Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate	House
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Representative(s) Johnson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

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

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

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

(32) "Financial feasibility" means sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions,

which are adequate to fund the projected costs of the capital improvements and as otherwise identified within this act necessary to ensure that adopted level-of-service standards are achieved and maintained within the 5-year schedule of capital improvements.

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

163.3172 Urban infill and redevelopment.--In recognition that urban infill and redevelopment is a high state priority, the Legislature determines that local governments should not adopt charter provisions, ordinances, or land development regulations that discourage this state priority, unless the charter provisions, ordinances, or land development regulations are to limit impacts to coastal high-hazard areas, historic districts, or aviation operations. Higher density urban development is appropriate in urban areas and should be encouraged in such areas. Conversely, it is appropriate to discourage greater height and density as a development form in areas outside the urban area where such development forms are incompatible with existing land uses. Notwithstanding chapters 125 and s. 163.3171, any existing or future charter county charter provision, ordinance, land development regulation, or countywide special act that governs the use, development, or redevelopment of land shall not be effective within any municipality of the county unless the charter provision, ordinance, land development regulation, or countywide special act is approved by a majority vote of the municipality's

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

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

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

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

restrictive ordinance shall govern. However, this section shall not apply within any areas of critical state concern designated pursuant to s. 380.05-380.0555, any unit of local government that is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers of a municipal corporation, any unit of local government operating under a home rule charter adopted pursuant to s. 11, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities, or within any government consolidated pursuant to s. 3 of Art. VIII.

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

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

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

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing

public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

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

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

4. Standards for the management of debt.

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

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

(b)1. The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements.~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs,~~;~~

revenue sources, or~~;~~ acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction~~ of any facility enumerated in the capital improvements schedule ~~element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter until the local government has adopted the annual update and the annual update has been transmitted to the state land planning agency.

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

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

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

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

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to

be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation,

capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met.~~ Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are

an allowable use ~~or for adopting or amending the school-siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation

corridor management ordinance. By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system which shall include a methodology for assessing proportionate share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate share options. The transportation concurrency management ordinance may assess a concurrency impact area by districts or systemwide.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. Within 18 months after

the governing board approves an updated regional water supply plan, the local government shall submit a comprehensive plan amendment that incorporates the alternative water supply projects selected by the local government from those identified in the regional supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361, into the element. If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated ~~By December 1, 2006, The element must~~ ~~consider the appropriate water management district's~~ regional water supply plan ~~approved pursuant to s. 373.0361~~. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public water supply facilities, including development of alternative water supplies that are necessary to meet existing and projected water use demand over the work planning period. The work plan shall also describe how the water supply needs will be met over the course of the planning period from any other providers of water, if applicable ~~that are identified in the element as necessary to serve existing and new development and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within 18 ~~12~~ months after the governing board of a water management district approves an updated

regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan.

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

region, or upon the state comprehensive plan, as the case may require.

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

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

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

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are

established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

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

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

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

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

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

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

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

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

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

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

(11)

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

5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

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

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

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

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

activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

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

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

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with

environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

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

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

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

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

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

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

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

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development

strategies and creative land use planning techniques adopted by the local government pursuant to this section.

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

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

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

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

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

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

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

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

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

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land

stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

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

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

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

9. In recognition of the benefits of conceptual long-range planning, restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of the agricultural economy of this state; and protection of the character of rural areas of this state that

will result from a rural land stewardship area, and to further encourage the innovative planning and development strategies in a rural land stewardship area, development within a rural land stewardship area is exempt from the requirements of s. 380.06.

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

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

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

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

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

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

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

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

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

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

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

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

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

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

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

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

9. Coordination with the future land use element.

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

(h) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1). The state land planning agency may grant a 1-year extension for the adoption of the element if a request is justified by good and sufficient cause as determined by the agency.

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

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

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

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

765 163.31777 Public schools interlocal agreement.--
766 (1)(a) The school board, county, and nonexempt
767 municipalities located within the geographic area of a school
768 district shall enter into an interlocal agreement ~~with the~~
769 ~~district school board~~ which jointly establishes the specific
770 ways in which the plans and processes of the district school
771 board and the local governments are to be coordinated. ~~The~~
772 ~~interlocal agreements shall be submitted to the state land~~
773 ~~planning agency and the Office of Educational Facilities and the~~
774 ~~SMART Schools Clearinghouse in accordance with a schedule~~
775 ~~published by the state land planning agency~~.
776 ~~(b) The schedule must establish staggered due dates for~~
777 ~~submission of interlocal agreements that are executed by both~~
778 ~~the local government and the district school board, commencing~~
779 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
780 ~~set the same date for all governmental entities within a school~~
781 ~~district. However, if the county where the school district is~~
782 ~~located contains more than 20 municipalities, the state land~~
783 ~~planning agency may establish staggered due dates for the~~
784 ~~submission of interlocal agreements by these municipalities. The~~
785 ~~schedule must begin with those areas where both the number of~~
786 ~~districtwide capital-outlay full-time-equivalent students equals~~
787 ~~80 percent or more of the current year's school capacity and the~~
788 ~~projected 5-year student growth is 1,000 or greater, or where~~
789 ~~the projected 5-year student growth rate is 10 percent or~~
790 ~~greater.~~

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

(c)~~(d)~~ ~~Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section.~~ Local governments and the district school board in each school district are encouraged to adopt a single updated interlocal agreement to which all join as parties. The state land planning agency shall assemble and make

available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

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

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

(b) Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and

seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

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

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

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

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

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

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

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

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

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

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

(k)~~(d)~~ A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process

must address identification of the party or parties responsible for the improvements.

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

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

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

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

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

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

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

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

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

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

For those local governments that receive a waiver pursuant to s. 163.3177(2)(a), the interlocal agreement shall not include the issues provided for in paragraphs (a), (c), (d), (e), (f), (g), and (p). For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in

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

(3)~~(a)~~ The updated interlocal agreement, adopted pursuant to the schedule adopted in accordance with s. 163.3177(12)(h), and any subsequent amendments must be submitted to the state land planning agency and the Office of Educational Facilities within 30 days after execution by the parties for review consistent with this section. The office ~~and SMART Schools Clearinghouse~~ shall submit any comments or concerns regarding the executed interlocal agreement or amendments to the state land planning agency within 30 days after receipt of the executed interlocal agreement or amendments. The state land planning agency shall review the updated executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an updated executed interlocal agreement or amendment, the state land planning agency shall publish a notice on the agency's Internet website that states ~~of intent in~~

~~the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state~~ whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is~~

~~shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

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

(4) If an updated executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction

available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

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

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

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

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

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12) ~~subsection (6)~~. If the municipality continues to

meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

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

163.3180 Concurrency.--

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

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

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction within 3 ~~not more than 5~~ years after issuance by the local government of a building permit ~~certificate of occupancy~~ or its functional equivalent for construction of a facility that results in actual traffic generation. For purposes of this paragraph, if the construction funding needed for facilities is in the first three years of the Department of Transportation's work program or the local government's schedule of capital improvements, the under-actual-construction requirements of this paragraph shall be deemed to have been met. This provision shall not apply to developments of regional impact for which a development order has been issued or for which a development of regional impact application has been found sufficient prior to the effective date of this act. ~~Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

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

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities

and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the ~~state comprehensive plan and~~ the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

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

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any

calendar year and does not affect the 100 highest traffic volume hours.

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

(e) It is a high state priority that urban infill and redevelopment be promoted and provide incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved

and urban sprawl will be discouraged. If a local government creates a long-term vision for its community that includes adequate funding and services and multimodal transportation options, the transportation facilities concurrency requirements of paragraph (2)(c) are waived for:

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

b. Urban redevelopment as designated in the comprehensive plan;

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

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

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

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

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

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

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

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

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

(9)(a) Each local government may adopt as a part of its plan ~~a~~ long-term transportation and school concurrency management systems ~~system~~ with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level-

of-service standards on certain facilities and shall ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction ~~permits~~ in these designated districts or areas. The concurrency management system~~. It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

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

1. The extent of the backlog.

2. For roads, whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

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

(c) The local government may issue approvals to commence construction, notwithstanding s. 163.3180, consistent with and

in areas that are subject to a long-term concurrency management system.

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

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

(13) In accordance with the schedule adopted in accordance with s. 163.3177(12)(h), school concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall

include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12), except that this subsection shall not apply to the Florida School for the Deaf and the Blind. The development of school concurrency shall be accomplished through a coordinated process including the local school district, the county, and all nonexempt municipalities within the county and shall be reflected in the public school facilities element adopted pursuant to the schedule provided for in s. 163.3177(12)(h). The school concurrency requirement shall not be effective until the adoption of the public school facilities element. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.--A local government shall adopt and transmit to the state land planning agency a

plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

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

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

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

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

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

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

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized

to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and~~,~~ included as supporting data and analysis for~~, and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

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

(d) Financial feasibility.--The Legislature recognizes that financial feasibility is an important issue because the

premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

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

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

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

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

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development

agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. Mitigation for development impacts to public schools requires the concurrence of the local school board. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

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

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

(f) Intergovernmental coordination.--

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

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

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

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

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

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the

criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

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

~~1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans~~

~~of the school board to ensure a uniform districtwide school concurrency system.~~

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

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

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

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

~~6. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for~~

~~the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.~~

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

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

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

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

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

(15)

(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the local government shall consult with the Department of Transportation to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Within designated urban infill and redevelopment areas, the local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64. Multimodal transportation districts existing prior to July 1, 2005, shall meet at a minimum, the provision of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(16)(a) It is the intent of the Legislature to provide a method by which the impacts of development on transportation

facilities can be mitigated by the cooperative efforts of the public and private sectors.

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

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

(d) Transportation facilities concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for transportation facilities to be created by actual development of the property, including, but not limited to, the options for mitigation established in the transportation element or traffic

circulation element. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Appropriate transportation mitigation contributions may include public or private funds; the contribution of right-of-way; the construction of a transportation facility or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for projects to be funded by a developer.

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

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

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

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

(b) "In compliance" means consistent with the requirements of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191,

and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

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

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

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

163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

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

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

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

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

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

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

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

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation

or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

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

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

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the

governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

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

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

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

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

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

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the

1864 future land use map for a site-specific small scale development
1865 activity.
1866 e. The property that is the subject of the proposed
1867 amendment is not located within an area of critical state
1868 concern.
1869 2. For purposes of this paragraph, the term "built-out"
1870 means 90 percent of the property within the municipality's
1871 boundaries, excluding lands that are designated as conservation,
1872 preservation, recreation, or public facilities categories, have
1873 been developed, or are the subject of an approved development
1874 order that has received a building permit, and the municipality
1875 has an average density of 5 units per acre for residential
1876 development.
1877 3.a. A local government that proposes to consider a plan
1878 amendment pursuant to this paragraph is not required to comply
1879 with the procedures and public notice requirements of s.
1880 163.3184(15)(c) for such plan amendments if the local government
1881 complies with the provisions of s. 166.041(3)(c). If a request
1882 for a plan amendment under this paragraph is initiated by other
1883 than the local government, public notice is required.
1884 b. The local government shall send copies of the notice
1885 and amendment to the state land planning agency, the regional
1886 planning council, and any other person or entity requesting a
1887 copy. This information shall also include a statement
1888 identifying any property subject to the amendment that is
1889 located within a coastal high hazard area as identified in the
1890 local comprehensive plan.

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

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

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

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

163.3191 Evaluation and appraisal of comprehensive plan.--

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

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure

of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, the county or municipality must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant~~.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects including conservation and reuse, necessary to meet existing and projected water use demand for the comprehensive plan's water supply work plan and the water needs identified in s. 373.0361(2) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for

water supply facilities included in the potable water element. ~~The evaluation must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are identified in the element as necessary to serve existing and new development and for which the local government is responsible.~~

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

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the

request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely transmit updating amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report updating amendments have been transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the updating amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the updating amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

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

163.3247 Century Commission for a Sustainable Florida.--

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

(2) FINDINGS AND INTENT.--The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure.

Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

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

(a) The commission shall consist of nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any

vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 3-year terms, and three shall serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director

shall serve at the pleasure of the secretary under the supervision and control of the commission.

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

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

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

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

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

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the State Transportation Trust Fund in the Department of Transportation in the amount of $566.75 million each fiscal year to be paid in quarterly installments and allocated for the

following specified purposes notwithstanding any other provision of law:

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

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

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

4. Strategic Intermodal System pursuant to s. 339.64, all remaining funds after allocations are made for subparagraphs 1. through 3. ~~The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and~~

~~Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 16. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of Florida, as amended by this act, is amended to read:

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

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

Section 17. Paragraph (j) of subsection (1) of section 339.08, Florida Statutes, is amended, and paragraph (m) of said subsection is redesignated as paragraph (n) and new paragraph (m) is added to said subsection, to read:

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

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

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

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

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

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

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

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s.

339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning and concurrency purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

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

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

339.155 Transportation planning.--

(5) ADDITIONAL TRANSPORTATION PLANS.--

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

(d) The department shall develop a model draft interlocal agreement that, at a minimum, shall identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal

agreement or disputes relating to the development or content of the regional transportation plan. The designated entity shall coordinate the adoption of the interlocal agreement using as its framework the department model. Such interlocal agreement shall become effective upon approval by supermajority vote of the affected local governments.

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

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

339.175 Metropolitan planning organization.--It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and

operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.28171.

(1) DESIGNATION.--

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the

M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

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

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

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

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the

boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

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

(2) VOTING MEMBERSHIP.--

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership,

but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

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

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

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

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

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

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

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.--

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

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as

further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

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

(4) AUTHORITY AND RESPONSIBILITY.--The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

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

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

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

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

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

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

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state

law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

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

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one

M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

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

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

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

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

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

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

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

(7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each

M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. and include those projects programmed pursuant to s. 339.28171.

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

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64;~~.~~

3. The priorities developed pursuant to s. 339.28171;

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

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

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to

the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

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

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

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

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

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

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

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation

improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

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

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

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

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

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

(9) AGREEMENTS.--

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

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

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

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

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

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339.28171 Transportation Incentive Program for a Sustainable Florida.--

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

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

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

(a) The level of local government funding efforts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For projects that provide capacity on regionally significant transportation facilities identified in s. 339.155(2)(c), (d), and (e), the percentage shall be 50 percent or up to 50 percent of the nonfederal share of the eligible project costs for a public transportation facility project. Total funds expended shall not exceed 20 percent of the total amount available for the program. For off-system bridges, the percentage shall be 50 percent. Projects to be funded pursuant to this paragraph shall, at a minimum meet the following additional criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

339.2818 Small County Outreach Program.--

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

(4)

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

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

1.~~2.~~ ~~As secondary criteria~~ The department may consider:

a. Whether a road is used as an evacuation route.

b. Whether a road has high levels of agricultural travel.

c. Whether a road is considered a major arterial route.

d. Whether a road is considered a feeder road.

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

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

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

339.55 State-funded infrastructure bank.--

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

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

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

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

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

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic,

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

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

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

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

(a) The credit worthiness of the project.

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

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

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

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

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

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

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

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

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

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

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

373.19615 Florida's Sustainable Water Supplies Program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Whether the project reduces competition for water supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Whether the project reduces competition for water supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

373.19616 Water Transition Assistance Program.--

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

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

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

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

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

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

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

(6) The department may adopt rules that:

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

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

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

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

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

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

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

(a) Provide a repayment schedule.

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

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

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

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

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

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

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

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

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

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

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

380.06 Developments of regional impact.--

(24) STATUTORY EXEMPTIONS.--

(l) Any proposed development or redevelopment within an area designated for:

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

2. Urban redevelopment as designated in the comprehensive plan;

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

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

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may adopt an ordinance imposing a fee upon an applicant for purposes of reimbursing the municipality for the reasonable costs that the municipality may incur in reviewing any project which is exempt under this subparagraph. The municipality may use all or part of this fee to employ professional expertise to ensure that the impacts of such projects are properly evaluated. Municipalities adopting such ordinances may not impose a fee on a project in excess of its actual out-of-pocket reasonable review costs. A copy of such ordinance shall be transmitted to the state land planning agency and the applicable regional planning council.

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

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

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

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

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

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

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

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

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

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

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

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

1013.33 Coordination of planning with local governing bodies.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1013.352 Charter School Incentive Program for Sustainable Schools.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 32. School Concurrency Task Force.—

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

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

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

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

Section 33. Florida Impact Fee Review Task Force.--

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of the following 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Eleven members selected by the Governor, none of whom may be a member of the Legislature at the time of the appointment, as follows: two members of a county commission, two members of a city commission or council, two members of a local school board, two members of the development community, and two members of the homebuilding community. The Governor shall designate one additional appointee as chairman.

2. One Senator appointed by the President of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be ex officio, nonvoting members.

3. One citizen appointed by the President of the Senate, and one citizen appointed by the Speaker of the House of Representatives. The citizen appointees shall have no current or past direct relationship to local government, school boards, or the development or homebuilding industries.

4. The Secretary of the Department of Community Affairs or his designee is to serve as an ex officio, nonvoting member.

(4)(a) The task force shall act as an advisory body to the Governor and the Legislature.

(b) The task force shall convene its initial meeting within 60 days after the effective date of this section and thereafter at the call of its chair.

(c) Task Force members shall not receive remuneration for their services, but are entitled to reimbursement by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with s. 112.061, Florida Statutes.

(5) The Task Force shall survey and review current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. To the extent feasible, the review is to include consideration of the following:

(a) Local government criteria and methodology used for the determination of the amount of impact fees.

(b) Application and relative burden of impact fees in different areas of the state in relation to other methods of financing new infrastructure.

(c) The range of use of impact fees as a percentage of the total capital costs for infrastructure needs created by new development.

(d) The methods used by local governments for the accounting and reporting of the collection and expenditure of all impact fees.

(e) Notice provisions prior to adoption and the effective date of local ordinances creating a new impact fee or increasing an existing impact fee.

(f) Interlocal agreements between counties and cities to allocate impact fee proceeds between them.

(g) Requirements and options related to timing of impact fees payments.

(h) The importance of impact fees to the ability of local government to fund infrastructure needed to mitigate the impacts of development and meet statutory requirements for concurrency.

(i) Methods used by local governments to ameliorate the effect of impact fee costs on affordable housing.

(6) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006. The report shall include the task force's recommendations regarding:

(a) Whether there is a need for statutory direction on the methodology and data used to calculate impact fees.

(b) Whether there should be statutory direction on payment, exemption, or waiver of impact fees for affordable housing.

(c) Whether there should be statutory direction on the accounting and reporting of the collection and expenditure of all impact fees.

(d) Whether there is a need for statutory direction on the notice given in advance of the effective date of a new or amended impact fee ordinance.

(e) Whether there is a need for statutory direction on the sharing of impact fees between counties and cities.

(f) Whether there is a need for statutory direction on the timing of payment of impact fees.

(g) Any other recommendation the Task Force deems appropriate.

If the task force makes a recommendation for statutory direction, the report shall also contain the task force's recommendation for statutory changes.

(7) The Legislative Committee on Intergovernmental Relations shall serve as staff to the task force and is authorized to employ technical support and expend funds appropriated to the committee for carrying out the official duties of the task force. All state agencies are directed to cooperate with and assist the task force to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

Section 34. Sections 163.31776 and 339.2817, Florida Statutes, are repealed.

Section 35. Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the transportation provisions of the Sustainable Florida Act of 2005. The department shall develop a plan to

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

Section 36. Effective July 1, 2005, the sum of $433.25 million from non-recurring General Revenue is appropriated to the State Transportation Trust Fund in the Department of Transportation to be allocated as follows:

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

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

Section 37. Funding for Sustainable Water Supplies.--Effective July 1, 2005, the sum of $100 million from recurring general revenue for distribution pursuant to s. 373.19615, Florida Statutes. The sum of $50 million from nonrecurring general revenue is appropriated to the Department

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

Section 38. Funding for Sustainable Schools.--In order to provide for innovative approaches to meet school capacity demands, effective July 1, 2005, the sum of $80 million is transferred from recurring general revenue to the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education to be used as follows:

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

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

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

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

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

Section 39. (1) Effective July 1, 2005, the sum of $85,618,291 is appropriated from nonrecurring general revenue for the Classrooms for Kids Program pursuant to s. 1013.735, Florida Statutes.

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

Section 40. Statewide Technical Assistance for a Sustainable Florida.--In order to assist local governments and school boards to implement the provisions of this act, effective July 1, 2005, the sum of $3 million is appropriated from

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

Section 41. Effective July 1, 2005, the sum of $250,000 is appropriated from recurring general revenue to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission for a Sustainable Florida required by section 11.

Section 42. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 43. This act shall take effect July 1, 2005.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to growth management incentives; providing a popular name; amending s. 163.3164, F.S.; revising a definition to conform; defining the term "financial feasibility"; creating s. 163.3172, F.S.; providing

legislative determinations; limiting the effect of certain charter county charter provisions, ordinances, or land development regulations relating to urban infill and redevelopment under certain circumstances; requiring a referendum; providing referendum requirements; amending s. 163.3177, F.S.; revising criteria for the capital improvements element of comprehensive plans; providing for subjecting certain local governments to sanctions by the Administration Commission under certain circumstances; deleting obsolete provisions; requiring local governments to adopt a transportation concurrency management system by ordinance; requiring inclusion of alternative water supply projects; providing a methodology requirement; requiring the Department of Transportation to develop a model transportation concurrency management ordinance; specifying ordinance assessment authority; providing additional requirements for a general water element of comprehensive plans; revising public educational facilities element requirements; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring counties and municipalities to adopt consistent public school facilities and enter into certain interlocal agreements; authorizing the state land planning agency to grant waivers under certain circumstances; providing additional requirements for public school facilities elements of comprehensive plans; requiring the

state land planning agency to adopt phased schedules for adopting a public school facilities element; providing requirements; providing requirements; providing conditions for prohibiting local governments from certain adopting amendments to the comprehensive plan; authorizing the state land planning agency to issue schools certain show cause notices for certain purposes; providing for imposing sanctions on a school board under certain circumstances; providing requirements; encouraging local governments to develop a community vision for certain purposes; providing for assistance by regional planning councils; providing for local government designation of urban service boundaries; providing requirements; amending s. 163.31777, F.S.; applying public schools interlocal agreement provisions to school boards and nonexempt municipalities; deleting a scheduling requirement for public schools interlocal agreements; providing additional requirements for updates and amendments to such interlocal agreements; revising procedures for public school elements implementing school concurrency; revising exemption criteria for certain municipalities; amending s. 163.3180, F.S.; including schools and water supplies under concurrency provisions; revising a transportation facilities scheduling requirement; requiring local governments and the Department of Transportation to cooperatively establish a plan for maintaining certain level-of-service standards for certain facilities within

certain areas; requiring local governments to consult with the department to make certain impact assessments relating to concurrency management areas and multimodal transportation districts; revising criteria for local government authorization to grant exceptions from concurrency requirements for transportation facilities; providing for waiving certain transportation facilities concurrency requirements for certain projects under certain circumstances; providing criteria and requirements; revising provisions authorizing local governments to adopt long-term transportation management systems to include long-term school concurrency management systems; revising requirements; requiring periodic evaluation of long-term concurrency systems; providing criteria; revising requirements for roadway facilities on the Strategic Intermodal System; providing additional level-of-service standards requirements; revising requirements for developing school concurrency; requiring adoption of a public school facilities element for effectiveness of a school concurrency requirement; providing an exception; revising service area requirements for concurrency systems; requiring local governments to apply school concurrency on a less than districtwide basis under certain circumstances for certain purposes; revising provisions prohibiting a local government from denying a development order or a functional equivalent authorizing residential developments under certain circumstances;

specifying conditions for satisfaction of school concurrency requirements by a developer; providing for mediation of disputes; specifying options for proportionate-share mitigation of impacts on public school facilities; providing criteria and requirements; providing legislative intent relating to mitigation of impacts of development on transportation facilities; authorizing local governments to create mitigation banks for transportation facilities for certain purposes; providing requirements; specifying conditions for satisfaction of transportation facilities concurrency by a developer; providing for mitigation; providing for mediation of disputes; providing criteria for transportation mitigation contributions; providing for enforceable development agreements for certain projects; specifying conditions for satisfaction of concurrency requirements of a local comprehensive plan by a development; amending s. 163.3184, F.S.; correcting cross references; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain municipalities; providing procedures and requirements; providing for notice and public hearings; correcting a cross reference; providing for nonapplication; amending s. 163.3191, F.S.; revising

requirements for evaluation and assessment of the coordination of a comprehensive plan with certain schools; providing additional assessment criteria for certain counties and municipalities; requiring certain counties and municipalities to adopt appropriate concurrency goals, objectives, and policies in plan amendments under certain circumstances; revising reporting requirements for evaluation and assessment of water supply sources; providing for a prohibition on plan amendments for failure to timely adopt updating comprehensive plan amendments; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; amending s. 201.15, F.S.; providing for an alternative distribution to the State Transportation Trust Fund of certain revenues from the excise tax on documents remaining after certain prior

distributions; amending s. 215.211, F.S.; providing for deposit of certain service charge revenues into the State Transportation Trust Fund to be used for certain purposes; amending ss. 337.107 and 337.11, F.S.; revising authorization for the Department of Transportation to contract for right-of-way services; providing additional requirements; providing for a two year effect; amending s. 339.08, F.S.; specifying an additional use for moneys in the State Transportation Trust Fund; amending s. 339.135, F.S.; revising provisions relating to funding and developing a tentative work program; amending s. 339.155, F.S.; providing additional requirements for development of regional transportation plans in certain areas pursuant to interlocal agreements; requiring the department to develop a model interlocal agreement; providing requirements; amending s. 339.175, F.S.; revising requirements for metropolitan planning organizations and transportation improvement programs; creating s. 339.28171, F.S.; creating the Transportation Incentive Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages and requirements for apportioning matching funds among grant applicants; authorizing the department to administer contracts as

requested by local governments; amending s. 339.2818, F.S.; revising criteria and requirement for the Small County Outreach Program to conform; creating s. 339.2820, F.S.; creating the Off-System Bridge Program for Sustainable Transportation within the Department of Transportation for certain purposes; providing for funding certain project costs; requiring the department to allocate funding for the program for certain projects; specifying criteria for projects to be funded from the program; amending s. 339.55, F.S.; revising funding authorization for the state-funded infrastructure bank ; creating s. 373.19615, F.S.; creating the Florida's Sustainable Water Supplies Program; providing funding requirements for local government development of alternative water supply projects; providing for allocation of funds to water management districts; providing definitions; specifying factors to consider in funding certain projects; providing funding requirements; requiring the Department of Environmental Protection to establish factors for granting financial assistance to eligible projects; creating s. 373.19616, F.S.; creating the Water Transition Assistance Program to establish a low-interest revolving loan program for infrastructure financing for alternative water supplies; providing legislative declarations; providing definitions; authorizing the Department of Environmental Protection to make loans to local governments for certain purposes;

authorizing local governments to borrow funds and pledge revenues for repayment; providing loan limitations; authorizing the department to adopt certain rules; requiring the department to prepare an annual report on such financial assistance; providing loan approval requirements for local governments; authorizing the department to conduct or require audits; authorizing the department to require reasonable loan service fees; providing limitations; providing requirements for financial assistance funding; providing for enforcement of loan defaults; authorizing the department to impose penalties for delinquent loan payments; authorizing the department to terminate financial assistance agreements under certain circumstances; amending s. 373.223, F.S.; providing a presumption of consistency for certain alternative water supply uses; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; authorizing certain municipalities to adopt an ordinance imposing a fee on certain applicants for certain purposes; specifying fee uses; providing a limitation; amending s. 380.115, F.S.; revising provisions relating to preserving vested rights and duties under development of regional impact guidelines and standards; revising procedures and

requirements for governance and rescission of development-of-regional-impact development orders under changing guidelines and standards; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on adjustments to boundaries of regional planning councils, water management districts, and transportation districts; providing purposes; requiring a study report to the Governor and Legislature; amending s. 1013.33, F.S.; revising provisions relating to coordination of educational facilities planning pursuant to certain interlocal agreements; revising procedures and requirements for updated agreements and agreement amendments; creating s. 1013.352, F.S.; creating a Charter School Incentive Program for Sustainable Schools; providing purposes; specifying conditions for eligibility for state funds; authorizing the Commissioner of Education to waive certain requirements and distribute certain funds to charter schools under certain circumstances; prohibiting the commissioner from distributing funds to certain schools under certain circumstances; providing for ineligibility of certain schools for charter school outlay funding under certain circumstances; amending s. 1013.64, F.S.; requiring the Department of Education to establish a the High Growth County Facility Construction Account as a separate account within the Public Education Capital Outlay and Debt Service Trust Fund for certain purposes; specifying requirements for funding from the account;

creating the School Concurrency Task Force; providing purposes; providing for membership; requiring a report to the Governor and Legislature; creating the Florida Impact Fee Review Task Force; providing legislative findings; providing for membership; providing for meetings; providing duties and responsibilities of the task force; prohibiting compensation of the task force; providing for per diem and travel expenses; requiring a report to the Governor and Legislature; specifying report contents; requiring the Legislative Committee on Intergovernmental Relations to serve as staff; repealing s. 163.31776, F.S., relating to the public educational facilities element; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; requiring the Department of Transportation to allocate sufficient funds so implement the transportation provisions of the act; requiring the department to develop a plan to expend revenues and amend the current work program; requiring the department to submit a budget amendment for certain purposes; requiring a report to the Legislature; providing for funding for sustainable water supplies; providing an appropriation; providing for allocation of the appropriation; specifying uses of appropriations; providing for funding for sustainable schools; providing an appropriation; providing for allocation of the appropriation; specifying uses of the appropriation; providing for Statewide Technical Assistance for a Sustainable Florida; providing an

appropriation; specifying uses; requiring the Department of Community Affairs to report to the Governor and Legislature; specifying report requirements; providing an appropriation to the Department of Community Affairs for certain staffing purposes; providing severability; providing an effective date.

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

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

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

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

WHEREAS, consequently, the Legislature determines it in the best interests of the people of the state to undertake action to address these issues and work towards a sustainable Florida

where facilities are planned and available concurrent with existing and projected demands while protecting Florida's natural and environmental resources, rural and agricultural resources, and maintaining a viable and sustainable economy, and

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

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