with the development of educational facilities, those  
3781 charter schools whose charters are approved within 18 months  
3782 after the effective date of this act shall be eligible for state  
3783 funds under the following conditions:

3784 (a) The charter school is created to address school over-  
3785 capacity issues or growth demands within the county.

3786 (b) A joint letter from the district school board and the  
3787 charter school has been submitted with the proposed charter  
3788 school charter that provides that the school board authorized  
3789 the charter school as a result of school overcrowding or growth  
3790 demands within the county and the school board requests that the  
3791 requirement of s. 1013.62(1)(a)1. are waived.

3792 (c) The charter school has received an in-kind  
3793 contribution or equivalent from an outside source other than the  
3794 district school board that has been, at a minimum, equally  
3795 matched by the district school board.

3796  
3797 Notwithstanding s. 1013.62(7), if the above conditions apply,  
3798 the Commissioner of Education, in consultation with the  
3799 Department of Community Affairs shall distribute up to \$3  
3800 million per charter school based upon the amount of the in-kind  
3801 contribution or functional equivalent from an outside source  
3802 that has been matched by the district school board or the  
3803 contribution or functional equivalent by the district school  
3804 board, whichever amount is greater, up to \$3 million. Under no  
3805 conditions may the Commissioner of Education distribute funds to  
3806 a newly chartered charter school that has not received an in-

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3807 kind contribution or equivalent from an outside source other  
3808 than the district school board and which has not been, at a  
3809 minimum, equally matched by the district school board.

3810 (2) A newly created charter school that receives  
3811 distribution of funds under this program shall not be eligible  
3812 for charter schools outlay funding under s. 1013.62.

3813 Section 31. Subsection (2) of section 1013.64, Florida  
3814 Statutes, is amended to read:

3815 1013.64 Funds for comprehensive educational plant needs;  
3816 construction cost maximums for school district capital  
3817 projects.--Allocations from the Public Education Capital Outlay  
3818 and Debt Service Trust Fund to the various boards for capital  
3819 outlay projects shall be determined as follows:

3820 (2)(a) The department shall establish, as a part of the  
3821 Public Education Capital Outlay and Debt Service Trust Fund, a  
3822 separate account, in an amount determined by the Legislature, to  
3823 be known as the "Special Facility Construction Account." The  
3824 Special Facility Construction Account shall be used to provide  
3825 necessary construction funds to school districts which have  
3826 urgent construction needs but which lack sufficient resources at  
3827 present, and cannot reasonably anticipate sufficient resources  
3828 within the period of the next 3 years, for these purposes from  
3829 currently authorized sources of capital outlay revenue. A school  
3830 district requesting funding from the Special Facility  
3831 Construction Account shall submit one specific construction  
3832 project, not to exceed one complete educational plant, to the  
3833 Special Facility Construction Committee. No district shall

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3834 receive funding for more than one approved project in any 3-year  
3835 period. The first year of the 3-year period shall be the first  
3836 year a district receives an appropriation. The department shall  
3837 encourage a construction program that reduces the average size  
3838 of schools in the district. The request must meet the following  
3839 criteria to be considered by the committee:

3840 1. The project must be deemed a critical need and must be  
3841 recommended for funding by the Special Facility Construction  
3842 Committee. Prior to developing plans for the proposed facility,  
3843 the district school board must request a preapplication review  
3844 by the Special Facility Construction Committee or a project  
3845 review subcommittee convened by the committee to include two  
3846 representatives of the department and two staff from school  
3847 districts not eligible to participate in the program. Within 60  
3848 days after receiving the preapplication review request, the  
3849 committee or subcommittee must meet in the school district to  
3850 review the project proposal and existing facilities. To  
3851 determine whether the proposed project is a critical need, the  
3852 committee or subcommittee shall consider, at a minimum, the  
3853 capacity of all existing facilities within the district as  
3854 determined by the Florida Inventory of School Houses; the  
3855 district's pattern of student growth; the district's existing  
3856 and projected capital outlay full-time equivalent student  
3857 enrollment as determined by the department; the district's  
3858 existing satisfactory student stations; the use of all existing  
3859 district property and facilities; grade level configurations;

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3860 and any other information that may affect the need for the  
3861 proposed project.

3862 2. The construction project must be recommended in the  
3863 most recent survey or surveys by the district under the rules of  
3864 the State Board of Education.

3865 3. The construction project must appear on the district's  
3866 approved project priority list under the rules of the State  
3867 Board of Education.

3868 4. The district must have selected and had approved a site  
3869 for the construction project in compliance with s. 1013.36 and  
3870 the rules of the State Board of Education.

3871 5. The district shall have developed a district school  
3872 board adopted list of facilities that do not exceed the norm for  
3873 net square feet occupancy requirements under the State  
3874 Requirements for Educational Facilities, using all possible  
3875 programmatic combinations for multiple use of space to obtain  
3876 maximum daily use of all spaces within the facility under  
3877 consideration.

3878 6. Upon construction, the total cost per student station,  
3879 including change orders, must not exceed the cost per student  
3880 station as provided in subsection (6).

3881 7. There shall be an agreement signed by the district  
3882 school board stating that it will advertise for bids within 30  
3883 days of receipt of its encumbrance authorization from the  
3884 department.

3885 8. The district shall, at the time of the request and for  
3886 a continuing period of 3 years, levy the maximum millage against

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3887 their nonexempt assessed property value as allowed in s.  
3888 1011.71(2) or shall raise an equivalent amount of revenue from  
3889 the school capital outlay surtax authorized under s. 212.055(6).  
3890 Any district with a new or active project, funded under the  
3891 provisions of this subsection, shall be required to budget no  
3892 more than the value of 1.5 mills per year to the project to  
3893 satisfy the annual participation requirement in the Special  
3894 Facility Construction Account.

3895 9. If a contract has not been signed 90 days after the  
3896 advertising of bids, the funding for the specific project shall  
3897 revert to the Special Facility New Construction Account to be  
3898 reallocated to other projects on the list. However, an  
3899 additional 90 days may be granted by the commissioner.

3900 10. The department shall certify the inability of the  
3901 district to fund the survey-recommended project over a  
3902 continuous 3-year period using projected capital outlay revenue  
3903 derived from s. 9(d), Art. XII of the State Constitution, as  
3904 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

3905 11. The district shall have on file with the department an  
3906 adopted resolution acknowledging its 3-year commitment of all  
3907 unencumbered and future revenue acquired from s. 9(d), Art. XII  
3908 of the State Constitution, as amended, paragraph (3)(a) of this  
3909 section, and s. 1011.71(2).

3910 12. Final phase III plans must be certified by the board  
3911 as complete and in compliance with the building and life safety  
3912 codes prior to August 1.

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3913       (b) The department shall establish, as a part of the  
3914 Public Education Capital Outlay and Debt Service Trust Fund, a  
3915 separate account, in an amount determined by the Legislature, to  
3916 be known as the "High Growth County Facility Construction  
3917 Account." The account shall be used to provide necessary  
3918 construction funds to high growth school districts which have  
3919 urgent construction needs, but which lack sufficient resources  
3920 at present and cannot reasonably anticipate sufficient resources  
3921 within the period of the next 3 years, for these purposes from  
3922 currently authorized sources of capital outlay revenue and local  
3923 sources. A school district requesting funding from the account  
3924 shall submit one specific construction project, not to exceed  
3925 one complete educational plant, to the Special Facility  
3926 Construction Committee. No district shall receive funding for  
3927 more than one approved project in any 2-year period, provided  
3928 that any grants received under this paragraph must be fully  
3929 expended in order for a district to apply for additional funding  
3930 under this paragraph and all Classrooms First funds have been  
3931 allocated and expended by the district. The first year of the 2-  
3932 year period shall be the first year a district receives an  
3933 appropriation. The request must meet the following criteria to  
3934 be considered by the committee:

3935       1. The project must be deemed a critical need and must be  
3936 recommended for funding by the Special Facility Construction  
3937 Committee. Prior to developing plans for the proposed facility,  
3938 the district school board must request a preapplication review  
3939 by the Special Facility Construction Committee or a project

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3940 review subcommittee convened by the committee to include two  
3941 representatives of the department and two staff from school  
3942 districts not eligible to participate in the program. Within 60  
3943 days after receiving the preapplication review request, the  
3944 committee or subcommittee must meet in the school district to  
3945 review the project proposal and existing facilities. To  
3946 determine whether the proposed project is a critical need, the  
3947 committee or subcommittee shall consider, at a minimum, the  
3948 capacity of all existing facilities within the district as  
3949 determined by the Florida Inventory of School Houses; the  
3950 district's pattern of student growth with priority given to  
3951 those districts that have equaled or exceeded twice the  
3952 statewide average in growth in capital outlay full-time  
3953 equivalent students over the previous 4 fiscal years; the  
3954 district's existing and projected capital outlay full-time  
3955 equivalent student enrollment as determined by the department  
3956 with priority given to these districts with 20,000 or more  
3957 capital outlay full-time equivalent students; the district's  
3958 existing satisfactory student stations; the use of all existing  
3959 district property and facilities; grade level configurations;  
3960 and any other information that may affect the need for the  
3961 proposed project.

3962 2. The construction project must be recommended in the  
3963 most recent survey or surveys by the district under the rules of  
3964 the State Board of Education.

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3965       3. The construction project includes either a recreational  
3966 facility or media center that will be jointly used with a local  
3967 government.

3968       4. The construction project must appear on the district's  
3969 approved project priority list under the rules of the State  
3970 Board of Education.

3971       5. The district must have selected and had approved a site  
3972 for the construction project in compliance with the interlocal  
3973 agreement with the appropriate local government, s. 1013.36, and  
3974 the rules of the State Board of Education.

3975       6. The district shall have developed a district school  
3976 board adopted list of facilities that do not exceed the norm for  
3977 net square feet occupancy requirements under the state  
3978 requirements for educational facilities, using all possible  
3979 programmatically combinations for multiple use of space to obtain  
3980 maximum daily use of all spaces within the facility under  
3981 consideration.

3982       7. Upon construction, the total cost per student station,  
3983 including change orders, must not exceed the cost per student  
3984 station as provided in subsection (6).

3985       8. There shall be an agreement signed by the district  
3986 school board stating that it will advertise for bids within 30  
3987 days after receipt of its encumbrance authorization from the  
3988 department.

3989       9. If a contract has not been signed 90 days after the  
3990 advertising of bids, the funding for the specific project shall  
3991 revert to the Special Facility Construction Account to be

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3992 reallocated to other projects on the list. However, an  
3993 additional 90 days may be granted by the commissioner.

3994 10. Final phase III plans must be certified by the board  
3995 as complete and in compliance with the building and life safety  
3996 codes prior to August 1.

3997 (c)(b) The Special Facility Construction Committee shall  
3998 be composed of the following: two representatives of the  
3999 Department of Education, a representative from the Governor's  
4000 office, a representative selected annually by the district  
4001 school boards, and a representative selected annually by the  
4002 superintendents.

4003 (d)(e) The committee shall review the requests submitted  
4004 from the districts, evaluate the ability of the project to  
4005 relieve critical needs, and rank the requests in priority order.  
4006 This statewide priority list for special facilities construction  
4007 shall be submitted to the Legislature in the commissioner's  
4008 annual capital outlay legislative budget request at least 45  
4009 days prior to the legislative session. For the initial year of  
4010 the funding of the program outlined in paragraph (b), the  
4011 Special Facility Construction Committee shall authorize the  
4012 disbursement of funds appropriated by the Legislature for the  
4013 purposes of the program funded by the High Growth County  
4014 Facility Construction Account created in paragraph (b).

4015 Section 32. School Concurrency Task Force.—

4016 (1) The School Concurrency Task Force is created to review  
4017 the requirements for school concurrency in law and make  
4018 recommendations regarding streamlining the process and

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4019 procedures for establishing school concurrency. The task force  
4020 shall also examine the methodology and processes used for the  
4021 funding of construction of public schools and make  
4022 recommendations on revisions to provisions of law and rules  
4023 which will help ensure that schools are built and available when  
4024 the expected demands of growth produce the need for new school  
4025 facilities.

4026 (2) The task force shall be composed of 11 members. The  
4027 membership must represent local governments, school boards,  
4028 developers and homebuilders, the business community, the  
4029 agriculture community, the environmental community, and other  
4030 appropriate stakeholders. The task force shall include two  
4031 members appointed by the Governor, two members appointed by the  
4032 President of the Senate, two members appointed by the Speaker of  
4033 the House of Representatives, one member appointed by the  
4034 Florida School Boards Association, one member appointed by the  
4035 Florida Association of Counties, and one member appointed by the  
4036 Florida League of Cities. The Secretary of the Department of  
4037 Community Affairs, or a senior management designee, and the  
4038 Commissioner of Education, or a senior management designee,  
4039 shall also be ex officio nonvoting members on the task force.

4040 (3) The task force shall report to the Governor, the  
4041 President of the Senate, and the Speaker of the House of  
4042 Representatives no later than December 1, 2005, with specific  
4043 recommendations for revisions to provisions of law and rules.

4044 Section 33. Sections 163.31776 and 339.2817, Florida  
4045 Statutes, are repealed.

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4046        Section 34. Beginning in fiscal year 2005-2006, the  
4047 Department of Transportation shall allocate sufficient funds to  
4048 implement the transportation provisions of the Sustainable  
4049 Florida Act of 2005. The department shall develop a plan to  
4050 expend these revenues and amend the current tentative work  
4051 program for the time period 2005-2006. In addition, prior to  
4052 work program adoption, the department shall submit a budget  
4053 amendment pursuant to s. 339.135(7), Florida Statutes. The  
4054 department shall provide a report to the President of the Senate  
4055 and the Speaker of the House of Representative by February 1,  
4056 2006, identifying the program adjustments it has made consistent  
4057 with the provisions of the Sustainable Florida Transportation  
4058 Program.

4059        Section 35. Effective July 1, 2005, the sum of \$433.25  
4060 million from non-recurring General Revenue is appropriated to  
4061 the State Transportation Trust Fund in the Department of  
4062 Transportation to be allocated as follows:

4063        (1) The sum of \$100 million for the State-funded  
4064 Infrastructure Bank pursuant to s. 339.55, Florida Statutes, to  
4065 be available as loans for local government projects consistent  
4066 with the provisions of the Transportation Incentive Program for  
4067 a Sustainable Florida

4068        (2) The sum of \$333.25 million for Transportation  
4069 Incentive Program for a Sustainable Florida pursuant to s.  
4070 339.28171, Florida Statutes.

4071        Section 36. Funding for Sustainable Water  
4072 Supplies.--Effective July 1, 2005, the sum of \$100 million from

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4073 recurring general revenue for distribution pursuant to s.  
4074 373.19615, Florida Statutes. The sum of \$50 million from  
4075 nonrecurring general revenue is appropriated to the Department  
4076 of Environmental Protection for distribution pursuant to s.  
4077 373.19616, Florida Statutes.

4078 Section 37. Funding for Sustainable Schools.--In order to  
4079 provide for innovative approaches to meet school capacity  
4080 demands, effective July 1, 2005, the sum of \$80 million is  
4081 transferred from recurring general revenue to the Public  
4082 Education Capital Outlay and Debt Service Trust Fund in the  
4083 Department of Education to be used as follows:

4084 (1) The sum of \$35 million from recurring funds in the  
4085 Public Education Capital Outlay and Debt Service Trust Fund  
4086 shall be used for the Charter School Incentive Program for  
4087 Sustainable Schools created pursuant to section 1013.352,  
4088 Florida Statutes.

4089 (2) The sum of \$15 million from recurring funds in the  
4090 Public Education Capital Outlay and Debt Service Trust Fund  
4091 shall be used for educational facilities benefit districts as  
4092 provided in s. 1013.356(3), Florida Statutes, as follows: for  
4093 construction and capital maintenance costs not covered by the  
4094 funds provided under s. 1013.356(1), Florida Statutes, in fiscal  
4095 year 2005-2006, an amount contributed by the state equal to 25  
4096 percent of the remaining costs of construction and capital  
4097 maintenance of the educational facilities, up to \$2 million. Any  
4098 construction costs above the cost-per-student criteria  
4099 established for the SIT Program in s. 1013.72(2), Florida

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4100 Statutes, shall be funded exclusively by the educational  
4101 facilities benefit district or the community development  
4102 district. Funds contributed by a district school board shall not  
4103 be used to fund operational costs. Funds not committed by March  
4104 31, 2006, revert to the Charter School Incentive Program for  
4105 Sustainable Schools created pursuant to s. 1013.352, Florida  
4106 Statutes.

4107 (3) The sum of \$30 million from recurring funds in the  
4108 Public Education Capital Outlay and Debt Service Trust Fund  
4109 shall be transferred annually from the Public Education Capital  
4110 Outlay and Debt Service Trust Fund to the High Growth County  
4111 Facility Construction Account.

4112  
4113 Notwithstanding the requirements of ss. 1013.64 and 1013.65,  
4114 Florida Statutes, these moneys may not be distribut  
4115 the comprehensive plan for the Public Education Capital Outlay  
4116 and Debt Service Trust Fund.

4117 Section 38. (1) Effective July 1, 2005, the sum of  
4118 \$85,618,291 is appropriated from nonrecurring general revenue  
4119 for the Classrooms for Kids Program pursuant to s. 1013.735,  
4120 Florida Statutes.

4121 (2) Effective July 1, 2005, the sum of \$181,131,709 is  
4122 appropriated from nonrecurring general revenue to assist school  
4123 districts in meeting the school concurrency provisions under  
4124 this act. Such funds shall be distributed to school districts  
4125 under the formula pursuant to s. 1013.735(1), Florida Statutes

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4126           Section 39. Statewide Technical Assistance for a  
4127 Sustainable Florida.--In order to assist local governments and  
4128 school boards to implement the provisions of this act, effective  
4129 July 1, 2005, the sum of \$3 million is appropriated from  
4130 recurring general revenue to the Department of Community  
4131 Affairs. The department shall provide a report to the Governor,  
4132 the President of the Senate, and the Speaker of the House of  
4133 Representatives by February 1, 2006, on the progress made toward  
4134 implementing this act and a recommendation of whether additional  
4135 funds should be appropriated to provide additional technical  
4136 assistance to implement this act.

4137           Section 40. Effective July 1, 2005, the sum of \$250,000 is  
4138 appropriated from recurring general revenue to the Department of  
4139 Community Affairs to provide the necessary staff and other  
4140 assistance to the Century Commission for a Sustainable Florida  
4141 required by section 11.

4142           Section 41. If any provision of this act or its  
4143 application to any person or circumstance is held invalid, the  
4144 invalidity does not affect other provisions or applications of  
4145 the act which can be given effect without the invalid provision  
4146 or application, and to this end the provisions of this act are  
4147 severable.

4148           Section 42. This act shall take effect July 1, 2005.

4149  
4150 ===== T I T L E   A M E N D M E N T =====

4151           Remove the entire title and insert:  
4152                                   A bill to be entitled

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

4153 An act relating to growth management incentives; providing  
4154 a popular name; amending s. 163.3164, F.S.; revising a  
4155 definition to conform; defining the term "financial  
4156 feasibility"; creating s. 163.3172, F.S.; providing  
4157 legislative determinations; limiting the effect of certain  
4158 charter county charter provisions, ordinances, or land  
4159 development regulations relating to urban infill and  
4160 redevelopment under certain circumstances; requiring a  
4161 referendum; providing referendum requirements; amending s.  
4162 163.3177, F.S.; revising criteria for the capital  
4163 improvements element of comprehensive plans; providing for  
4164 subjecting certain local governments to sanctions by the  
4165 Administration Commission under certain circumstances;  
4166 deleting obsolete provisions; requiring local governments  
4167 to adopt a transportation concurrency management system by  
4168 ordinance; requiring inclusion of alternative water supply  
4169 projects; providing a methodology requirement; requiring  
4170 the Department of Transportation to develop a model  
4171 transportation concurrency management ordinance;  
4172 specifying ordinance assessment authority; providing  
4173 additional requirements for a general water element of  
4174 comprehensive plans; revising public educational  
4175 facilities element requirements; revising requirements for  
4176 rural land stewardship areas; exempting rural land  
4177 stewardship areas from developments of regional impact  
4178 provisions; requiring counties and municipalities to adopt  
4179 consistent public school facilities and enter into certain

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

4180 interlocal agreements; authorizing the state land planning  
4181 agency to grant waivers under certain circumstances;  
4182 providing additional requirements for public school  
4183 facilities elements of comprehensive plans; requiring the  
4184 state land planning agency to adopt phased schedules for  
4185 adopting a public school facilities element; providing  
4186 requirements; providing requirements; providing conditions  
4187 for prohibiting local governments from certain adopting  
4188 amendments to the comprehensive plan; authorizing the  
4189 state land planning agency to issue schools certain show  
4190 cause notices for certain purposes; providing for imposing  
4191 sanctions on a school board under certain circumstances;  
4192 providing requirements; encouraging local governments to  
4193 develop a community vision for certain purposes; providing  
4194 for assistance by regional planning councils; providing  
4195 for local government designation of urban service  
4196 boundaries; providing requirements; amending s. 163.31777,  
4197 F.S.; applying public schools interlocal agreement  
4198 provisions to school boards and nonexempt municipalities;  
4199 deleting a scheduling requirement for public schools  
4200 interlocal agreements; providing additional requirements  
4201 for updates and amendments to such interlocal agreements;  
4202 revising procedures for public school elements  
4203 implementing school concurrency; revising exemption  
4204 criteria for certain municipalities; amending s. 163.3180,  
4205 F.S.; including schools and water supplies under  
4206 concurrency provisions; revising a transportation

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Amendment No. (for drafter's use only)

4207 facilities scheduling requirement; requiring local  
4208 governments and the Department of Transportation to  
4209 cooperatively establish a plan for maintaining certain  
4210 level-of-service standards for certain facilities within  
4211 certain areas; requiring local governments to consult with  
4212 the department to make certain impact assessments relating  
4213 to concurrency management areas and multimodal  
4214 transportation districts; revising criteria for local  
4215 government authorization to grant exceptions from  
4216 concurrency requirements for transportation facilities;  
4217 providing for waiving certain transportation facilities  
4218 concurrency requirements for certain projects under  
4219 certain circumstances; providing criteria and  
4220 requirements; revising provisions authorizing local  
4221 governments to adopt long-term transportation management  
4222 systems to include long-term school concurrency management  
4223 systems; revising requirements; requiring periodic  
4224 evaluation of long-term concurrency systems; providing  
4225 criteria; revising requirements for roadway facilities on  
4226 the Strategic Intermodal System; providing additional  
4227 level-of-service standards requirements; revising  
4228 requirements for developing school concurrency; requiring  
4229 adoption of a public school facilities element for  
4230 effectiveness of a school concurrency requirement;  
4231 providing an exception; revising service area requirements  
4232 for concurrency systems; requiring local governments to  
4233 apply school concurrency on a less than districtwide basis

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4234 under certain circumstances for certain purposes; revising  
4235 provisions prohibiting a local government from denying a  
4236 development order or a functional equivalent authorizing  
4237 residential developments under certain circumstances;  
4238 specifying conditions for satisfaction of school  
4239 concurrency requirements by a developer; providing for  
4240 mediation of disputes; specifying options for  
4241 proportionate-share mitigation of impacts on public school  
4242 facilities; providing criteria and requirements; providing  
4243 legislative intent relating to mitigation of impacts of  
4244 development on transportation facilities; authorizing  
4245 local governments to create mitigation banks for  
4246 transportation facilities for certain purposes; providing  
4247 requirements; specifying conditions for satisfaction of  
4248 transportation facilities concurrency by a developer;  
4249 providing for mitigation; providing for mediation of  
4250 disputes; providing criteria for transportation mitigation  
4251 contributions; providing for enforceable development  
4252 agreements for certain projects; specifying conditions for  
4253 satisfaction of concurrency requirements of a local  
4254 comprehensive plan by a development; amending s. 163.3184,  
4255 F.S.; correcting cross references; authorizing instead of  
4256 requiring the state land planning agency to review plan  
4257 amendments; amending s. 163.3187, F.S.; providing  
4258 additional criteria for small scale amendments to adopted  
4259 comprehensive plans; providing an additional exception to  
4260 a limitation on amending an adopted comprehensive plan by

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4261 certain municipalities; providing procedures and  
4262 requirements; providing for notice and public hearings;  
4263 correcting a cross reference; providing for  
4264 nonapplication; amending s. 163.3191, F.S.; revising  
4265 requirements for evaluation and assessment of the  
4266 coordination of a comprehensive plan with certain schools;  
4267 providing additional assessment criteria for certain  
4268 counties and municipalities; requiring certain counties  
4269 and municipalities to adopt appropriate concurrency goals,  
4270 objectives, and policies in plan amendments under certain  
4271 circumstances; revising reporting requirements for  
4272 evaluation and assessment of water supply sources;  
4273 providing for a prohibition on plan amendments for failure  
4274 to timely adopt updating comprehensive plan amendments;  
4275 creating s. 163.3247, F.S.; providing a popular name;  
4276 providing legislative findings and intent; creating the  
4277 Century Commission for a Sustainable Florida for certain  
4278 purposes; providing for appointment of commission members;  
4279 providing for terms; providing for meetings and votes of  
4280 members; requiring members to serve without compensation;  
4281 providing for per diem and travel expenses; providing  
4282 powers and duties of the commission; requiring the  
4283 creation of a joint select committee of the Legislature;  
4284 providing purposes; requiring the Secretary of Community  
4285 Affairs to select an executive director of the commission;  
4286 requiring the Department of Community Affairs to provide  
4287 staff for the commission; providing for other agency staff

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4288 support for the commission; amending s. 201.15, F.S.;

4289 providing for an alternative distribution to the State

4290 Transportation Trust Fund of certain revenues from the

4291 excise tax on documents remaining after certain prior

4292 distributions; amending s. 215.211, F.S.; providing for

4293 deposit of certain service charge revenues into the State

4294 Transportation Trust Fund to be used for certain purposes;

4295 amending ss. 337.107 and 337.11, F.S.; revising

4296 authorization for the Department of Transportation to

4297 contract for right-of-way services; providing additional

4298 requirements; providing for a two year effect; amending s.

4299 339.08, F.S.; specifying an additional use for moneys in

4300 the State Transportation Trust Fund; amending s. 339.135,

4301 F.S.; revising provisions relating to funding and

4302 developing a tentative work program; amending s. 339.155,

4303 F.S.; providing additional requirements for development of

4304 regional transportation plans in certain areas pursuant to

4305 interlocal agreements; requiring the department to develop

4306 a model interlocal agreement; providing requirements;

4307 amending s. 339.175, F.S.; revising requirements for

4308 metropolitan planning organizations and transportation

4309 improvement programs; creating s. 339.28171, F.S.;

4310 creating the Transportation Incentive Program for a

4311 Sustainable Florida; providing program requirements;

4312 requiring the Department of Transportation to develop

4313 criteria to assist local governments in evaluating

4314 concurrency management system backlogs; specifying

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4315 criteria requirements; providing requirements for local  
4316 governments; specifying percentages and requirements for  
4317 apportioning matching funds among grant applicants;  
4318 authorizing the department to administer contracts as  
4319 requested by local governments; amending s. 339.2818,  
4320 F.S.; revising criteria and requirement for the Small  
4321 County Outreach Program to conform; creating s. 339.2820,  
4322 F.S.; creating the Off-System Bridge Program for  
4323 Sustainable Transportation within the Department of  
4324 Transportation for certain purposes; providing for funding  
4325 certain project costs; requiring the department to  
4326 allocate funding for the program for certain projects;  
4327 specifying criteria for projects to be funded from the  
4328 program; amending s. 339.55, F.S.; revising funding  
4329 authorization for the state-funded infrastructure bank ;  
4330 creating s. 373.19615, F.S.; creating the Florida's  
4331 Sustainable Water Supplies Program; providing funding  
4332 requirements for local government development of  
4333 alternative water supply projects; providing for  
4334 allocation of funds to water management districts;  
4335 providing definitions; specifying factors to consider in  
4336 funding certain projects; providing funding requirements;  
4337 requiring the Department of Environmental Protection to  
4338 establish factors for granting financial assistance to  
4339 eligible projects; creating s. 373.19616, F.S.; creating  
4340 the Water Transition Assistance Program to establish a  
4341 low-interest revolving loan program for infrastructure

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Amendment No. (for drafter's use only)

4342 financing for alternative water supplies; providing  
4343 legislative declarations; providing definitions;  
4344 authorizing the Department of Environmental Protection to  
4345 make loans to local governments for certain purposes;  
4346 authorizing local governments to borrow funds and pledge  
4347 revenues for repayment; providing loan limitations;  
4348 authorizing the department to adopt certain rules;  
4349 requiring the department to prepare an annual report on  
4350 such financial assistance; providing loan approval  
4351 requirements for local governments; authorizing the  
4352 department to conduct or require audits; authorizing the  
4353 department to require reasonable loan service fees;  
4354 providing limitations; providing requirements for  
4355 financial assistance funding; providing for enforcement of  
4356 loan defaults; authorizing the department to impose  
4357 penalties for delinquent loan payments; authorizing the  
4358 department to terminate financial assistance agreements  
4359 under certain circumstances; amending s. 373.223, F.S.;  
4360 providing a presumption of consistency for certain  
4361 alternative water supply uses; amending s. 380.06, F.S.;  
4362 providing additional exemptions from development of  
4363 regional impact provisions for certain projects in  
4364 proposed developments or redevelopments within an area  
4365 designated in a comprehensive plan and for proposed  
4366 developments within certain rural land stewardship areas;  
4367 authorizing certain municipalities to adopt an ordinance  
4368 imposing a fee on certain applicants for certain purposes;

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4369 specifying fee uses; providing a limitation; amending s.  
4370 380.115, F.S.; revising provisions relating to preserving  
4371 vested rights and duties under development of regional  
4372 impact guidelines and standards; revising procedures and  
4373 requirements for governance and rescission of development-  
4374 of-regional-impact development orders under changing  
4375 guidelines and standards; requiring the Office of Program  
4376 Policy Analysis and Government Accountability to conduct a  
4377 study on adjustments to boundaries of regional planning  
4378 councils, water management districts, and transportation  
4379 districts; providing purposes; requiring a study report to  
4380 the Governor and Legislature; amending s. 1013.33, F.S.;  
4381 revising provisions relating to coordination of  
4382 educational facilities planning pursuant to certain  
4383 interlocal agreements; revising procedures and  
4384 requirements for updated agreements and agreement  
4385 amendments; creating s. 1013.352, F.S.; creating a Charter  
4386 School Incentive Program for Sustainable Schools;  
4387 providing purposes; specifying conditions for eligibility  
4388 for state funds; authorizing the Commissioner of Education  
4389 to waive certain requirements and distribute certain funds  
4390 to charter schools under certain circumstances;  
4391 prohibiting the commissioner from distributing funds to  
4392 certain schools under certain circumstances; providing for  
4393 ineligibility of certain schools for charter school outlay  
4394 funding under certain circumstances; amending s. 1013.64,  
4395 F.S.; requiring the Department of Education to establish a

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4396 | the High Growth County Facility Construction Account as a  
4397 | separate account within the Public Education Capital  
4398 | Outlay and Debt Service Trust Fund for certain purposes;  
4399 | specifying requirements for funding from the account;  
4400 | creating the School Concurrency Task Force; providing  
4401 | purposes; providing for membership; requiring a report to  
4402 | the Governor and Legislature; repealing s. 163.31776,  
4403 | F.S., relating to the public educational facilities  
4404 | element; repealing s. 339.2817, F.S., relating to the  
4405 | County Incentive Grant Program; requiring the Department  
4406 | of Transportation to allocate sufficient funds so  
4407 | implement the transportation provisions of the act;  
4408 | requiring the department to develop a plan to expend  
4409 | revenues and amend the current work program; requiring the  
4410 | department to submit a budget amendment for certain  
4411 | purposes; requiring a report to the Legislature; providing  
4412 | for funding for sustainable water supplies; providing an  
4413 | appropriation; providing for allocation of the  
4414 | appropriation; specifying uses of appropriations;  
4415 | providing for funding for sustainable schools; providing  
4416 | an appropriation; providing for allocation of the  
4417 | appropriation; specifying uses of the appropriation;  
4418 | providing for Statewide Technical Assistance for a  
4419 | Sustainable Florida; providing an appropriation;  
4420 | specifying uses; requiring the Department of Community  
4421 | Affairs to report to the Governor and Legislature;  
4422 | specifying report requirements; providing an appropriation

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4423 to the Department of Community Affairs for certain  
4424 staffing purposes; providing severability; providing an  
4425 effective date.

4426  
4427 WHEREAS, the Legislature finds and declares that the  
4428 state's population has increased by approximately 3 million  
4429 individuals each decade since 1970 to nearly 16 million  
4430 individuals in 2000, and

4431 WHEREAS, increased populations have resulted in greater  
4432 density concentrations in many areas around the state and  
4433 created growth issues that increasingly overlap multiple local  
4434 government jurisdictional and state agency district boundaries,  
4435 and

4436 WHEREAS, development patterns throughout areas of the  
4437 state, in conjunction with the implementation of growth  
4438 management policies, have increasingly caused urban flight which  
4439 has resulted in urban sprawl and cause capacity issues related  
4440 to transportation facilities, public educational facilities, and  
4441 water supply facilities, and

4442 WHEREAS, the Legislature recognizes that urban infill and  
4443 redevelopment is a high state priority, and

4444 WHEREAS, consequently, the Legislature determines it in the  
4445 best interests of the people of the state to undertake action to  
4446 address these issues and work towards a sustainable Florida  
4447 where facilities are planned and available concurrent with  
4448 existing and projected demands while protecting Florida's

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HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

4449 natural and environmental resources, rural and agricultural  
4450 resources, and maintaining a viable and sustainable economy, and

4451 WHEREAS, the Legislature enacts measures in the law and  
4452 earmarks funds for the 2005-2006 fiscal year intended to result  
4453 in a reemphasis on urban infill and redevelopment, achieving and  
4454 maintaining concurrency with transportation and public  
4455 educational facilities, and instilling a sense of  
4456 intergovernmental cooperation and coordination, and

4457 WHEREAS, the Legislature will establish a standing  
4458 commission tasked with helping Floridians envision and plan  
4459 their collective future with an eye towards both 25-year and 50-  
4460 year horizons, NOW, THEREFORE,

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