

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.



1 Representative(s) [Johnson](#) offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. Popular name.--This act may be cited as the

6 "Sustainable Florida Act of 2005."

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

9 163.3164 Local Government Comprehensive Planning and Land
10 Development Regulation Act; definitions.--As used in this act:

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

884113

Amendment No. (for drafter's use only)

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

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

23 163.3172 Urban infill and redevelopment.--In recognition
24 that urban infill and redevelopment is a high state priority,
25 the Legislature determines that local governments should not
26 adopt charter provisions, ordinances, or land development
27 regulations that discourage this state priority, unless the
28 charter provisions, ordinances, or land development regulations
29 are to limit impacts to coastal high-hazard areas, historic
30 districts, or aviation operations. Higher density urban
31 development is appropriate in urban areas and should be
32 encouraged in such areas. Conversely, it is appropriate to
33 discourage greater height and density as a development form in
34 areas outside the urban area where such development forms are
35 incompatible with existing land uses. Notwithstanding chapters
36 125 and s. 163.3171, any existing or future charter county
37 charter provision, ordinance, land development regulation, or
38 countywide special act that governs the use, development, or
39 redevelopment of land shall not be effective within any
40 municipality of the county unless the charter provision,
41 ordinance, land development regulation, or countywide special
42 act is approved by a majority vote of the municipality's

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

88 163.3177 Required and optional elements of comprehensive
89 plan; studies and surveys.--

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

107 4. Standards for the management of debt.

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

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

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

205 capital investment, and the necessity to strengthen and
206 diversify the local economies, and shall not be limited solely
207 by the projected population of the rural community. The future
208 land use plan of a county may also designate areas for possible
209 future municipal incorporation. The land use maps or map series
210 shall generally identify and depict historic district boundaries
211 and shall designate historically significant properties meriting
212 protection. The future land use element must clearly identify
213 the land use categories in which public schools are an allowable
214 use. When delineating the land use categories in which public
215 schools are an allowable use, a local government shall include
216 in the categories sufficient land proximate to residential
217 development to meet the projected needs for schools in
218 coordination with public school boards and may establish
219 differing criteria for schools of different type or size. Each
220 local government shall include lands contiguous to existing
221 school sites, to the maximum extent possible, within the land
222 use categories in which public schools are an allowable use. All
223 ~~comprehensive plans must comply with the school siting~~
224 ~~requirements of this paragraph no later than October 1, 1999.~~
225 ~~The failure by a local government to comply with these school~~
226 ~~siting requirements by October 1, 1999, will result in the~~
227 ~~prohibition of the local government's ability to amend the local~~
228 ~~comprehensive plan, except for plan amendments described in s.~~
229 ~~163.3187(1)(b), until the school siting requirements are met.~~
230 Amendments proposed by a local government for purposes of
231 identifying the land use categories in which public schools are

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

252 (b) A traffic circulation element consisting of the types,
253 locations, and extent of existing and proposed major
254 thoroughfares and transportation routes, including bicycle and
255 pedestrian ways. Transportation corridors, as defined in s.
256 334.03, may be designated in the traffic circulation element
257 pursuant to s. 337.273. If the transportation corridors are
258 designated, the local government may adopt a transportation

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

259 | corridor management ordinance. By December 1, 2006, each local
260 | government shall adopt by ordinance a transportation concurrency
261 | management system which shall include a methodology for
262 | assessing proportionate share mitigation options. By December 1,
263 | 2005, the Department of Transportation shall develop a model
264 | transportation concurrency management ordinance with
265 | methodologies for assessing proportionate share options. The
266 | transportation concurrency management ordinance may assess a
267 | concurrency impact area by districts or systemwide.

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

313 regional water supply plan. Local governments, public and
314 private utilities, regional water supply authorities, special
315 districts, and water management districts are encouraged to
316 cooperatively plan for the development of multijurisdictional
317 water supply facilities that are sufficient to meet projected
318 demands for established planning periods, including the
319 development of alternative water sources to supplement
320 traditional sources of ground and surface water supplies.

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

429 (11)

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

445 5.006(5)(1), Florida Administrative Code. Assistance may
446 include, but is not limited to:

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

487 4. A rural land stewardship area shall be not less than
488 10,000 acres and shall be located outside of municipalities and
489 established urban growth boundaries, and shall be designated by
490 plan amendment. The plan amendment designating a rural land
491 stewardship area shall be subject to review by the Department of
492 Community Affairs pursuant to s. 163.3184 and shall provide for
493 the following:

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

519 d. A process which encourages visioning pursuant to s.
520 163.3167(11) to ensure that innovative planning and development
521 strategies comply with the provisions of this section.

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

611 a. Opportunity to accumulate transferable mitigation
612 credits.

613 b. Extended permit agreements.

614 c. Opportunities for recreational leases and ecotourism.

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

696 1. The procedure for an annual update process;

697 2. The procedure for school site selection;

698 3. The procedure for school permitting;

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

716 9. Coordination with the future land use element.

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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.~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

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

939
940 For those local governments that receive a waiver pursuant to s.
941 163.3177(2)(a), the interlocal agreement shall not include the
942 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),
943 and (p). For counties or municipalities that do not have a
944 public schools interlocal agreement or public school facility
945 element, the assessment shall determine whether the local
946 government continues to meet the criteria of s. 163.3177(12). If
947 the county or municipality determines that it no longer meets
948 the criteria, the county or municipality must adopt appropriate
949 school concurrency goals, objectives, and policies in its plan
950 amendments pursuant to the requirements of the public school
951 facility element and enter into the existing interlocal
952 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

985 ~~(b) The state land planning agency's notice is subject to~~
986 ~~challenge under chapter 120; however, an affected person, as~~
987 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
988 ~~administrative proceeding, and this proceeding is the sole means~~
989 ~~available to challenge the consistency of an interlocal~~
990 ~~agreement required by this section with the criteria contained~~
991 ~~in subsection (2) and this subsection. In order to have~~
992 ~~standing, each person must have submitted oral or written~~
993 ~~comments, recommendations, or objections to the local government~~
994 ~~or the school board before the adoption of the interlocal~~
995 ~~agreement by the school board and local government. The district~~
996 ~~school board and local governments are parties to any such~~
997 ~~proceeding. In this proceeding, when the state land planning~~
998 ~~agency finds the interlocal agreement to be consistent with the~~
999 ~~criteria in subsection (2) and this subsection, the interlocal~~
1000 ~~agreement shall be determined to be consistent with subsection~~
1001 ~~(2) and this subsection if the local government's and school~~
1002 ~~board's determination of consistency is fairly debatable. When~~
1003 ~~the state planning agency finds the interlocal agreement to be~~
1004 ~~inconsistent with the requirements of subsection (2) and this~~
1005 ~~subsection, the local government's and school board's~~
1006 ~~determination of consistency shall be sustained unless it is~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1007 ~~shown by a preponderance of the evidence that the interlocal~~
1008 ~~agreement is inconsistent.~~

1009 ~~(c) If the state land planning agency enters a final order~~
1010 ~~that finds that the interlocal agreement is inconsistent with~~
1011 ~~the requirements of subsection (2) or this subsection, it shall~~
1012 ~~forward it to the Administration Commission, which may impose~~
1013 ~~sanctions against the local government pursuant to s.~~
1014 ~~163.3184(11) and may impose sanctions against the district~~
1015 ~~school board by directing the Department of Education to~~
1016 ~~withhold from the district school board an equivalent amount of~~
1017 ~~funds for school construction available pursuant to ss. 1013.65,~~
1018 ~~1013.68, 1013.70, and 1013.72.~~

1019 (4) If an updated executed interlocal agreement is not
1020 timely submitted to the state land planning agency for review,
1021 the state land planning agency shall, within 15 working days
1022 after the deadline for submittal, issue to the local government
1023 and the district school board a Notice to Show Cause why
1024 sanctions should not be imposed for failure to submit an
1025 executed interlocal agreement by the deadline established by the
1026 agency. The agency shall forward the notice and the responses to
1027 the Administration Commission, which may enter a final order
1028 citing the failure to comply and imposing sanctions against the
1029 local government and district school board by directing the
1030 appropriate agencies to withhold at least 5 percent of state
1031 funds pursuant to s. 163.3184(11) and by directing the
1032 Department of Education to withhold from the district school
1033 board at least 5 percent of funds for school construction

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1034 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
1035 1013.72.

1036 (5) Any local government transmitting a public school
1037 element to implement school concurrency pursuant to the
1038 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~
1039 ~~date of this section~~ is not required to amend the element or any
1040 interlocal agreement to conform with the provisions of this
1041 section ~~if the element is adopted prior to or within 1 year~~
1042 ~~after the effective date of this section and remains in effect.~~

1043 (6) Except as provided in subsection (7), municipalities
1044 meeting the exemption criteria in s. 163.3177(12) ~~having no~~
1045 ~~established need for a new school facility and meeting the~~
1046 ~~following criteria~~ are exempt from the requirements of
1047 subsections (1), (2), and (3).~~+~~

1048 ~~(a) The municipality has no public schools located within~~
1049 ~~its boundaries.~~

1050 ~~(b) The district school board's 5-year facilities work~~
1051 ~~program and the long-term 10-year and 20-year work programs, as~~
1052 ~~provided in s. 1013.35, demonstrate that no new school facility~~
1053 ~~is needed in the municipality. In addition, the district school~~
1054 ~~board must verify in writing that no new school facility will be~~
1055 ~~needed in the municipality within the 5-year and 10-year~~
1056 ~~timeframes.~~

1057 (7) At the time of the evaluation and appraisal report,
1058 each exempt municipality shall assess the extent to which it
1059 continues to meet the criteria for exemption under s.
1060 163.3177(12) ~~subsection (6)~~. If the municipality continues to

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1061 meet these criteria ~~and the district school board verifies in~~
1062 ~~writing that no new school facilities will be needed within the~~
1063 ~~5-year and 10-year timeframes~~, the municipality shall continue
1064 to be exempt from the interlocal-agreement requirement. Each
1065 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must
1066 comply with the provisions of this section within 1 year after
1067 the district school board proposes, in its 5-year district
1068 facilities work program, a new school within the municipality's
1069 jurisdiction.

1070 Section 6. Paragraph (a) of subsection (1), paragraphs (a)
1071 and (c) of subsection (2), paragraph (c) of subsection (4),
1072 subsections (5), (7), (9), (10), and (13), and paragraph (a) of
1073 subsection (15) of section 163.3180, Florida Statutes, are
1074 amended, and subsections (16) and (17) are added to said
1075 section, to read:

1076 163.3180 Concurrency.--

1077 (1)(a) Sanitary sewer, solid waste, drainage, potable
1078 water, parks and recreation, schools, and transportation
1079 facilities, including mass transit, where applicable, are the
1080 only public facilities and services subject to the concurrency
1081 requirement on a statewide basis. Additional public facilities
1082 and services may not be made subject to concurrency on a
1083 statewide basis without appropriate study and approval by the
1084 Legislature; however, any local government may extend the
1085 concurrency requirement so that it applies to additional public
1086 facilities within its jurisdiction.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1087 (2)(a) Consistent with public health and safety, sanitary
1088 sewer, solid waste, drainage, adequate water supplies, and
1089 potable water facilities shall be in place and available to
1090 serve new development no later than the issuance by the local
1091 government of a certificate of occupancy or its functional
1092 equivalent.

1093 (c) Consistent with the public welfare, and except as
1094 otherwise provided in this section, transportation facilities
1095 ~~designated as part of the Florida Intrastate Highway System~~
1096 needed to serve new development shall be in place or under
1097 actual construction within 3 not more than 5 years after
1098 issuance by the local government of a building permit
1099 ~~certificate of occupancy~~ or its functional equivalent for
1100 construction of a facility that results in actual traffic
1101 generation. For purposes of this paragraph, if the construction
1102 funding needed for facilities is in the first three years of the
1103 Department of Transportation's work program or the local
1104 government's schedule of capital improvements, the under-actual-
1105 construction requirements of this paragraph shall be deemed to
1106 have been met. This provision shall not apply to developments of
1107 regional impact for which a development order has been issued or
1108 for which a development of regional impact application has been
1109 found sufficient prior to the effective date of this act. Other
1110 ~~transportation facilities needed to serve new development shall~~
1111 ~~be in place or under actual construction no more than 3 years~~
1112 ~~after issuance by the local government of a certificate of~~
1113 ~~occupancy or its functional equivalent.~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1114 (4)

1115 (c) The concurrency requirement, except as it relates to
1116 transportation and public school facilities, as implemented in
1117 local government comprehensive plans, may be waived by a local
1118 government for urban infill and redevelopment areas designated
1119 pursuant to s. 163.2517 if such a waiver does not endanger
1120 public health or safety as defined by the local government in
1121 its local government comprehensive plan. The waiver shall be
1122 adopted as a plan amendment pursuant to the process set forth in
1123 s. 163.3187(3)(a). A local government may grant a concurrency
1124 exception pursuant to subsection (5) for transportation
1125 facilities located within these urban infill and redevelopment
1126 areas. Within designated urban infill and redevelopment areas,
1127 the local government and Department of Transportation shall
1128 cooperatively establish a plan for maintaining the adopted
1129 level-of-service standards established by the Department of
1130 Transportation for Strategic Intermodal System facilities, as
1131 defined in s. 339.64. If the proposed concurrency exception area
1132 is located within the boundaries of a municipality, the
1133 municipality shall consult with the county to assess the impact
1134 the proposed concurrency exception area is expected to have on
1135 the adopted level of-service standards established for county
1136 roads.

1137 (5)(a) The Legislature finds that under limited
1138 circumstances dealing with transportation facilities,
1139 countervailing planning and public policy goals may come into
1140 conflict with the requirement that adequate public facilities

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1141 and services be available concurrent with the impacts of such
1142 development. The Legislature further finds that often the
1143 unintended result of the concurrency requirement for
1144 transportation facilities is the discouragement of urban infill
1145 development and redevelopment. Such unintended results directly
1146 conflict with the goals and policies of the ~~state comprehensive~~
1147 ~~plan~~ and the intent of this part. Therefore, exceptions from the
1148 concurrency requirement for transportation facilities may be
1149 granted as provided by this subsection.

1150 (b) A local government may grant an exception from the
1151 concurrency requirement for transportation facilities if the
1152 proposed development is otherwise consistent with the adopted
1153 local government comprehensive plan and is a project that
1154 promotes public transportation or is located within an area
1155 designated in the comprehensive plan for:

- 1156 1. Urban infill development,
- 1157 2. Urban redevelopment,
- 1158 3. Downtown revitalization, or
- 1159 4. Urban infill and redevelopment under s. 163.2517.

1160 (c) The Legislature also finds that developments located
1161 within urban infill, urban redevelopment, existing urban
1162 service, or downtown revitalization areas or areas designated as
1163 urban infill and redevelopment areas under s. 163.2517 which
1164 pose only special part-time demands on the transportation system
1165 should be excepted from the concurrency requirement for
1166 transportation facilities. A special part-time demand is one
1167 that does not have more than 200 scheduled events during any

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1168 calendar year and does not affect the 100 highest traffic volume
1169 hours.

1170 (d) A local government shall establish guidelines for
1171 granting the exceptions authorized in paragraphs (b) and (c) in
1172 the comprehensive plan. These guidelines must include
1173 consideration of the Strategic Intermodal System ~~impacts on the~~
1174 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The
1175 exceptions may be available only within the specific geographic
1176 area of the jurisdiction designated in the plan. Pursuant to s.
1177 163.3184, any affected person may challenge a plan amendment
1178 establishing these guidelines and the areas within which an
1179 exception could be granted. Prior to the designation of a
1180 concurrency management area, the Department of Transportation
1181 shall be consulted by the local government to assess the impact
1182 that the proposed concurrency management area is expected to
1183 have on the adopted level-of-service standards established for
1184 Strategic Intermodal System facilities, as defined in s. 339.64.
1185 Within designated urban infill and redevelopment areas, the
1186 local government and Department of Transportation shall
1187 cooperatively establish a plan for maintaining the adopted
1188 level-of-service standards established by the Department of
1189 Transportation for Strategic Intermodal System facilities
1190 pursuant to s. 339.64.

1191 (e) It is a high state priority that urban infill and
1192 redevelopment be promoted and provide incentives. By promoting
1193 the revitalization of existing communities of this state, a more
1194 efficient maximization of space and facilities may be achieved

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1195 and urban sprawl will be discouraged. If a local government
1196 creates a long-term vision for its community that includes
1197 adequate funding and services and multimodal transportation
1198 options, the transportation facilities concurrency requirements
1199 of paragraph (2)(c) are waived for:

1200 1.a. Urban infill development as designated in the
1201 comprehensive plan;

1202 b. Urban redevelopment as designated in the comprehensive
1203 plan;

1204 c. Downtown revitalization as designated in the
1205 comprehensive plan; or

1206 d. Urban infill and redevelopment under s. 163.2517 as
1207 designated in the comprehensive plan.

1208
1209 The local government and Department of Transportation shall
1210 cooperatively establish a plan for maintaining the adopted
1211 level-of-service standards established by the Department of
1212 Transportation for Strategic Intermodal System facilities, as
1213 defined in s. 339.64. If a municipality creates a long-term
1214 vision for its community pursuant to this paragraph, which
1215 includes a waiver from the transportation concurrency
1216 requirements established in s. 163.3180(2)(c), the municipality
1217 must consult with the county to assess the impact that granting
1218 waivers is expected to have on the adopted level of-service
1219 standards established for county roads.

1220 2. Municipalities that are at least 90 percent built-out.
1221 For purposes of this exemption:

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1222 a. The term "built-out" means that 90 percent of the
1223 property within the municipality's boundaries, excluding lands
1224 that are designated as conservation, preservation, recreation,
1225 or public facilities categories, have been developed, or are the
1226 subject of an approved development order that has received a
1227 building permit and the municipality has an average density of 5
1228 units per acre for residential developments.

1229 b. The municipality must have adopted an ordinance that
1230 provides the methodology for determining its built-out
1231 percentage, declares that transportation concurrency
1232 requirements are waived within its municipal boundary or within
1233 a designated area of the municipality, and addresses multimodal
1234 options and strategies, including alternative modes of
1235 transportation within the municipality. Prior to the adoption of
1236 the ordinance, the Department of Transportation shall be
1237 consulted by the local government to assess the impact that the
1238 waiver of the transportation concurrency requirements is
1239 expected to have on the adopted level-of-service standards
1240 established for Strategic Intermodal System facilities, as
1241 defined in s. 339.64. Further, the local government shall
1242 cooperatively establish a plan for maintaining the adopted
1243 level-of-service standards established by the department for
1244 Strategic Intermodal System facilities, as defined in s. 339.64.

1245 c. If a municipality annexes any property, the
1246 municipality must recalculate its built-out percentage pursuant
1247 to the methodology set forth in its ordinance to verify whether
1248 the annexed property may be included within this exemption.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1249 d. If transportation concurrency requirements are waived
1250 under this subparagraph, the municipality must adopt a
1251 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which
1252 updates its transportation element to reflect the transportation
1253 concurrency requirements waiver and must submit a copy of its
1254 ordinance adopted in subparagraph b. to the state land planning
1255 agency.

1256 (7) In order to promote infill development and
1257 redevelopment, one or more transportation concurrency management
1258 areas may be designated in a local government comprehensive
1259 plan. A transportation concurrency management area must be a
1260 compact geographic area with an existing network of roads where
1261 multiple, viable alternative travel paths or modes are available
1262 for common trips. A local government may establish an areawide
1263 level-of-service standard for such a transportation concurrency
1264 management area based upon an analysis that provides for a
1265 justification for the areawide level of service, how urban
1266 infill development or redevelopment will be promoted, and how
1267 mobility will be accomplished within the transportation
1268 concurrency management area. The state land planning agency
1269 shall amend chapter 9J-5, Florida Administrative Code, to be
1270 consistent with this subsection.

1271 (9)(a) Each local government may adopt as a part of its
1272 plan a long-term transportation and school concurrency
1273 management systems ~~system~~ with a planning period of up to 10
1274 years for specially designated districts or areas where
1275 significant backlogs exist. The plan may include interim level-

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1276 of-service standards on certain facilities and shall ~~may~~ rely on
1277 the local government's schedule of capital improvements for up
1278 to 10 years as a basis for issuing development orders that
1279 authorize commencement of construction ~~permits~~ in these
1280 designated districts or areas. The concurrency management
1281 system. ~~It~~ must be designed to correct existing deficiencies and
1282 set priorities for addressing backlogged facilities. The
1283 concurrency management system ~~It~~ must be financially feasible
1284 and consistent with other portions of the adopted local plan,
1285 including the future land use map.

1286 (b) If a local government has a transportation or school
1287 facility backlog for existing development which cannot be
1288 adequately addressed in a 10-year plan, the state land planning
1289 agency may allow it to develop a plan and long-term schedule of
1290 capital improvements covering ~~of~~ up to 15 years for good and
1291 sufficient cause, based on a general comparison between that
1292 local government and all other similarly situated local
1293 jurisdictions, using the following factors:

- 1294 1. The extent of the backlog.
- 1295 2. For roads, whether the backlog is on local or state
1296 roads.
- 1297 3. The cost of eliminating the backlog.
- 1298 4. The local government's tax and other revenue-raising
1299 efforts.

1300 (c) The local government may issue approvals to commence
1301 construction, notwithstanding s. 163.3180, consistent with and

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1302 in areas that are subject to a long-term concurrency management
1303 system.

1304 (d) If the local government adopts a long-term concurrency
1305 management system, the government must evaluate the system
1306 periodically. At a minimum, the local government must assess its
1307 progress toward improving levels of service within the long-term
1308 concurrency management district or area in the evaluation and
1309 appraisal report and determine any changes that are necessary to
1310 accelerate progress in meeting acceptable levels of service or
1311 providing other methods of transportation.

1312 (10) With regard to roadway facilities on the Strategic
1313 Intermodal System designated in accordance with ss. 339.61,
1314 339.62, 339.63, and 339.64 Florida Intrastate Highway System as
1315 defined in s. 338.001, with concurrence from the Department of
1316 Transportation, the level-of-service standard for general lanes
1317 in urbanized areas, as defined in s. 334.03(36), may be
1318 established by the local government in the comprehensive plan.
1319 For all other facilities on the Florida Intrastate Highway
1320 System, local governments shall adopt the level-of-service
1321 standard established by the Department of Transportation by
1322 rule. For all other roads on the State Highway System, local
1323 governments shall establish an adequate level-of-service
1324 standard that need not be consistent with any level-of-service
1325 standard established by the Department of Transportation.

1326 (13) In accordance with the schedule adopted in accordance
1327 with s. 163.3177(12)(h), school concurrency, if imposed by local
1328 option, shall be established on a districtwide basis and shall

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1329 include all public schools in the district and all portions of
1330 the district, whether located in a municipality or an
1331 unincorporated area unless exempt from the public school
1332 facilities element pursuant to s. 163.3177(12), except that this
1333 subsection shall not apply to the Florida School for the Deaf
1334 and the Blind. The development of school concurrency shall be
1335 accomplished through a coordinated process including the local
1336 school district, the county, and all nonexempt municipalities
1337 within the county and shall be reflected in the public school
1338 facilities element adopted pursuant to the schedule provided for
1339 in s. 163.3177(12)(h). The school concurrency requirement shall
1340 not be effective until the adoption of the public school
1341 facilities element. The application of school concurrency to
1342 development shall be based upon the adopted comprehensive plan,
1343 as amended. All local governments within a county, except as
1344 provided in paragraph (f), shall adopt and transmit to the state
1345 land planning agency the necessary plan amendments, along with
1346 the interlocal agreement, for a compliance review pursuant to s.
1347 163.3184(7) and (8). ~~School concurrency shall not become~~
1348 ~~effective in a county until all local governments, except as~~
1349 ~~provided in paragraph (f), have adopted the necessary plan~~
1350 ~~amendments, which together with the interlocal agreement, are~~
1351 ~~determined to be in compliance with the requirements of this~~
1352 ~~part.~~ The minimum requirements for school concurrency are the
1353 following:

1354 (a) Public school facilities element.--A local government
1355 shall adopt and transmit to the state land planning agency a

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

1362 (b) Level-of-service standards.--The Legislature
1363 recognizes that an essential requirement for a concurrency
1364 management system is the level of service at which a public
1365 facility is expected to operate.

1366 1. Local governments and school boards imposing school
1367 concurrency shall exercise authority in conjunction with each
1368 other to establish jointly adequate level-of-service standards,
1369 as defined in chapter 9J-5, Florida Administrative Code,
1370 necessary to implement the adopted local government
1371 comprehensive plan, based on data and analysis.

1372 2. Public school level-of-service standards shall be
1373 included and adopted into the capital improvements element of
1374 the local comprehensive plan and shall apply districtwide to all
1375 schools of the same type. Types of schools may include charter,
1376 elementary, middle, and high schools as well as special purpose
1377 facilities such as magnet schools.

1378 3. Local governments and school boards shall have the
1379 option to utilize tiered level-of-service standards to allow
1380 time to achieve an adequate and desirable level of service as
1381 circumstances warrant.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1382 (c) Service areas.--The Legislature recognizes that an
1383 essential requirement for a concurrency system is a designation
1384 of the area within which the level of service will be measured
1385 when an application for a residential development permit is
1386 reviewed for school concurrency purposes. This delineation is
1387 also important for purposes of determining whether the local
1388 government has a financially feasible public school capital
1389 facilities program that will provide schools which will achieve
1390 and maintain the adopted level-of-service standards.

1391 1. In order to balance competing interests, preserve the
1392 constitutional concept of uniformity, and avoid disruption of
1393 existing educational and growth management processes, local
1394 governments are encouraged to initially apply school concurrency
1395 to development only on a districtwide basis so that a
1396 concurrency determination for a specific development will be
1397 based upon the availability of school capacity districtwide. To
1398 ensure that development is coordinated with schools having
1399 available capacity, within 5 years after adoption of school
1400 concurrency local governments shall apply school concurrency on
1401 a less than districtwide basis, such as using school attendance
1402 zones or concurrency service areas, as provided in subparagraph
1403 2.

1404 2. For local governments applying school concurrency on a
1405 less than districtwide basis, such as utilizing school
1406 attendance zones or larger school concurrency service areas,
1407 local governments and school boards shall have the burden to
1408 demonstrate that the utilization of school capacity is maximized

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1409 to the greatest extent possible in the comprehensive plan and
1410 amendment, taking into account transportation costs and court-
1411 approved desegregation plans, as well as other factors. In
1412 addition, in order to achieve concurrency within the service
1413 area boundaries selected by local governments and school boards,
1414 the service area boundaries, together with the standards for
1415 establishing those boundaries, shall be identified and, included
1416 as supporting data and analysis for, ~~and adopted as part of the~~
1417 ~~comprehensive plan. Any subsequent change to the service area~~
1418 ~~boundaries for purposes of a school concurrency system shall be~~
1419 ~~by plan amendment and shall be exempt from the limitation on the~~
1420 ~~frequency of plan amendments in s. 163.3187(1).~~

1421 3. Where school capacity is available on a districtwide
1422 basis but school concurrency is applied on a less than
1423 districtwide basis in the form of concurrency service areas, if
1424 the adopted level-of-service standard cannot be met in a
1425 particular service area as applied to an application for a
1426 development permit through mitigation or other measures and if
1427 the needed capacity for the particular service area is available
1428 in one or more contiguous service areas, as adopted by the local
1429 government, ~~then~~ the development order may not shall be denied
1430 on the basis of school concurrency, and if issued, development
1431 impacts shall be shifted to contiguous service areas with
1432 schools having available capacity and mitigation measures shall
1433 ~~not be exacted.~~

1434 (d) Financial feasibility.--The Legislature recognizes
1435 that financial feasibility is an important issue because the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

1443 1. A comprehensive plan amendment seeking to impose school
1444 concurrency shall contain appropriate amendments to the capital
1445 improvements element of the comprehensive plan, consistent with
1446 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
1447 Administrative Code. The capital improvements element shall set
1448 forth a financially feasible public school capital facilities
1449 program, established in conjunction with the school board, that
1450 demonstrates that the adopted level-of-service standards will be
1451 achieved and maintained.

1452 2. Such amendments shall demonstrate that the public
1453 school capital facilities program meets all of the financial
1454 feasibility standards of this part and chapter 9J-5, Florida
1455 Administrative Code, that apply to capital programs which
1456 provide the basis for mandatory concurrency on other public
1457 facilities and services.

1458 3. When the financial feasibility of a public school
1459 capital facilities program is evaluated by the state land
1460 planning agency for purposes of a compliance determination, the
1461 evaluation shall be based upon the service areas selected by the
1462 local governments and school board.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1463 (e) Availability standard.--Consistent with the public
1464 welfare, a local government may not deny an application for site
1465 plan or final subdivision approval, or a functional equivalent
1466 for a development or phase of a development, ~~permit~~ authorizing
1467 residential development for failure to achieve and maintain the
1468 level-of-service standard for public school capacity in a local
1469 ~~option~~ school concurrency management system where adequate
1470 school facilities will be in place or under actual construction
1471 within 3 years after the ~~permit~~ issuance by the local government
1472 of site plan or final subdivision approval or its functional
1473 equivalent. School concurrency shall be satisfied if the
1474 developer executes a legally binding commitment to provide
1475 mitigation proportionate to the demand for public school
1476 facilities to be created by actual development of the property,
1477 including, but not limited to, the options described in
1478 subparagraph 1. Approval of a funding agreement shall not be
1479 unreasonably withheld. Any dispute shall be mediated pursuant to
1480 s. 120.573. Options for proportionate-share mitigation of
1481 impacts on public school facilities shall be established in the
1482 interlocal agreement pursuant to s. 163.31777.

1483 1. Appropriate mitigation options include the contribution
1484 of land; the construction, expansion, or payment for land
1485 acquisition or construction of a public school facility; or the
1486 creation of mitigation banking based on the construction of a
1487 public school facility in exchange for the right to sell
1488 capacity credits. Such options must include execution by the
1489 applicant and the local government of a binding development

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1490 agreement that constitutes a legally binding commitment to pay
1491 proportionate-share mitigation for the additional residential
1492 units approved by the local government in a development order
1493 and actually developed on the property, taking into account
1494 residential density allowed on the property prior to the plan
1495 amendment that increased overall residential density. Mitigation
1496 for development impacts to public schools requires the
1497 concurrence of the local school board. As a condition of its
1498 entry into such a development agreement, the local government
1499 may require the landowner to agree to continuing renewal of the
1500 agreement upon its expiration.

1501 2. If the education facilities plan and the public
1502 educational facilities element authorize a contribution of land;
1503 the construction, expansion, or payment for land acquisition; or
1504 the construction or expansion of a public school facility, or a
1505 portion of such facility, as proportionate-share mitigation, the
1506 local government shall credit such a contribution, construction,
1507 expansion, or payment toward any other impact fee or exaction
1508 imposed by local ordinance for the same need, on a dollar-for-
1509 dollar basis at fair market value.

1510 3. Any proportionate-share mitigation must be directed by
1511 the school board toward a school capacity improvement that is
1512 identified in the financially feasible 5-year district work plan
1513 and that will be provided in accordance with a legally binding
1514 agreement.

1515 (f) Intergovernmental coordination.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1516 1. When establishing concurrency requirements for public
1517 schools, a local government shall satisfy the requirements for
1518 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1519 and 2., except that a municipality is not required to be a
1520 signatory to the interlocal agreement required by ss. s-
1521 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
1522 imposition of school concurrency, and as a nonsignatory, shall
1523 not participate in the adopted local school concurrency system,
1524 if the municipality meets all of the following criteria for
1525 having no significant impact on school attendance:

1526 a. The municipality has issued development orders for
1527 fewer than 50 residential dwelling units during the preceding 5
1528 years, or the municipality has generated fewer than 25
1529 additional public school students during the preceding 5 years.

1530 b. The municipality has not annexed new land during the
1531 preceding 5 years in land use categories which permit
1532 residential uses that will affect school attendance rates.

1533 c. The municipality has no public schools located within
1534 its boundaries.

1535 d. At least 80 percent of the developable land within the
1536 boundaries of the municipality has been built upon.

1537 2. A municipality which qualifies as having no significant
1538 impact on school attendance pursuant to the criteria of
1539 subparagraph 1. must review and determine at the time of its
1540 evaluation and appraisal report pursuant to s. 163.3191 whether
1541 it continues to meet the criteria pursuant to s. 163.31777(6).
1542 If the municipality determines that it no longer meets the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1543 criteria, it must adopt appropriate school concurrency goals,
1544 objectives, and policies in its plan amendments based on the
1545 evaluation and appraisal report, and enter into the existing
1546 interlocal agreement required by ss. s. 163.3177(6)(h)2. and
1547 163.31777, in order to fully participate in the school
1548 concurrency system. If such a municipality fails to do so, it
1549 will be subject to the enforcement provisions of s. 163.3191.

1550 ~~(g) Interlocal agreement for school concurrency. When~~
1551 ~~establishing concurrency requirements for public schools, a~~
1552 ~~local government must enter into an interlocal agreement which~~
1553 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~
1554 ~~requirements of this subsection. The interlocal agreement shall~~
1555 ~~acknowledge both the school board's constitutional and statutory~~
1556 ~~obligations to provide a uniform system of free public schools~~
1557 ~~on a countywide basis, and the land use authority of local~~
1558 ~~governments, including their authority to approve or deny~~
1559 ~~comprehensive plan amendments and development orders. The~~
1560 ~~interlocal agreement shall be submitted to the state land~~
1561 ~~planning agency by the local government as a part of the~~
1562 ~~compliance review, along with the other necessary amendments to~~
1563 ~~the comprehensive plan required by this part. In addition to the~~
1564 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~
1565 ~~shall meet the following requirements:~~

1566 ~~1. Establish the mechanisms for coordinating the~~
1567 ~~development, adoption, and amendment of each local government's~~
1568 ~~public school facilities element with each other and the plans~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1569 ~~of the school board to ensure a uniform districtwide school~~
1570 ~~concurrency system.~~

1571 ~~2. Establish a process by which each local government and~~
1572 ~~the school board shall agree and base their plans on consistent~~
1573 ~~projections of the amount, type, and distribution of population~~
1574 ~~growth and coordinate and share information relating to existing~~
1575 ~~and planned public school facilities projections and proposals~~
1576 ~~for development and redevelopment, and infrastructure required~~
1577 ~~to support public school facilities.~~

1578 ~~3. Establish a process for the development of siting~~
1579 ~~criteria which encourages the location of public schools~~
1580 ~~proximate to urban residential areas to the extent possible and~~
1581 ~~seeks to collocate schools with other public facilities such as~~
1582 ~~parks, libraries, and community centers to the extent possible.~~

1583 ~~4. Specify uniform, districtwide level of service~~
1584 ~~standards for public schools of the same type and the process~~
1585 ~~for modifying the adopted levels of service standards.~~

1586 ~~5. Establish a process for the preparation, amendment, and~~
1587 ~~joint approval by each local government and the school board of~~
1588 ~~a public school capital facilities program which is financially~~
1589 ~~feasible, and a process and schedule for incorporation of the~~
1590 ~~public school capital facilities program into the local~~
1591 ~~government comprehensive plans on an annual basis.~~

1592 ~~6. Define the geographic application of school~~
1593 ~~concurrency. If school concurrency is to be applied on a less~~
1594 ~~than districtwide basis in the form of concurrency service~~
1595 ~~areas, the agreement shall establish criteria and standards for~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

1609 ~~7. Establish a uniform districtwide procedure for~~
1610 ~~implementing school concurrency which provides for:~~

1611 ~~a. The evaluation of development applications for~~
1612 ~~compliance with school concurrency requirements;~~

1613 ~~b. An opportunity for the school board to review and~~
1614 ~~comment on the effect of comprehensive plan amendments and~~
1615 ~~rezonings on the public school facilities plan; and~~

1616 ~~c. The monitoring and evaluation of the school concurrency~~
1617 ~~system.~~

1618 ~~8. Include provisions relating to termination, suspension,~~
1619 ~~and amendment of the agreement. The agreement shall provide that~~
1620 ~~if the agreement is terminated or suspended, the application of~~
1621 ~~school concurrency shall be terminated or suspended.~~

1622 (15)

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1623 (a) Multimodal transportation districts may be established
1624 under a local government comprehensive plan in areas delineated
1625 on the future land use map for which the local comprehensive
1626 plan assigns secondary priority to vehicle mobility and primary
1627 priority to assuring a safe, comfortable, and attractive
1628 pedestrian environment, with convenient interconnection to
1629 transit. Such districts must incorporate community design
1630 features that will reduce the number of automobile trips or
1631 vehicle miles of travel and will support an integrated,
1632 multimodal transportation system. Prior to the designation of
1633 multimodal transportation districts, the local government shall
1634 consult with the Department of Transportation to assess the
1635 impact that the proposed multimodal district area is expected to
1636 have on the adopted level-of-service standards established for
1637 Strategic Intermodal System facilities, as defined in s. 339.64.
1638 Within designated urban infill and redevelopment areas, the
1639 local government and Department of Transportation shall
1640 cooperatively establish a plan for maintaining the adopted
1641 level-of-service standards established by the Department of
1642 Transportation for Strategic Intermodal System facilities, as
1643 defined in s. 339.64. Multimodal transportation districts
1644 existing prior to July 1, 2005, shall meet at a minimum, the
1645 provision of this section by July 1, 2006, or at the time of the
1646 comprehensive plan update pursuant to the evaluation and
1647 appraisal report, whichever occurs last.

1648 (16)(a) It is the intent of the Legislature to provide a
1649 method by which the impacts of development on transportation

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1650 facilities can be mitigated by the cooperative efforts of the
1651 public and private sectors.

1652 (b) When authorized in a local government comprehensive
1653 plan, local governments may create mitigation banks for
1654 transportation facilities to satisfy the concurrency provisions
1655 of this section, using the process and methodology developed in
1656 accordance with s. 163.3177(6)(b). The Department of
1657 Transportation, in consultation with local governments, shall
1658 develop a process and uniform methodology for determining
1659 proportionate-share mitigation for development impacts on
1660 transportation corridors that traverse one or more political
1661 subdivisions.

1662 (c) Mitigation contributions shall be used to satisfy the
1663 transportation concurrency requirements of this section and may
1664 be applied as a credit against impact fees. Mitigation for
1665 development impacts to facilities on the Strategic Intermodal
1666 System made pursuant to this subsection requires the concurrence
1667 of the Department of Transportation. However, this does not
1668 authorize the Department of Transportation to arbitrarily charge
1669 a fee or require additional mitigation. Concurrence by the
1670 Department of Transportation may not be withheld unduly.

1671 (d) Transportation facilities concurrency shall be
1672 satisfied if the developer executes a legally binding commitment
1673 to provide mitigation proportionate to the demand for
1674 transportation facilities to be created by actual development of
1675 the property, including, but not limited to, the options for
1676 mitigation established in the transportation element or traffic

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1677 circulation element. Approval of a funding agreement shall not
1678 be unreasonably withheld. Any dispute shall be mediated pursuant
1679 to s. 120.573. Appropriate transportation mitigation
1680 contributions may include public or private funds; the
1681 contribution of right-of-way; the construction of a
1682 transportation facility or payment for the right-of-way or
1683 construction of a transportation facility or service; or the
1684 provision of transit service. Such options shall include
1685 execution of an enforceable development agreement for projects
1686 to be funded by a developer.

1687 (17) A development may satisfy the concurrency
1688 requirements of the local comprehensive plan, the local
1689 government's land development regulations, and s. 380.06 by
1690 entering into a legally binding commitment to provide mitigation
1691 proportionate to the direct impact of the development. A local
1692 government may not require a development to pay more than its
1693 proportionate-share contribution regardless of the method
1694 mitigation.

1695 Section 7. Paragraph (b) of subsection (1), subsection
1696 (4), and paragraph (a) of subsection (6) of section 163.3184,
1697 Florida Statutes, are amended to read:

1698 163.3184 Process for adoption of comprehensive plan or
1699 plan amendment.--

1700 (1) DEFINITIONS.--As used in this section, the term:

1701 (b) "In compliance" means consistent with the requirements
1702 of s. ~~ss.~~ 163.3177, 163.31776, when a local government adopts an
1703 educational facilities element, 163.3178, 163.3180, 163.3191,

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1704 and 163.3245, with the state comprehensive plan, with the
1705 appropriate strategic regional policy plan, and with chapter 9J-
1706 5, Florida Administrative Code, where such rule is not
1707 inconsistent with this part and with the principles for guiding
1708 development in designated areas of critical state concern and
1709 with part III of chapter 369, where applicable.

1710 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
1711 specified in paragraph (3)(a) shall provide comments to the
1712 state land planning agency within 30 days after receipt by the
1713 state land planning agency of the complete proposed plan
1714 amendment. If the plan or plan amendment includes or relates to
1715 the public school facilities element pursuant to s. 163.3177
1716 ~~163.31776~~, the state land planning agency shall submit a copy to
1717 the Office of Educational Facilities of the Commissioner of
1718 Education for review and comment. The appropriate regional
1719 planning council shall also provide its written comments to the
1720 state land planning agency within 30 days after receipt by the
1721 state land planning agency of the complete proposed plan
1722 amendment and shall specify any objections, recommendations for
1723 modifications, and comments of any other regional agencies to
1724 which the regional planning council may have referred the
1725 proposed plan amendment. Written comments submitted by the
1726 public within 30 days after notice of transmittal by the local
1727 government of the proposed plan amendment will be considered as
1728 if submitted by governmental agencies. All written agency and
1729 public comments must be made part of the file maintained under
1730 subsection (2).

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1731 (6) STATE LAND PLANNING AGENCY REVIEW.--

1732 (a) The state land planning agency may ~~shall~~ review a
1733 proposed plan amendment upon request of a regional planning
1734 council, affected person, or local government transmitting the
1735 plan amendment. The request from the regional planning council
1736 or affected person must be received within 30 days after
1737 transmittal of the proposed plan amendment pursuant to
1738 subsection (3). A regional planning council or affected person
1739 requesting a review shall do so by submitting a written request
1740 to the agency with a notice of the request to the local
1741 government and any other person who has requested notice.

1742 Section 8. Paragraphs (c) and (l) of subsection (1) of
1743 section 163.3187, Florida Statutes, are amended, and paragraph
1744 (o) is added to said subsection, to read:

1745 163.3187 Amendment of adopted comprehensive plan.--

1746 (1) Amendments to comprehensive plans adopted pursuant to
1747 this part may be made not more than two times during any
1748 calendar year, except:

1749 (c) Any local government comprehensive plan amendments
1750 directly related to proposed small scale development activities
1751 may be approved without regard to statutory limits on the
1752 frequency of consideration of amendments to the local
1753 comprehensive plan. A small scale development amendment may be
1754 adopted only under the following conditions:

1755 1. The proposed amendment involves a use of 10 acres or
1756 fewer and:

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1757 a. The cumulative annual effect of the acreage for all
1758 small scale development amendments adopted by the local
1759 government shall not exceed:

1760 (I) A maximum of 120 acres in a local government that
1761 contains areas specifically designated in the local
1762 comprehensive plan for urban infill, urban redevelopment, or
1763 downtown revitalization as defined in s. 163.3164, urban infill
1764 and redevelopment areas designated under s. 163.2517,
1765 transportation concurrency exception areas approved pursuant to
1766 s. 163.3180(5), or regional activity centers and urban central
1767 business districts approved pursuant to s. 380.06(2)(e);
1768 however, amendments under this paragraph may be applied to no
1769 more than 60 acres annually of property outside the designated
1770 areas listed in this sub-sub-subparagraph. Amendments adopted
1771 pursuant to paragraph (k) shall not be counted toward the
1772 acreage limitations for small scale amendments under this
1773 paragraph.

1774 (II) A maximum of 80 acres in a local government that does
1775 not contain any of the designated areas set forth in sub-sub-
1776 subparagraph (I).

1777 (III) A maximum of 120 acres in a county established
1778 pursuant to s. 9, Art. VIII of the State Constitution.

1779 b. The proposed amendment does not involve the same
1780 property granted a change within the prior 12 months.

1781 c. The proposed amendment does not involve the same
1782 owner's property within 200 feet of property granted a change
1783 within the prior 12 months.

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

1784 d. The proposed amendment does not involve a text change
1785 to the goals, policies, and objectives of the local government's
1786 comprehensive plan, but only proposes a land use change to the
1787 future land use map for a site-specific small scale development
1788 activity.

1789 e. The property that is the subject of the proposed
1790 amendment is not located within an area of critical state
1791 concern, unless the project subject to the proposed amendment
1792 involves the construction of affordable housing units meeting
1793 the criteria of s. 420.0004(3), and is located within an area of
1794 critical state concern designated by s. 380.0552 or by the
1795 Administration Commission pursuant to s. 380.05(1). Such
1796 amendment is not subject to the density limitations of sub-
1797 subparagraph f., and shall be reviewed by the state land
1798 planning agency for consistency with the principles for guiding
1799 development applicable to the area of critical state concern
1800 where the amendment is located and shall not become effective
1801 until a final order is issued under s. 380.05(6).

1802 f. If the proposed amendment involves a residential land
1803 use, the residential land use has a density of 10 units or less
1804 per acre, except that this limitation does not apply to small
1805 scale amendments involving the construction of affordable
1806 housing units meeting the criteria of s. 420.0004(3) on property
1807 which will be the subject of a land use restriction agreement or
1808 extended use agreement recorded in conjunction with the issuance
1809 of tax exempt bond financing or an allocation of federal tax
1810 credits issued through the Florida Housing Finance Corporation

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1811 or a local housing finance authority authorized by the Division
1812 of Bond Finance of the State Board of Administration, or small
1813 scale amendments described in sub-sub-subparagraph a.(I) that
1814 are designated in the local comprehensive plan for urban infill,
1815 urban redevelopment, or downtown revitalization as defined in s.
1816 163.3164, urban infill and redevelopment areas designated under
1817 s. 163.2517, transportation concurrency exception areas approved
1818 pursuant to s. 163.3180(5), or regional activity centers and
1819 urban central business districts approved pursuant to s.
1820 380.06(2)(e).

1821 2.a. A local government that proposes to consider a plan
1822 amendment pursuant to this paragraph is not required to comply
1823 with the procedures and public notice requirements of s.
1824 163.3184(15)(c) for such plan amendments if the local government
1825 complies with the provisions in s. 125.66(4)(a) for a county or
1826 in s. 166.041(3)(c) for a municipality. If a request for a plan
1827 amendment under this paragraph is initiated by other than the
1828 local government, public notice is required.

1829 b. The local government shall send copies of the notice
1830 and amendment to the state land planning agency, the regional
1831 planning council, and any other person or entity requesting a
1832 copy. This information shall also include a statement
1833 identifying any property subject to the amendment that is
1834 located within a coastal high hazard area as identified in the
1835 local comprehensive plan.

1836 3. Small scale development amendments adopted pursuant to
1837 this paragraph require only one public hearing before the

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

1838 governing board, which shall be an adoption hearing as described
1839 in s. 163.3184(7), and are not subject to the requirements of s.
1840 163.3184(3)-(6) unless the local government elects to have them
1841 subject to those requirements.

1842 (1) A comprehensive plan amendment to adopt a public
1843 educational facilities element pursuant to s. 163.3177 ~~163.31776~~
1844 and future land-use-map amendments for school siting may be
1845 approved notwithstanding statutory limits on the frequency of
1846 adopting plan amendments.

1847 (o)1. For municipalities that are more than 90 percent
1848 built-out, any municipality's comprehensive plan amendments may
1849 be approved without regard to statutory limits on the frequency
1850 of consideration of amendments to the local comprehensive plan
1851 only if the proposed amendment involves a use of 100 acres or
1852 fewer and:

1853 a. The cumulative annual effect of the acreage for all
1854 amendments adopted pursuant to this paragraph does not exceed
1855 500 acres.

1856 b. The proposed amendment does not involve the same
1857 property granted a change within the prior 12 months.

1858 c. The proposed amendment does not involve the same
1859 owner's property within 200 feet of property granted a change
1860 within the prior 12 months.

1861 d. The proposed amendment does not involve a text change
1862 to the goals, policies, and objectives of the local government's
1863 comprehensive plan but only proposes a land use change to the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1891 4. Amendments adopted pursuant to this paragraph require
1892 only one public hearing before the governing board, which shall
1893 be an adoption hearing as described in s. 163.3184(7), and are
1894 not subject to the requirements of s. 163.3184(3)-(6) unless the
1895 local government elects to have them subject to those
1896 requirements.

1897 5. This paragraph shall not apply if a municipality
1898 annexes unincorporated property that decreases the percentage of
1899 build-out to an amount below 90 percent.

1900 5. A municipality shall notify the state land planning
1901 agency in writing of its built-out percentage prior to the
1902 submission of any comprehensive plan amendments under this
1903 subsection.

1904 Section 9. Paragraphs (k) and (l) of subsection (2) and
1905 subsection (10) of section 163.3191, Florida Statutes, are
1906 amended, and paragraph (o) is added to subsection (2) of said
1907 section, to read:

1908 163.3191 Evaluation and appraisal of comprehensive plan.--

1909 (2) The report shall present an evaluation and assessment
1910 of the comprehensive plan and shall contain appropriate
1911 statements to update the comprehensive plan, including, but not
1912 limited to, words, maps, illustrations, or other media, related
1913 to:

1914 (k) The coordination of the comprehensive plan with
1915 existing public schools and those identified in the applicable
1916 educational facilities plan adopted pursuant to s. 1013.35. The
1917 assessment shall address, where relevant, the success or failure

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

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

1937 (1) The extent to which the local government has been
1938 successful in identifying alternative water supply projects and
1939 traditional water supply projects including conservation and
1940 reuse, necessary to meet existing and projected water use demand
1941 for the comprehensive plan's water supply work plan and the
1942 water needs identified in s. 373.0361(2) within the local
1943 government's jurisdiction. The report must evaluate the degree
1944 to which the local government has implemented the work plan for

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1945 water supply facilities included in the potable water element.
1946 ~~The evaluation must consider the appropriate water management~~
1947 ~~district's regional water supply plan approved pursuant to s.~~
1948 ~~373.0361. The potable water element must be revised to include a~~
1949 ~~work plan, covering at least a 10-year planning period, for~~
1950 ~~building any water supply facilities that are identified in the~~
1951 ~~element as necessary to serve existing and new development and~~
1952 ~~for which the local government is responsible.~~

1953 (o) The extent to which a concurrency exception area
1954 designated pursuant to s. 163.3180(5), a concurrency management
1955 area designated pursuant to s. 163.3180(7), or a multimodal
1956 district designated pursuant to s. 163.3180(15) has achieved the
1957 purposes for which it was created and otherwise complies with
1958 the provisions of s. 163.3180.

1959 (10) The governing body shall amend its comprehensive plan
1960 based on the recommendations in the report and shall update the
1961 comprehensive plan based on the components of subsection (2),
1962 pursuant to the provisions of ss. 163.3184, 163.3187, and
1963 163.3189. Amendments to update a comprehensive plan based on the
1964 evaluation and appraisal report shall be adopted within 18
1965 months after the report is determined to be sufficient by the
1966 state land planning agency, except the state land planning
1967 agency may grant an extension for adoption of a portion of such
1968 amendments. The state land planning agency may grant a 6-month
1969 extension for the adoption of such amendments if the request is
1970 justified by good and sufficient cause as determined by the
1971 agency. An additional extension may also be granted if the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1972 request will result in greater coordination between
1973 transportation and land use, for the purposes of improving
1974 Florida's transportation system, as determined by the agency in
1975 coordination with the Metropolitan Planning Organization
1976 program. Beginning July 1, 2006, failure to timely transmit
1977 updating amendments to the comprehensive plan based on the
1978 evaluation and appraisal report shall result in a local
1979 government being prohibited from adopting amendments to the
1980 comprehensive plan until the evaluation and appraisal report
1981 updating amendments have been transmitted to the state land
1982 planning agency. The prohibition on plan amendments shall
1983 commence when the updating amendments to the comprehensive plan
1984 are past due. The comprehensive plan as amended shall be in
1985 compliance as defined in s. 163.3184(1)(b). Within 6 months
1986 after the effective date of the updating amendments to the
1987 comprehensive plan, the local government shall provide to the
1988 state land planning agency and to all agencies designated by
1989 rule a complete copy of the updated comprehensive plan.

1990 Section 10. Section 163.3247, Florida Statutes, is created
1991 to read:

1992 163.3247 Century Commission for a Sustainable Florida.--

1993 (1) POPULAR NAME.--This section may be cited as the
1994 "Century Commission for a Sustainable Florida Act."

1995 (2) FINDINGS AND INTENT.--The Legislature finds and
1996 declares that the population of this state is expected to more
1997 than double over the next 100 years, with commensurate impacts
1998 to the state's natural resources and public infrastructure.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

1999 Consequently, it is in the best interests of the people of the
2000 state to ensure sound planning for the proper placement of this
2001 growth and protection of the state's land, water, and other
2002 natural resources since such resources are essential to our
2003 collective quality of life and a strong economy. The state's
2004 growth management system should foster economic stability
2005 through regional solutions and strategies, urban renewal and
2006 infill, and the continued viability of agricultural economies,
2007 while allowing for rural economic development and protecting the
2008 unique characteristics of rural areas, and should reduce the
2009 complexity of the regulatory process while carrying out the
2010 intent of the laws and encouraging greater citizen
2011 participation.

2012 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
2013 CREATION; ORGANIZATION.--The Century Commission for a
2014 Sustainable Florida is created as a standing body to help the
2015 citizens of this state envision and plan their collective future
2016 with an eye towards both 20-year and 50-year horizons.

2017 (a) The commission shall consist of nine members, three
2018 appointed by the Governor, three appointed by the President of
2019 the Senate, and three appointed by the Speaker of the House of
2020 Representatives. Appointments shall be made no later than
2021 October 1, 2005. The membership must represent local
2022 governments, school boards, developers and homebuilders, the
2023 business community, the agriculture community, the environmental
2024 community, and other appropriate stakeholders. One member shall
2025 be designated by the Governor as chair of the commission. Any

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2026 vacancy that occurs on the commission must be filled in the same
2027 manner as the original appointment and shall be for the
2028 unexpired term of that commission seat. Members shall serve 4-
2029 year terms, except that, initially, to provide for staggered
2030 terms, three of the appointees, one each by the Governor, the
2031 President of the Senate, and the Speaker of the House of
2032 Representatives, shall serve 2-year terms, three shall serve 3-
2033 year terms, and three shall serve 4-year terms. All subsequent
2034 appointments shall be for 4-year terms. An appointee may not
2035 serve more than 6 years.

2036 (b) The first meeting of the commission shall be held no
2037 later than December 1, 2005, and shall meet at the call of the
2038 chair but not less frequently than three times per year in
2039 different regions of the state to solicit input from the public
2040 or any other individuals offering testimony relevant to the
2041 issues to be considered.

2042 (c) Each member of the commission is entitled to one vote
2043 and actions of the commission are not binding unless taken by a
2044 three-fifths vote of the members present. A majority of the
2045 members is required to constitute a quorum, and the affirmative
2046 vote of a quorum is required for a binding vote.

2047 (d) Members of the commission shall serve without
2048 compensation but shall be entitled to receive per diem and
2049 travel expenses in accordance with s. 112.061 while in
2050 performance of their duties.

2051 (4) POWERS AND DUTIES.--The commission shall:

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2052 (a) Annually conduct a process through which the
2053 commission envisions the future for the state and then develops
2054 and recommends policies, plans, action steps, or strategies to
2055 assist in achieving the vision.

2056 (b) Continuously review and consider statutory and
2057 regulatory provisions, governmental processes, and societal and
2058 economic trends in its inquiry of how state, regional, and local
2059 governments and entities and citizens of this state can best
2060 accommodate projected increased populations while maintaining
2061 the natural, historical, cultural, and manmade life qualities
2062 that best represent the state.

2063 (c) Bring together people representing varied interests to
2064 develop a shared image of the state and its developed and
2065 natural areas. The process should involve exploring the impact
2066 of the estimated population increase and other emerging trends
2067 and issues; creating a vision for the future; and developing a
2068 strategic action plan to achieve that vision using 20-year and
2069 50-year intermediate planning timeframes.

2070 (d) Focus on essential state interests, defined as those
2071 interests that transcend local or regional boundaries and are
2072 most appropriately conserved, protected, and promoted at the
2073 state level.

2074 (e) Serve as an objective, nonpartisan repository of
2075 exemplary community-building ideas and as a source to recommend
2076 strategies and practices to assist others in working
2077 collaboratively to problem solve on issues relating to growth
2078 management.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2079 (f) Annually, beginning January 16, 2007, and every year
2080 thereafter on the same date, provide to the Governor, the
2081 President of the Senate, and the Speaker of the House of
2082 Representatives a written report containing specific
2083 recommendations for addressing growth management in the state,
2084 including executive and legislative recommendations. Further,
2085 the report shall contain discussions regarding the need for
2086 intergovernmental cooperation and the balancing of environmental
2087 protection and future development and recommendations on issues,
2088 including, but not limited to, recommendations regarding
2089 dedicated sources of funding for sewer facilities, water supply
2090 and quality, transportation facilities that are not adequately
2091 addressed by the Strategic Intermodal System, and educational
2092 infrastructure to support existing development and projected
2093 population growth. This report shall be verbally presented to a
2094 joint session of both houses annually as scheduled by the
2095 President of the Senate and the Speaker of the House of
2096 Representatives.

2097 (g) Beginning with the 2007 Regular Session of the
2098 Legislature, the President of the Senate and Speaker of the
2099 House of Representatives shall create a joint select committee,
2100 the task of which shall be to review the findings and
2101 recommendations of the Century Commission for a Sustainable
2102 Florida for potential action.

2103 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2104 (a) The Secretary of Community Affairs shall select an
2105 executive director of the commission, and the executive director

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2106 shall serve at the pleasure of the secretary under the
2107 supervision and control of the commission.

2108 (b) The Department of Community Affairs shall provide
2109 staff and other resources necessary to accomplish the goals of
2110 the commission based upon recommendations of the Governor.

2111 (c) All agencies under the control of the Governor are
2112 directed, and all other agencies are requested, to render
2113 assistance to, and cooperate with, the commission.

2114 Section 11. Paragraph (d) of subsection (1) of section
2115 201.15, Florida Statutes, is amended to read:

2116 201.15 Distribution of taxes collected.--All taxes
2117 collected under this chapter shall be distributed as follows and
2118 shall be subject to the service charge imposed in s. 215.20(1),
2119 except that such service charge shall not be levied against any
2120 portion of taxes pledged to debt service on bonds to the extent
2121 that the amount of the service charge is required to pay any
2122 amounts relating to the bonds:

2123 (1) Sixty-two and sixty-three hundredths percent of the
2124 remaining taxes collected under this chapter shall be used for
2125 the following purposes:

2126 (d) The remainder of the moneys distributed under this
2127 subsection, after the required payments under paragraphs (a),
2128 (b), and (c), shall be paid into the State Treasury to the
2129 credit of the State Transportation Trust Fund in the Department
2130 of Transportation in the amount of \$566.75 million each fiscal
2131 year to be paid in quarterly installments and allocated for the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2132 following specified purposes notwithstanding any other provision
2133 of law:

2134 1. New Starts Transit Program pursuant to 49 U.S.C. s.
2135 5309 and implemented by s. 341.051, \$50 million for fiscal year
2136 2005-2006, \$65 million for fiscal year 2006-2007, \$70 million
2137 each fiscal year for fiscal years 2007-2008 through 2009-2010,
2138 \$80 million for fiscal year 2010-2011 and each fiscal year
2139 thereafter.

2140 2. Small County Outreach Program pursuant to s. 339.2818,
2141 \$35 million for each fiscal year for fiscal years 2005-2006
2142 through 2009-2010, \$45 million for fiscal year 2010-2011 and
2143 each fiscal year thereafter.

2144 3. Transportation Incentive Program for a Sustainable
2145 Florida pursuant to s. 339.28171, \$81.75 million for fiscal year
2146 2005-2006, \$65 million for fiscal year 2006-2007, \$150 million
2147 each year for fiscal years 2007-2008 through 2009-2010, \$125
2148 million for fiscal year 2010-2011, and each fiscal year
2149 thereafter.

2150 4. Strategic Intermodal System pursuant to s. 339.64, all
2151 remaining funds after allocations are made for subparagraphs 1.
2152 through 3. ~~The remainder of the moneys distributed under this~~
2153 ~~subsection, after the required payments under paragraphs (a),~~
2154 ~~(b), and (c), shall be paid into the State Treasury to the~~
2155 ~~credit of the General Revenue Fund of the state to be used and~~
2156 ~~expended for the purposes for which the General Revenue Fund was~~
2157 ~~created and exists by law or to the Ecosystem Management and~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2158 ~~Restoration Trust Fund or to the Marine Resources Conservation~~
2159 ~~Trust Fund as provided in subsection (11).~~

2160 Section 12. Subsection (3) of section 215.211, Florida
2161 Statutes, is amended to read:

2162 215.211 Service charge; elimination or reduction for
2163 specified proceeds.--

2164 (3) Notwithstanding the provisions of s. 215.20(1), the
2165 service charge provided in s. 215.20(1), which is deducted from
2166 the proceeds of the local option fuel tax distributed under s.
2167 336.025, shall be reduced as follows:

2168 (a) For the period July 1, 2005, through June 30, 2006,
2169 the rate of the service charge shall be 3.5 percent.

2170 (b) Beginning July 1, 2006, and thereafter, no service
2171 charge shall be deducted from the proceeds of the local option
2172 fuel tax distributed under s. 336.025.

2173
2174 The increased revenues derived from this subsection shall be
2175 deposited in the State Transportation Trust Fund and used to
2176 fund the Transportation Incentive Program for a Sustainable
2177 Florida County Incentive Grant Program and the Small County
2178 Outreach Program. Up to 20 percent of such funds shall be used
2179 for the purpose of implementing the Small County Outreach
2180 Program created pursuant to s. 339.2818 as provided in this act.
2181 ~~Notwithstanding any other laws to the contrary, the requirements~~
2182 ~~of ss. 339.135, 339.155, and 339.175 shall not apply to these~~
2183 ~~funds and programs.~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2184 Section 13. Section 337.107, Florida Statutes, is amended
2185 to read:

2186 337.107 Contracts for right-of-way services.--The
2187 department may enter into contracts pursuant to s. 287.055 for
2188 right-of-way services on transportation corridors and
2189 transportation facilities or the department may include right-
2190 of-way services as part of design-build contracts awarded
2191 pursuant to s. 337.11. Right-of-way services include negotiation
2192 and acquisition services, appraisal services, demolition and
2193 removal of improvements, and asbestos-abatement services.

2194 Section 14. Effective July 1, 2007, section 337.107,
2195 Florida Statutes, as amended by this act, is amended to read:

2196 337.107 Contracts for right-of-way services.--The
2197 department may enter into contracts pursuant to s. 287.055 for
2198 right-of-way services on transportation corridors and
2199 transportation facilities ~~or the department may include right-~~
2200 ~~of-way services as part of design-build contracts awarded~~
2201 ~~pursuant to s. 337.11.~~ Right-of-way services include negotiation
2202 and acquisition services, appraisal services, demolition and
2203 removal of improvements, and asbestos-abatement services.

2204 Section 15. Paragraph (a) of subsection (7) of section
2205 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of
2206 Florida, is amended to read:

2207 337.11 Contracting authority of department; bids;
2208 emergency repairs, supplemental agreements, and change orders;
2209 combined design and construction contracts; progress payments;
2210 records; requirements of vehicle registration.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2211 (7)(a) If the head of the department determines that it is
2212 in the best interests of the public, the department may combine
2213 the design and construction phases of any a building, a major
2214 bridge, a limited access facility, or a rail corridor project
2215 into a single contract, except for a resurfacing or minor bridge
2216 project the right-of-way services and design construction phases
2217 of which may be combined under s. 337.025. Such contract is
2218 referred to as a design-build contract. Design-build contracts
2219 may be advertised and awarded notwithstanding the requirements
2220 of paragraph (3)(c). However, construction activities may not
2221 begin on any portion of such projects for which the department
2222 has not yet obtained title until title to the necessary rights-
2223 of-way and easements for the construction of that portion of the
2224 project has vested in the state or a local governmental entity
2225 and all railroad crossing and utility agreements have been
2226 executed. Title to rights-of-way shall be deemed to have vested
2227 vests in the state when the title has been dedicated to the
2228 public or acquired by prescription.

2229 Section 16. Effective July 1, 2007, paragraph (a) of
2230 subsection (7) of section 337.11, Florida Statutes, as amended
2231 by chapter 2002-20, Laws of Florida, as amended by this act, is
2232 amended to read:

2233 337.11 Contracting authority of department; bids;
2234 emergency repairs, supplemental agreements, and change orders;
2235 combined design and construction contracts; progress payments;
2236 records; requirements of vehicle registration.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2237 (7)(a) If the head of the department determines that it is
2238 in the best interests of the public, the department may combine
2239 the design and construction phases of a building, a major
2240 bridge, a limited access facility, or a rail corridor ~~any~~
2241 ~~project into a single contract, except for a resurfacing or~~
2242 ~~minor bridge project the right-of-way services and design~~
2243 ~~construction phases of which may be combined under s. 337.025.~~
2244 Such contract is referred to as a design-build contract. Design-
2245 build contracts may be advertised and awarded notwithstanding
2246 the requirements of paragraph (3)(c). However, construction
2247 activities may not begin on any portion of such projects ~~for~~
2248 ~~which the department has not yet obtained title~~ until title to
2249 the necessary rights-of-way and easements for the construction
2250 of that portion of the project has vested in the state or a
2251 local governmental entity and all railroad crossing and utility
2252 agreements have been executed. Title to rights-of-way vests
2253 ~~shall be deemed to have vested~~ in the state when the title has
2254 been dedicated to the public or acquired by prescription.

2255 Section 17. Paragraph (j) of subsection (1) of section
2256 339.08, Florida Statutes, is amended, and paragraph (m) of said
2257 subsection is redesignated as paragraph (n) and new paragraph
2258 (m) is added to said subsection, to read:

2259 339.08 Use of moneys in State Transportation Trust Fund.--

2260 (1) The department shall expend moneys in the State
2261 Transportation Trust Fund accruing to the department, in
2262 accordance with its annual budget. The use of such moneys shall
2263 be restricted to the following purposes:

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2264 (j) To pay the cost of county or municipal road projects
2265 selected in accordance with the ~~County Incentive Grant Program~~
2266 ~~created in s. 339.2817~~ and the Small County Outreach Program
2267 created in s. 339.2818.

2268 (m) To pay the cost of transportation projects selected in
2269 accordance with the Transportation Incentive Program for a
2270 Sustainable Florida created in s. 339.28171.

2271 Section 18. Paragraph (b) of subsection (4) of section
2272 339.135, Florida Statutes, is amended to read:

2273 339.135 Work program; legislative budget request;
2274 definitions; preparation, adoption, execution, and amendment.--

2275 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2276 (b)1. A tentative work program, including the ensuing
2277 fiscal year and the successive 4 fiscal years, shall be prepared
2278 for the State Transportation Trust Fund and other funds managed
2279 by the department, unless otherwise provided by law. The
2280 tentative work program shall be based on the district work
2281 programs and shall set forth all projects by phase to be
2282 undertaken during the ensuing fiscal year and planned for the
2283 successive 4 fiscal years. The total amount of the liabilities
2284 accruing in each fiscal year of the tentative work program may
2285 not exceed the revenues available for expenditure during the
2286 respective fiscal year based on the cash forecast for that
2287 respective fiscal year.

2288 2. The tentative work program shall be developed in
2289 accordance with the Florida Transportation Plan required in s.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2290 339.155 and must comply with the program funding levels
2291 contained in the program and resource plan.

2292 3. The department may include in the tentative work
2293 program proposed changes to the programs contained in the
2294 previous work program adopted pursuant to subsection (5);
2295 however, the department shall minimize changes and adjustments
2296 that affect the scheduling of project phases in the 4 common
2297 fiscal years contained in the previous adopted work program and
2298 the tentative work program. The department, in the development
2299 of the tentative work program, shall advance by 1 fiscal year
2300 all projects included in the second year of the previous year's
2301 adopted work program, unless the secretary specifically
2302 determines that it is necessary, for specific reasons, to
2303 reschedule or delete one or more projects from that year. Such
2304 changes and adjustments shall be clearly identified, and the
2305 effect on the 4 common fiscal years contained in the previous
2306 adopted work program and the tentative work program shall be
2307 shown. It is the intent of the Legislature that ~~the first 5~~
2308 ~~years of the adopted work program for facilities designated as~~
2309 ~~part of the Florida Intrastate Highway System and the first 3~~
2310 years of the adopted work program stand as the commitment of the
2311 state to undertake transportation projects that local
2312 governments may rely on for planning and concurrency purposes
2313 and in the development and amendment of the capital improvements
2314 elements of their local government comprehensive plans.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2315 4. The tentative work program must include a balanced 36-
2316 month forecast of cash and expenditures and a 5-year finance
2317 plan supporting the tentative work program.

2318 Section 19. Paragraphs (c), (d), and (e) are added to
2319 subsection (5) of section 339.155, Florida Statutes, to read:

2320 339.155 Transportation planning.--

2321 (5) ADDITIONAL TRANSPORTATION PLANS.--

2322 (c) Regional transportation plans may be developed in
2323 regional transportation areas in accordance with an interlocal
2324 agreement entered into pursuant to s. 163.01 by the department
2325 and two or more contiguous metropolitan planning organizations,
2326 one or more metropolitan planning organizations and one or more
2327 contiguous counties that are not members of a metropolitan
2328 planning organization, a multicounty regional transportation
2329 authority created by or pursuant to law, two or more contiguous
2330 counties that are not members of a metropolitan planning
2331 organization, or metropolitan planning organizations comprised
2332 of three or more counties.

2333 (d) The department shall develop a model draft interlocal
2334 agreement that, at a minimum, shall identify the entity that
2335 will coordinate the development of the regional transportation
2336 plan; delineate the boundaries of the regional transportation
2337 area; provide the duration of the agreement and specify how the
2338 agreement may be terminated, modified, or rescinded; describe
2339 the process by which the regional transportation plan will be
2340 developed; and provide how members of the entity will resolve
2341 disagreements regarding interpretation of the interlocal

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2342 agreement or disputes relating to the development or content of
2343 the regional transportation plan. The designated entity shall
2344 coordinate the adoption of the interlocal agreement using as its
2345 framework the department model. Such interlocal agreement shall
2346 become effective upon approval by supermajority vote of the
2347 affected local governments.

2348 (e) The regional transportation plan developed pursuant to
2349 this section shall, at a minimum, identify regionally
2350 significant transportation facilities located within a regional
2351 transportation area, and recommend a list to the department for
2352 prioritization. The project shall be adopted into the capital
2353 improvements schedule of the local government comprehensive plan
2354 pursuant to s. 163. 3177(3).

2355 Section 20. Section 339.175, Florida Statutes, is amended
2356 to read:

2357 339.175 Metropolitan planning organization.--It is the
2358 intent of the Legislature to encourage and promote the safe and
2359 efficient management, operation, and development of surface
2360 transportation systems that will serve the mobility needs of
2361 people and freight within and through urbanized areas of this
2362 state while minimizing transportation-related fuel consumption
2363 and air pollution. To accomplish these objectives, metropolitan
2364 planning organizations, referred to in this section as M.P.O.'s,
2365 shall develop, in cooperation with the state and public transit
2366 operators, transportation plans and programs for metropolitan
2367 areas. The plans and programs for each metropolitan area must
2368 provide for the development and integrated management and

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

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

2387 (1) DESIGNATION.--

2388 (a)1. An M.P.O. shall be designated for each urbanized
2389 area of the state; however, this does not require that an
2390 individual M.P.O. be designated for each such area. Such
2391 designation shall be accomplished by agreement between the
2392 Governor and units of general-purpose local government
2393 representing at least 75 percent of the population of the
2394 urbanized area; however, the unit of general-purpose local
2395 government that represents the central city or cities within the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2396 M.P.O. jurisdiction, as defined by the United States Bureau of
2397 the Census, must be a party to such agreement.

2398 2. More than one M.P.O. may be designated within an
2399 existing metropolitan planning area only if the Governor and the
2400 existing M.P.O. determine that the size and complexity of the
2401 existing metropolitan planning area makes the designation of
2402 more than one M.P.O. for the area appropriate.

2403 (b) Each M.P.O. shall be created and operated under the
2404 provisions of this section pursuant to an interlocal agreement
2405 entered into pursuant to s. 163.01. The signatories to the
2406 interlocal agreement shall be the department and the
2407 governmental entities designated by the Governor for membership
2408 on the M.P.O. If there is a conflict between this section and s.
2409 163.01, this section prevails.

2410 (c) The jurisdictional boundaries of an M.P.O. shall be
2411 determined by agreement between the Governor and the applicable
2412 M.P.O. The boundaries must include at least the metropolitan
2413 planning area, which is the existing urbanized area and the
2414 contiguous area expected to become urbanized within a 20-year
2415 forecast period, and may encompass the entire metropolitan
2416 statistical area or the consolidated metropolitan statistical
2417 area.

2418 (d) In the case of an urbanized area designated as a
2419 nonattainment area for ozone or carbon monoxide under the Clean
2420 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
2421 metropolitan planning area in existence as of the date of
2422 enactment of this paragraph shall be retained, except that the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2423 boundaries may be adjusted by agreement of the Governor and
2424 affected metropolitan planning organizations in the manner
2425 described in this section. If more than one M.P.O. has authority
2426 within a metropolitan area or an area that is designated as a
2427 nonattainment area, each M.P.O. shall consult with other
2428 M.P.O.'s designated for such area and with the state in the
2429 coordination of plans and programs required by this section.

2430

2431 Each M.P.O. required under this section must be fully operative
2432 no later than 6 months following its designation.

2433 (2) VOTING MEMBERSHIP.--

2434 (a) The voting membership of an M.P.O. shall consist of
2435 not fewer than 5 or more than 19 apportioned members, the exact
2436 number to be determined on an equitable geographic-population
2437 ratio basis by the Governor, based on an agreement among the
2438 affected units of general-purpose local government as required
2439 by federal rules and regulations. The Governor, in accordance
2440 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
2441 represent municipalities to alternate with representatives from
2442 other municipalities within the metropolitan planning area that
2443 do not have members on the M.P.O. County commission members
2444 shall compose not less than one-third of the M.P.O. membership,
2445 except for an M.P.O. with more than 15 members located in a
2446 county with a five-member county commission or an M.P.O. with 19
2447 members located in a county with no more than 6 county
2448 commissioners, in which case county commission members may
2449 compose less than one-third percent of the M.P.O. membership,

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2450 but all county commissioners must be members. All voting members
2451 shall be elected officials of general-purpose governments,
2452 except that an M.P.O. may include, as part of its apportioned
2453 voting members, a member of a statutorily authorized planning
2454 board, an official of an agency that operates or administers a
2455 major mode of transportation, or an official of the Florida
2456 Space Authority. The county commission shall compose not less
2457 than 20 percent of the M.P.O. membership if an official of an
2458 agency that operates or administers a major mode of
2459 transportation has been appointed to an M.P.O.

2460 (b) In metropolitan areas in which authorities or other
2461 agencies have been or may be created by law to perform
2462 transportation functions and are performing transportation
2463 functions that are not under the jurisdiction of a general
2464 purpose local government represented on the M.P.O., they shall
2465 be provided voting membership on the M.P.O. In all other
2466 M.P.O.'s where transportation authorities or agencies are to be
2467 represented by elected officials from general purpose local
2468 governments, the M.P.O. shall establish a process by which the
2469 collective interests of such authorities or other agencies are
2470 expressed and conveyed.

2471 (c) Any other provision of this section to the contrary
2472 notwithstanding, a chartered county with over 1 million
2473 population may elect to reapportion the membership of an M.P.O.
2474 whose jurisdiction is wholly within the county. The charter
2475 county may exercise the provisions of this paragraph if:

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2476 1. The M.P.O. approves the reapportionment plan by a
2477 three-fourths vote of its membership;

2478 2. The M.P.O. and the charter county determine that the
2479 reapportionment plan is needed to fulfill specific goals and
2480 policies applicable to that metropolitan planning area; and

2481 3. The charter county determines the reapportionment plan
2482 otherwise complies with all federal requirements pertaining to
2483 M.P.O. membership.

2484
2485 Any charter county that elects to exercise the provisions of
2486 this paragraph shall notify the Governor in writing.

2487 (d) Any other provision of this section to the contrary
2488 notwithstanding, any county chartered under s. 6(e), Art. VIII
2489 of the State Constitution may elect to have its county
2490 commission serve as the M.P.O., if the M.P.O. jurisdiction is
2491 wholly contained within the county. Any charter county that
2492 elects to exercise the provisions of this paragraph shall so
2493 notify the Governor in writing. Upon receipt of such
2494 notification, the Governor must designate the county commission
2495 as the M.P.O. The Governor must appoint four additional voting
2496 members to the M.P.O., one of whom must be an elected official
2497 representing a municipality within the county, one of whom must
2498 be an expressway authority member, one of whom must be a person
2499 who does not hold elected public office and who resides in the
2500 unincorporated portion of the county, and one of whom must be a
2501 school board member.

2502 (3) APPORTIONMENT.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2503 (a) The Governor shall, with the agreement of the affected
2504 units of general-purpose local government as required by federal
2505 rules and regulations, apportion the membership on the
2506 applicable M.P.O. among the various governmental entities within
2507 the area and shall prescribe a method for appointing alternate
2508 members who may vote at any M.P.O. meeting that an alternate
2509 member attends in place of a regular member. An appointed
2510 alternate member must be an elected official serving the same
2511 governmental entity or a general-purpose local government with
2512 jurisdiction within all or part of the area that the regular
2513 member serves. The governmental entity so designated shall
2514 appoint the appropriate number of members to the M.P.O. from
2515 eligible officials. Representatives of the department shall
2516 serve as nonvoting members of the M.P.O. Nonvoting advisers may
2517 be appointed by the M.P.O. as deemed necessary. The Governor
2518 shall review the composition of the M.P.O. membership in
2519 conjunction with the decennial census as prepared by the United
2520 States Department of Commerce, Bureau of the Census, and
2521 reapportion it as necessary to comply with subsection (2).

2522 (b) Except for members who represent municipalities on the
2523 basis of alternating with representatives from other
2524 municipalities that do not have members on the M.P.O. as
2525 provided in paragraph (2)(a), the members of an M.P.O. shall
2526 serve 4-year terms. Members who represent municipalities on the
2527 basis of alternating with representatives from other
2528 municipalities that do not have members on the M.P.O. as
2529 provided in paragraph (2)(a) may serve terms of up to 4 years as

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2530 further provided in the interlocal agreement described in
2531 paragraph (1)(b). The membership of a member who is a public
2532 official automatically terminates upon the member's leaving his
2533 or her elective or appointive office for any reason, or may be
2534 terminated by a majority vote of the total membership of a
2535 county or city governing entity represented by the member. A
2536 vacancy shall be filled by the original appointing entity. A
2537 member may be reappointed for one or more additional 4-year
2538 terms.

2539 (c) If a governmental entity fails to fill an assigned
2540 appointment to an M.P.O. within 60 days after notification by
2541 the Governor of its duty to appoint, that appointment shall be
2542 made by the Governor from the eligible representatives of that
2543 governmental entity.

2544 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
2545 responsibility of an M.P.O. is to manage a continuing,
2546 cooperative, and comprehensive transportation planning process
2547 that, based upon the prevailing principles provided in s.
2548 334.046(1), results in the development of plans and programs
2549 which are consistent, to the maximum extent feasible, with the
2550 approved local government comprehensive plans of the units of
2551 local government the boundaries of which are within the
2552 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
2553 cooperative decisionmaking by officials of the affected
2554 governmental entities in the development of the plans and
2555 programs required by subsections (5), (6), (7), and (8).

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2556 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
2557 privileges, and authority of an M.P.O. are those specified in
2558 this section or incorporated in an interlocal agreement
2559 authorized under s. 163.01. Each M.P.O. shall perform all acts
2560 required by federal or state laws or rules, now and subsequently
2561 applicable, which are necessary to qualify for federal aid. It
2562 is the intent of this section that each M.P.O. shall be involved
2563 in the planning and programming of transportation facilities,
2564 including, but not limited to, airports, intercity and high-
2565 speed rail lines, seaports, and intermodal facilities, to the
2566 extent permitted by state or federal law.

2567 (a) Each M.P.O. shall, in cooperation with the department,
2568 develop:

2569 1. A long-range transportation plan pursuant to the
2570 requirements of subsection (6);

2571 2. An annually updated transportation improvement program
2572 pursuant to the requirements of subsection (7); and

2573 3. An annual unified planning work program pursuant to the
2574 requirements of subsection (8).

2575 (b) In developing the long-range transportation plan and
2576 the transportation improvement program required under paragraph
2577 (a), each M.P.O. shall provide for consideration of projects and
2578 strategies that will:

2579 1. Support the economic vitality of the metropolitan area,
2580 especially by enabling global competitiveness, productivity, and
2581 efficiency;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2582 2. Increase the safety and security of the transportation
2583 system for motorized and nonmotorized users;

2584 3. Increase the accessibility and mobility options
2585 available to people and for freight;

2586 4. Protect and enhance the environment, promote energy
2587 conservation, and improve quality of life;

2588 5. Enhance the integration and connectivity of the
2589 transportation system, across and between modes, for people and
2590 freight;

2591 6. Promote efficient system management and operation; and

2592 7. Emphasize the preservation of the existing
2593 transportation system.

2594 (c) In order to provide recommendations to the department
2595 and local governmental entities regarding transportation plans
2596 and programs, each M.P.O. shall:

2597 1. Prepare a congestion management system for the
2598 metropolitan area and cooperate with the department in the
2599 development of all other transportation management systems
2600 required by state or federal law;

2601 2. Assist the department in mapping transportation
2602 planning boundaries required by state or federal law;

2603 3. Assist the department in performing its duties relating
2604 to access management, functional classification of roads, and
2605 data collection;

2606 4. Execute all agreements or certifications necessary to
2607 comply with applicable state or federal law;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2608 5. Represent all the jurisdictional areas within the
2609 metropolitan area in the formulation of transportation plans and
2610 programs required by this section; and

2611 6. Perform all other duties required by state or federal
2612 law.

2613 (d) Each M.P.O. shall appoint a technical advisory
2614 committee that includes planners; engineers; representatives of
2615 local aviation authorities, port authorities, and public transit
2616 authorities or representatives of aviation departments, seaport
2617 departments, and public transit departments of municipal or
2618 county governments, as applicable; the school superintendent of
2619 each county within the jurisdiction of the M.P.O. or the
2620 superintendent's designee; and other appropriate representatives
2621 of affected local governments. In addition to any other duties
2622 assigned to it by the M.P.O. or by state or federal law, the
2623 technical advisory committee is responsible for considering safe
2624 access to schools in its review of transportation project
2625 priorities, long-range transportation plans, and transportation
2626 improvement programs, and shall advise the M.P.O. on such
2627 matters. In addition, the technical advisory committee shall
2628 coordinate its actions with local school boards and other local
2629 programs and organizations within the metropolitan area which
2630 participate in school safety activities, such as locally
2631 established community traffic safety teams. Local school boards
2632 must provide the appropriate M.P.O. with information concerning
2633 future school sites and in the coordination of transportation
2634 service.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2635 (e)1. Each M.P.O. shall appoint a citizens' advisory
2636 committee, the members of which serve at the pleasure of the
2637 M.P.O. The membership on the citizens' advisory committee must
2638 reflect a broad cross section of local residents with an
2639 interest in the development of an efficient, safe, and cost-
2640 effective transportation system. Minorities, the elderly, and
2641 the handicapped must be adequately represented.

2642 2. Notwithstanding the provisions of subparagraph 1., an
2643 M.P.O. may, with the approval of the department and the
2644 applicable federal governmental agency, adopt an alternative
2645 program or mechanism to ensure citizen involvement in the
2646 transportation planning process.

2647 (f) The department shall allocate to each M.P.O., for the
2648 purpose of accomplishing its transportation planning and
2649 programming duties, an appropriate amount of federal
2650 transportation planning funds.

2651 (g) Each M.P.O. may employ personnel or may enter into
2652 contracts with local or state agencies, private planning firms,
2653 or private engineering firms to accomplish its transportation
2654 planning and programming duties required by state or federal
2655 law.

2656 (h) A chair's coordinating committee is created, composed
2657 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
2658 Pinellas, Polk, and Sarasota Counties. The committee must, at a
2659 minimum:

2660 1. Coordinate transportation projects deemed to be
2661 regionally significant by the committee.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2662 2. Review the impact of regionally significant land use
2663 decisions on the region.

2664 3. Review all proposed regionally significant
2665 transportation projects in the respective transportation
2666 improvement programs which affect more than one of the M.P.O.'s
2667 represented on the committee.

2668 4. Institute a conflict resolution process to address any
2669 conflict that may arise in the planning and programming of such
2670 regionally significant projects.

2671 (i)1. The Legislature finds that the state's rapid growth
2672 in recent decades has caused many urbanized areas subject to
2673 M.P.O. jurisdiction to become contiguous to each other. As a
2674 result, various transportation projects may cross from the
2675 jurisdiction of one M.P.O. into the jurisdiction of another
2676 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
2677 have been mandated, M.P.O.'s shall develop coordination
2678 mechanisms with one another to expand and improve transportation
2679 within the state. The appropriate method of coordination between
2680 M.P.O.'s shall vary depending upon the project involved and
2681 given local and regional needs. Consequently, it is appropriate
2682 to set forth a flexible methodology that can be used by M.P.O.'s
2683 to coordinate with other M.P.O.'s and appropriate political
2684 subdivisions as circumstances demand.

2685 2. Any M.P.O. may join with any other M.P.O. or any
2686 individual political subdivision to coordinate activities or to
2687 achieve any federal or state transportation planning or
2688 development goals or purposes consistent with federal or state

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

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

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2716 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
2717 develop a long-range transportation plan that addresses at least
2718 a 20-year planning horizon. The plan must include both long-
2719 range and short-range strategies and must comply with all other
2720 state and federal requirements. The prevailing principles to be
2721 considered in the long-range transportation plan are: preserving
2722 the existing transportation infrastructure; enhancing Florida's
2723 economic competitiveness; and improving travel choices to ensure
2724 mobility. The long-range transportation plan must be consistent,
2725 to the maximum extent feasible, with future land use elements
2726 and the goals, objectives, and policies of the approved local
2727 government comprehensive plans of the units of local government
2728 located within the jurisdiction of the M.P.O. The approved long-
2729 range transportation plan must be considered by local
2730 governments in the development of the transportation elements in
2731 local government comprehensive plans and any amendments thereto.
2732 The long-range transportation plan must, at a minimum:

2733 (a) Identify transportation facilities, including, but not
2734 limited to, major roadways, airports, seaports, spaceports,
2735 commuter rail systems, transit systems, and intermodal or
2736 multimodal terminals that will function as an integrated
2737 metropolitan transportation system. The long-range
2738 transportation plan must give emphasis to those transportation
2739 facilities that serve national, statewide, or regional
2740 functions, and must consider the goals and objectives identified
2741 in the Florida Transportation Plan as provided in s. 339.155. If
2742 a project is located within the boundaries of more than one

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2743 M.P.O., the M.P.O.'s must coordinate plans regarding the project
2744 in the long-range transportation plan.

2745 (b) Include a financial plan that demonstrates how the
2746 plan can be implemented, indicating resources from public and
2747 private sources which are reasonably expected to be available to
2748 carry out the plan, and recommends any additional financing
2749 strategies for needed projects and programs. The financial plan
2750 may include, for illustrative purposes, additional projects that
2751 would be included in the adopted long-range transportation plan
2752 if reasonable additional resources beyond those identified in
2753 the financial plan were available. For the purpose of developing
2754 the long-range transportation plan, the M.P.O. and the
2755 department shall cooperatively develop estimates of funds that
2756 will be available to support the plan implementation. Innovative
2757 financing techniques may be used to fund needed projects and
2758 programs. Such techniques may include the assessment of tolls,
2759 the use of value capture financing, or the use of value pricing.

2760 (c) Assess capital investment and other measures necessary
2761 to:

2762 1. Ensure the preservation of the existing metropolitan
2763 transportation system including requirements for the operation,
2764 resurfacing, restoration, and rehabilitation of major roadways
2765 and requirements for the operation, maintenance, modernization,
2766 and rehabilitation of public transportation facilities; and

2767 2. Make the most efficient use of existing transportation
2768 facilities to relieve vehicular congestion and maximize the
2769 mobility of people and goods.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2770 (d) Indicate, as appropriate, proposed transportation
2771 enhancement activities, including, but not limited to,
2772 pedestrian and bicycle facilities, scenic easements,
2773 landscaping, historic preservation, mitigation of water
2774 pollution due to highway runoff, and control of outdoor
2775 advertising.

2776 (e) In addition to the requirements of paragraphs (a)-(d),
2777 in metropolitan areas that are classified as nonattainment areas
2778 for ozone or carbon monoxide, the M.P.O. must coordinate the
2779 development of the long-range transportation plan with the State
2780 Implementation Plan developed pursuant to the requirements of
2781 the federal Clean Air Act.

2782
2783 In the development of its long-range transportation plan, each
2784 M.P.O. must provide the public, affected public agencies,
2785 representatives of transportation agency employees, freight
2786 shippers, providers of freight transportation services, private
2787 providers of transportation, representatives of users of public
2788 transit, and other interested parties with a reasonable
2789 opportunity to comment on the long-range transportation plan.
2790 The long-range transportation plan must be approved by the
2791 M.P.O.

2792 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
2793 shall, in cooperation with the state and affected public
2794 transportation operators, develop a transportation improvement
2795 program for the area within the jurisdiction of the M.P.O. In
2796 the development of the transportation improvement program, each

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2797 M.P.O. must provide the public, affected public agencies,
2798 representatives of transportation agency employees, freight
2799 shippers, providers of freight transportation services, private
2800 providers of transportation, representatives of users of public
2801 transit, and other interested parties with a reasonable
2802 opportunity to comment on the proposed transportation
2803 improvement program.

2804 (a) Each M.P.O. is responsible for developing, annually, a
2805 list of project priorities and a transportation improvement
2806 program. The prevailing principles to be considered by each
2807 M.P.O. when developing a list of project priorities and a
2808 transportation improvement program are: preserving the existing
2809 transportation infrastructure; enhancing Florida's economic
2810 competitiveness; and improving travel choices to ensure
2811 mobility. The transportation improvement program will be used to
2812 initiate federally aided transportation facilities and
2813 improvements as well as other transportation facilities and
2814 improvements including transit, rail, aviation, spaceport, and
2815 port facilities to be funded from the State Transportation Trust
2816 Fund within its metropolitan area in accordance with existing
2817 and subsequent federal and state laws and rules and regulations
2818 related thereto. The transportation improvement program shall be
2819 consistent, to the maximum extent feasible, with the approved
2820 local government comprehensive plans of the units of local
2821 government whose boundaries are within the metropolitan area of
2822 the M.P.O. and include those projects programmed pursuant to s.
2823 339.28171.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2824 (b) Each M.P.O. annually shall prepare a list of project
2825 priorities and shall submit the list to the appropriate district
2826 of the department by October 1 of each year; however, the
2827 department and a metropolitan planning organization may, in
2828 writing, agree to vary this submittal date. The list of project
2829 priorities must be formally reviewed by the technical and
2830 citizens' advisory committees, and approved by the M.P.O.,
2831 before it is transmitted to the district. The approved list of
2832 project priorities must be used by the district in developing
2833 the district work program and must be used by the M.P.O. in
2834 developing its transportation improvement program. The annual
2835 list of project priorities must be based upon project selection
2836 criteria that, at a minimum, consider the following:

- 2837 1. The approved M.P.O. long-range transportation plan;
2838 2. The Strategic Intermodal System Plan developed under s.
2839 339.64;—
2840 3. The priorities developed pursuant to s. 339.28171;
2841 4.3. The results of the transportation management systems;
2842 and
2843 5.4. The M.P.O.'s public-involvement procedures.

2844 (c) The transportation improvement program must, at a
2845 minimum:

- 2846 1. Include projects and project phases to be funded with
2847 state or federal funds within the time period of the
2848 transportation improvement program and which are recommended for
2849 advancement during the next fiscal year and 4 subsequent fiscal
2850 years. Such projects and project phases must be consistent, to

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2851 the maximum extent feasible, with the approved local government
2852 comprehensive plans of the units of local government located
2853 within the jurisdiction of the M.P.O. For informational
2854 purposes, the transportation improvement program shall also
2855 include a list of projects to be funded from local or private
2856 revenues.

2857 2. Include projects within the metropolitan area which are
2858 proposed for funding under 23 U.S.C. s. 134 of the Federal
2859 Transit Act and which are consistent with the long-range
2860 transportation plan developed under subsection (6).

2861 3. Provide a financial plan that demonstrates how the
2862 transportation improvement program can be implemented; indicates
2863 the resources, both public and private, that are reasonably
2864 expected to be available to accomplish the program; identifies
2865 any innovative financing techniques that may be used to fund
2866 needed projects and programs; and may include, for illustrative
2867 purposes, additional projects that would be included in the
2868 approved transportation improvement program if reasonable
2869 additional resources beyond those identified in the financial
2870 plan were available. Innovative financing techniques may include
2871 the assessment of tolls, the use of value capture financing, or
2872 the use of value pricing. The transportation improvement program
2873 may include a project or project phase only if full funding can
2874 reasonably be anticipated to be available for the project or
2875 project phase within the time period contemplated for completion
2876 of the project or project phase.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2877 4. Group projects and project phases of similar urgency
2878 and anticipated staging into appropriate staging periods.

2879 5. Indicate how the transportation improvement program
2880 relates to the long-range transportation plan developed under
2881 subsection (6), including providing examples of specific
2882 projects or project phases that further the goals and policies
2883 of the long-range transportation plan.

2884 6. Indicate whether any project or project phase is
2885 inconsistent with an approved comprehensive plan of a unit of
2886 local government located within the jurisdiction of the M.P.O.
2887 If a project is inconsistent with an affected comprehensive
2888 plan, the M.P.O. must provide justification for including the
2889 project in the transportation improvement program.

2890 7. Indicate how the improvements are consistent, to the
2891 maximum extent feasible, with affected seaport, airport, and
2892 spaceport master plans and with public transit development plans
2893 of the units of local government located within the jurisdiction
2894 of the M.P.O. If a project is located within the boundaries of
2895 more than one M.P.O., the M.P.O.'s must coordinate plans
2896 regarding the project in the transportation improvement program.

2897 (d) Projects included in the transportation improvement
2898 program and that have advanced to the design stage of
2899 preliminary engineering may be removed from or rescheduled in a
2900 subsequent transportation improvement program only by the joint
2901 action of the M.P.O. and the department. Except when recommended
2902 in writing by the district secretary for good cause, any project
2903 removed from or rescheduled in a subsequent transportation

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2904 improvement program shall not be rescheduled by the M.P.O. in
2905 that subsequent program earlier than the 5th year of such
2906 program.

2907 (e) During the development of the transportation
2908 improvement program, the M.P.O. shall, in cooperation with the
2909 department and any affected public transit operation, provide
2910 citizens, affected public agencies, representatives of
2911 transportation agency employees, freight shippers, providers of
2912 freight transportation services, private providers of
2913 transportation, representatives of users of public transit, and
2914 other interested parties with reasonable notice of and an
2915 opportunity to comment on the proposed program.

2916 (f) The adopted annual transportation improvement program
2917 for M.P.O.'s in nonattainment or maintenance areas must be
2918 submitted to the district secretary and the Department of
2919 Community Affairs at least 90 days before the submission of the
2920 state transportation improvement program by the department to
2921 the appropriate federal agencies. The annual transportation
2922 improvement program for M.P.O.'s in attainment areas must be
2923 submitted to the district secretary and the Department of
2924 Community Affairs at least 45 days before the department submits
2925 the state transportation improvement program to the appropriate
2926 federal agencies; however, the department, the Department of
2927 Community Affairs, and a metropolitan planning organization may,
2928 in writing, agree to vary this submittal date. The Governor or
2929 the Governor's designee shall review and approve each
2930 transportation improvement program and any amendments thereto.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2931 (g) The Department of Community Affairs shall review the
2932 annual transportation improvement program of each M.P.O. for
2933 consistency with the approved local government comprehensive
2934 plans of the units of local government whose boundaries are
2935 within the metropolitan area of each M.P.O. and shall identify
2936 those projects that are inconsistent with such comprehensive
2937 plans. The Department of Community Affairs shall notify an
2938 M.P.O. of any transportation projects contained in its
2939 transportation improvement program which are inconsistent with
2940 the approved local government comprehensive plans of the units
2941 of local government whose boundaries are within the metropolitan
2942 area of the M.P.O.

2943 (h) The M.P.O. shall annually publish or otherwise make
2944 available for public review the annual listing of projects for
2945 which federal funds have been obligated in the preceding year.
2946 Project monitoring systems must be maintained by those agencies
2947 responsible for obligating federal funds and made accessible to
2948 the M.P.O.'s.

2949 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
2950 develop, in cooperation with the department and public
2951 transportation providers, a unified planning work program that
2952 lists all planning tasks to be undertaken during the program
2953 year. The unified planning work program must provide a complete
2954 description of each planning task and an estimated budget
2955 therefor and must comply with applicable state and federal law.

2956 (9) AGREEMENTS.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2957 (a) Each M.P.O. shall execute the following written
2958 agreements, which shall be reviewed, and updated as necessary,
2959 every 5 years:

2960 1. An agreement with the department clearly establishing
2961 the cooperative relationship essential to accomplish the
2962 transportation planning requirements of state and federal law.

2963 2. An agreement with the metropolitan and regional
2964 intergovernmental coordination and review agencies serving the
2965 metropolitan areas, specifying the means by which activities
2966 will be coordinated and how transportation planning and
2967 programming will be part of the comprehensive planned
2968 development of the area.

2969 3. An agreement with operators of public transportation
2970 systems, including transit systems, commuter rail systems,
2971 airports, seaports, and spaceports, describing the means by
2972 which activities will be coordinated and specifying how public
2973 transit, commuter rail, aviation, seaport, and aerospace
2974 planning and programming will be part of the comprehensive
2975 planned development of the metropolitan area.

2976 (b) An M.P.O. may execute other agreements required by
2977 state or federal law or as necessary to properly accomplish its
2978 functions.

2979 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
2980 COUNCIL.--

2981 (a) A Metropolitan Planning Organization Advisory Council
2982 is created to augment, and not supplant, the role of the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

2983 individual M.P.O.'s in the cooperative transportation planning
2984 process described in this section.

2985 (b) The council shall consist of one representative from
2986 each M.P.O. and shall elect a chairperson annually from its
2987 number. Each M.P.O. shall also elect an alternate representative
2988 from each M.P.O. to vote in the absence of the representative.
2989 Members of the council do not receive any compensation for their
2990 services, but may be reimbursed from funds made available to
2991 council members for travel and per diem expenses incurred in the
2992 performance of their council duties as provided in s. 112.061.

2993 (c) The powers and duties of the Metropolitan Planning
2994 Organization Advisory Council are to:

2995 1. Enter into contracts with individuals, private
2996 corporations, and public agencies.

2997 2. Acquire, own, operate, maintain, sell, or lease
2998 personal property essential for the conduct of business.

2999 3. Accept funds, grants, assistance, gifts, or bequests
3000 from private, local, state, or federal sources.

3001 4. Establish bylaws and adopt rules pursuant to ss.
3002 120.536(1) and 120.54 to implement provisions of law conferring
3003 powers or duties upon it.

3004 5. Assist M.P.O.'s in carrying out the urbanized area
3005 transportation planning process by serving as the principal
3006 forum for collective policy discussion pursuant to law.

3007 6. Serve as a clearinghouse for review and comment by
3008 M.P.O.'s on the Florida Transportation Plan and on other issues
3009 required to comply with federal or state law in carrying out the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3010 urbanized area transportation and systematic planning processes
3011 instituted pursuant to s. 339.155.

3012 7. Employ an executive director and such other staff as
3013 necessary to perform adequately the functions of the council,
3014 within budgetary limitations. The executive director and staff
3015 are exempt from part II of chapter 110 and serve at the
3016 direction and control of the council. The council is assigned to
3017 the Office of the Secretary of the Department of Transportation
3018 for fiscal and accountability purposes, but it shall otherwise
3019 function independently of the control and direction of the
3020 department.

3021 8. Adopt an agency strategic plan that provides the
3022 priority directions the agency will take to carry out its
3023 mission within the context of the state comprehensive plan and
3024 any other statutory mandates and directions given to the agency.

3025 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
3026 agency of the Federal Government that any provision of this
3027 section conflicts with federal laws or regulations, such federal
3028 laws or regulations will take precedence to the extent of the
3029 conflict until such conflict is resolved. The department or an
3030 M.P.O. may take any necessary action to comply with such federal
3031 laws and regulations or to continue to remain eligible to
3032 receive federal funds.

3033 Section 21. Section 339.28171, Florida Statutes, is
3034 created to read:

3035 339.28171 Transportation Incentive Program for a
3036 Sustainable Florida.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3037 (1) There is created within the Department of
3038 Transportation a Transportation Incentive Program for a
3039 Sustainable Florida, which may be cited as TRIP for a
3040 Sustainable Florida, for the purpose of providing grants to
3041 local governments to improve a transportation facility or system
3042 which addresses an identified concurrency management system
3043 backlog or relieve traffic congestion in urban infill and
3044 redevelopment areas. Bridge projects off of the State Highway
3045 System are eligible to receive funding from this program.

3046 (2) To be eligible for consideration, projects must be
3047 consistent with local government comprehensive plans, the
3048 transportation improvement program of the applicable
3049 metropolitan organization, and the Strategic Intermodal System
3050 plan developed in accordance with s. 339.64.

3051 (3) The funds shall be distributed by the department to
3052 each district in accordance with the statutory formula pursuant
3053 to s. 339.135(4). The district secretary shall use the following
3054 criteria to evaluate the project applications:

3055 (a) The level of local government funding efforts.

3056 (b) The level of local, regional, or private financial
3057 matching funds as a percentage of the overall project cost.

3058 (c) The ability of local government to rapidly address
3059 project construction.

3060 (d) The level of municipal and county agreement on the
3061 scope of the proposed project.

3062 (e) Whether the project is located within and supports the
3063 objectives of an urban infill area, a community redevelopment

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3064 area, an urban redevelopment area, or a concurrency management
3065 area.

3066 (f) The extent to which the project would foster public-
3067 private partnerships and investment.

3068 (g) The extent to which the project protects
3069 environmentally sensitive areas.

3070 (h) The extent to which the project would support urban
3071 mobility, including public transit systems, the use of new
3072 technologies, and the provision of bicycle facilities or
3073 pedestrian pathways.

3074 (i) The extent to which the project implements a regional
3075 transportation plan developed in accordance with s.
3076 339.155(2)(c), (d), and (e).

3077 (j) Whether the project is subject to a local ordinance
3078 that establishes corridor management techniques, including
3079 access management strategies, right-of-way acquisition and
3080 protection measures, appropriate land use strategies, zoning,
3081 and setback requirements for adjacent land uses.

3082 (k) Whether or not the local government has adopted a
3083 vision pursuant to s. 163.3167(11) either prior to or after the
3084 effective date of this act.

3085 (4) As part of the project application, the local
3086 government shall demonstrate how the proposed project implements
3087 a capital improvement element and a long-term transportation
3088 concurrency system, if applicable, to address the existing
3089 capital improvement element backlogs.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3090 (5) The percentage of matching funds available to
3091 applicants shall be based on the following:

3092 (a) For projects that provide capacity on the Strategic
3093 Intermodal System, the percentage shall be 35 percent.

3094 (b) For projects that provide capacity on regionally
3095 significant transportation facilities identified in s.
3096 339.155(2)(c), (d), and (e), the percentage shall be 50 percent
3097 or up to 50 percent of the nonfederal share of the eligible
3098 project costs for a public transportation facility project.

3099 Total funds expended shall not exceed 20 percent of the total
3100 amount available for the program. For off-system bridges, the
3101 percentage shall be 50 percent. Projects to be funded pursuant
3102 to this paragraph shall, at a minimum meet the following
3103 additional criteria:

3104 1. Support those transportation facilities that serve
3105 national, statewide, or regional functions and function as an
3106 integrated regional transportation system.

3107 2. Be identified in the capital improvements element of a
3108 comprehensive plan that has been determined to be in compliance
3109 with part II of chapter 163, after the effective date of this
3110 act, or to implement a long-term concurrency management system
3111 adopted a local government in accordance with s. 163.3177(9).

3112 3. Provide connectivity to the Strategic Intermodal System
3113 designated pursuant to s. 339.64.

3114 4. Support economic development and the movement of goods
3115 in areas of critical economic concern designated pursuant to s.
3116 288.0656(7).

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3117 5. Improve connectivity between military installations and
3118 the Strategic Highway Network or the Strategic Rail Corridor
3119 Network.

3120 6. For off-system bridge projects to replace,
3121 rehabilitate, paint, or install scour countermeasures to highway
3122 bridges located on public roads, other than those on a federal-
3123 aid highway, such projects shall, at a minimum:

3124 (a) Be classified as a structurally deficient bridge with
3125 a poor condition rating for either the deck, superstructure, or
3126 substructure component, or culvert.

3127 (b) Have a sufficiency rating of 35 or below.

3128 (c) Have average daily traffic of at least 500 vehicles.

3129

3130 Special consideration shall be given to bridges that are closed
3131 to all traffic or that have a load restriction of less than 10
3132 tons.

3133 (c) For local projects that demonstrate capacity
3134 improvements in the urban service boundary, urban infill, or
3135 urban redevelopment area or provide such capacity replacement to
3136 the State Intrastate Highway System, the percentage shall be 65
3137 percent.

3138 (6) The department may administer contracts at the request
3139 of a local government selected to receive funding for a project
3140 under this section. All projects funded under this section shall
3141 be included in the department's work program developed pursuant
3142 to s. 339.135.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3143 Section 22. Subsection (1) and paragraph (c) of subsection
3144 (4) of section 339.2818, Florida Statutes, are amended to read:

3145 339.2818 Small County Outreach Program.--

3146 (1) There is created within the Department of
3147 Transportation the Small County Outreach Program. The purpose of
3148 this program is to assist small county governments to improve a
3149 transportation facility or system which addresses identified
3150 concurrency management system backlog and relieves traffic
3151 congestion, or to assist in resurfacing or reconstructing county
3152 roads or in constructing capacity or safety improvements to
3153 county roads.

3154 (4)

3155 (c) The following criteria shall be used to prioritize
3156 road projects for funding under the program:

3157 ~~1. The primary criterion is the physical condition of the~~
3158 ~~road as measured by the department.~~

3159 ~~1.2. As secondary criteria~~ The department may consider:

- 3160 a. Whether a road is used as an evacuation route.
3161 b. Whether a road has high levels of agricultural travel.
3162 c. Whether a road is considered a major arterial route.
3163 d. Whether a road is considered a feeder road.
3164 e. Other criteria related to the impact of a project on
3165 the public road system or on the state or local economy as
3166 determined by the department.

3167 2. As secondary criteria, the department may consider the
3168 physical condition of the road as measured by the department.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3169 Section 23. Section 339.55, Florida Statutes, is amended
3170 to read:

3171 339.55 State-funded infrastructure bank.--

3172 (1) There is created within the Department of
3173 Transportation a state-funded infrastructure bank for the
3174 purpose of providing loans and credit enhancements to government
3175 units and private entities for use in constructing and improving
3176 transportation facilities.

3177 (2) The bank may lend capital costs or provide credit
3178 enhancements for:

3179 (a) A transportation facility project that is on the State
3180 Highway System or that provides for increased mobility on the
3181 state's transportation system or provides intermodal
3182 connectivity with airports, seaports, rail facilities, and other
3183 transportation terminals, pursuant to s. 341.053, for the
3184 movement of people and goods.

3185 (b) Transportation Incentive Program for a Sustainable
3186 Florida projects identified pursuant to s. 339.28171.

3187 (3) Loans from the bank may be subordinated to senior
3188 project debt that has an investment grade rating of "BBB" or
3189 higher.

3190 (4)~~(3)~~ Loans from the bank may bear interest at or below
3191 market interest rates, as determined by the department.

3192 Repayment of any loan from the bank shall commence not later
3193 than 5 years after the project has been completed or, in the
3194 case of a highway project, the facility has opened to traffic,

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3195 | whichever is later, and shall be repaid in no more than 30
3196 | years.

3197 | (5)(4) ~~Except as provided in s. 339.137,~~ To be eligible
3198 | for consideration, projects must be consistent, to the maximum
3199 | extent feasible, with local metropolitan planning organization
3200 | plans and local government comprehensive plans and must provide
3201 | a dedicated repayment source to ensure the loan is repaid to the
3202 | bank.

3203 | (6) Funding awarded for projects under paragraph (2)(b)
3204 | must be matched by a minimum of 25 percent from funds other than
3205 | the state-funded infrastructure bank loan.

3206 | (7)(5) The department may consider, but is not limited to,
3207 | the following criteria for evaluation of projects for assistance
3208 | from the bank:

3209 | (a) The credit worthiness of the project.

3210 | (b) A demonstration that the project will encourage,
3211 | enhance, or create economic benefits.

3212 | (c) The likelihood that assistance would enable the
3213 | project to proceed at an earlier date than would otherwise be
3214 | possible.

3215 | (d) The extent to which assistance would foster innovative
3216 | public-private partnerships and attract private debt or equity
3217 | investment.

3218 | (e) The extent to which the project would use new
3219 | technologies, including intelligent transportation systems, that
3220 | would enhance the efficient operation of the project.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3221 (f) The extent to which the project would maintain or
3222 protect the environment.

3223 (g) A demonstration that the project includes
3224 transportation benefits for improving intermodalism, cargo and
3225 freight movement, and safety.

3226 (h) The amount of the proposed assistance as a percentage
3227 of the overall project costs with emphasis on local and private
3228 participation.

3229 (i) The extent to which the project will provide for
3230 connectivity between the State Highway System and airports,
3231 seaports, rail facilities, and other transportation terminals
3232 and intermodal options pursuant to s. 341.053 for the increased
3233 accessibility and movement of people and goods.

3234 ~~(8)(6)~~ Loan assistance provided by the bank shall be
3235 included in the department's work program developed in
3236 accordance with s. 339.135.

3237 ~~(9)(7)~~ The department is authorized to adopt rules to
3238 implement the state-funded infrastructure bank.

3239 Section 24. Section 373.19615, Florida Statutes, is
3240 created to read:

3241 373.19615 Florida's Sustainable Water Supplies Program.--

3242 (1) There is hereby created "Florida's Sustainable Water
3243 Supplies Program." The Legislature recognizes that alternative
3244 water supply projects are more expensive to develop compared to
3245 traditional water supply projects. As Florida's population
3246 continues to grow, the need for alternative water supplies is
3247 also growing as our groundwater supplies in portions of the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3248 state are decreasing. Beginning in fiscal year 2005-2006, the
3249 state shall annually appropriate \$100 million for the purpose of
3250 providing funding assistance to local governments for the
3251 development of alternative water supply projects. At the
3252 beginning of each fiscal year, beginning with fiscal year 2005-
3253 2006, such revenues shall be distributed to the Department of
3254 Environmental Protection. The department shall then distribute
3255 the revenues into alternative water supply accounts created by
3256 the department for each district for the purpose of alternative
3257 water supply development under the following funding formula:

3258 1. Forty percent to the South Florida Water Management
3259 District.

3260 2. Twenty-five percent to the Southwest Florida Water
3261 Management District.

3262 3. Twenty-five percent to the St. Johns River Water
3263 Management District.

3264 4. Five percent to the Suwannee River Water Management
3265 District.

3266 5. Five percent to the Northwest Florida Water Management
3267 District.

3268 (2) For the purposes of this section, the following
3269 definitions shall apply:

3270 (a) "Alternative water supplies" includes saltwater;
3271 brackish surface and groundwater; surface water captured
3272 predominantly during wet-weather flows; sources made available
3273 through the addition of new storage capacity for surface or
3274 groundwater; water that has been reclaimed after one or more

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3275 public supply, municipal, industrial, commercial, or
3276 agricultural uses; stormwater; and any other water supply source
3277 that is designated as non-traditional for a water supply
3278 planning region in the applicable regional water supply plan
3279 developed under s. 373.0361.

3280 (b) "Capital costs" means planning, design, engineering,
3281 and project construction costs.

3282 (c) "Local government" means any municipality, county,
3283 special district, regional water supply authority, or
3284 multijurisdictional entity, or an agency thereof, or a
3285 combination of two or more of the foregoing acting jointly with
3286 an alternative water supply project.

3287 (3) To be eligible for assistance in funding capital costs
3288 of alternative water supply projects under this program, the
3289 water management district governing board must select those
3290 alternative water supply projects that will receive financial
3291 assistance. The water management district governing board shall
3292 establish factors to determine project funding.

3293 (a) Significant weight shall be given to the following
3294 factors:

3295 1. Whether the project provides substantial environmental
3296 benefits by preventing or limiting adverse water resource
3297 impacts.

3298 2. Whether the project reduces competition for water
3299 supplies.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3300 3. Whether the project brings about replacement of
3301 traditional sources in order to help implement a minimum flow or
3302 level or a reservation.

3303 4. Whether the project will be implemented by a
3304 consumptive use permittee that has achieved the targets
3305 contained in a goal-based water conservation program approved
3306 pursuant to s. 373.227.

3307 5. The quantity of water supplied by the project as
3308 compared to its cost.

3309 6. Projects in which the construction and delivery to end
3310 users of reuse water are major components.

3311 7. Whether the project will be implemented by a
3312 multijurisdictional water supply entity or regional water supply
3313 authority.

3314 (b) Additional factors to be considered in determining
3315 project funding shall include:

3316 1. Whether the project is part of a plan to implement two
3317 or more alternative water supply projects, all of which will be
3318 operated to produce water at a uniform rate for the participants
3319 in a multijurisdictional water supply entity or regional water
3320 supply authority.

3321 2. The percentage of project costs to be funded by the
3322 water supplier or water user.

3323 3. Whether the project proposal includes sufficient
3324 preliminary planning and engineering to demonstrate that the
3325 project can reasonably be implemented within the timeframes
3326 provided in the regional water supply plan.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3327 4. Whether the project is a subsequent phase of an
3328 alternative water supply project underway.

3329 5. Whether and in what percentage a local government or
3330 local government utility is transferring water supply system
3331 revenues to the local government general fund in excess of
3332 reimbursements for services received from the general fund
3333 including direct and indirect costs and legitimate payments in
3334 lieu of taxes.

3335 (4)(a) All projects submitted to the governing board for
3336 consideration shall reflect the total cost for implementation.
3337 The costs shall be segregated pursuant to the categories
3338 described in the definition of capital costs.

3339 (b) Applicants for projects that receive funding
3340 assistance pursuant to this section shall be required to pay 33
3341 1/3 percent of the project's total capital costs.

3342 (c) The water management district shall be required to pay
3343 33 1/3 percent of the project's total capital costs.

3344 (5) After conducting one or more meetings to solicit
3345 public input on eligible projects for implementation of
3346 alternative water supply projects, the governing board of each
3347 water management district shall select projects for funding
3348 assistance based upon the above criteria. The governing board
3349 may select a project identified or listed as an alternative
3350 water supply development project in the regional water supply
3351 plan, or may select an alternative water supply projects not
3352 identified or listed in the regional water supply plan but which
3353 are consistent with the goals of the plans.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3354 (6) Once an alternative water supply project is selected
3355 by the governing board, the applicant and the water management
3356 district must, in writing, each commit to a financial
3357 contribution of 33 1/3 percent of the project's total capital
3358 costs. The water management district shall then submit a request
3359 for distribution of revenues held by the department in the
3360 district's alternative water supply account. The request must
3361 include the amount of current and projected water demands within
3362 the water management district, the additional water made
3363 available by the project, the date the water will be made
3364 available, and the applicant's and water management district's
3365 financial commitment for the alternative water supply project.
3366 Upon receipt of a request from a water management district, the
3367 department shall determine whether the alternative water supply
3368 project meets the department's criteria for financial
3369 assistance. The department shall establish factors to determine
3370 whether state financial assistance for an alternative water
3371 supply project shall be granted.

3372 (a) Significant weight shall be given to the following
3373 factors:

3374 1. Whether the project provides substantial environmental
3375 benefits by preventing or limiting adverse water resource
3376 impacts.

3377 2. Whether the project reduces competition for water
3378 supplies.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3379 3. Whether the project brings about replacement of
3380 traditional sources in order to help implement a minimum flow or
3381 level or a reservation.

3382 4. Whether the project will be implemented by a
3383 consumptive use permittee that has achieved the targets
3384 contained in a goal-based water conservation program approved
3385 pursuant to s. 373.227.

3386 5. The quantity of water supplied by the project as
3387 compared to its cost.

3388 6. Projects in which the construction and delivery to end
3389 users of reuse water are major components.

3390 7. Whether the project will be implemented by a
3391 multijurisdictional water supply entity or regional water supply
3392 authority.

3393 (b) Additional factors to be considered in determining
3394 project funding shall include:

3395 1. Whether the project is part of a plan to implement two
3396 or more alternative water supply projects, all of which will be
3397 operated to produce water at a uniform rate for the participants
3398 in a multijurisdictional water supply entity or regional water
3399 supply authority.

3400 2. The percentage of project costs to be funded by the
3401 water supplier or water user.

3402 3. Whether the project proposal includes sufficient
3403 preliminary planning and engineering to demonstrate that the
3404 project can reasonably be implemented within the timeframes
3405 provided in the regional water supply plan.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3406 4. Whether the project is a subsequent phase of an
3407 alternative water supply project underway.

3408 5. Whether and in what percentage a local government or
3409 local government utility is transferring water supply system
3410 revenues to the local government general fund in excess of
3411 reimbursements for services received from the general fund
3412 including direct and indirect costs and legitimate payments in
3413 lieu of taxes.

3414
3415 If the department determines that the project should receive
3416 financial assistance, the department shall distribute to the
3417 water management district 33 1/3 percent of the total capital
3418 costs from the district's alternative water supply account.

3419 Section 25. Section 373.19616, Florida Statutes, is
3420 created to read:

3421 373.19616 Water Transition Assistance Program.--

3422 (1) The Legislature recognizes that as a result of
3423 Florida's increasing population, there are limited ground water
3424 resources in some portions of the state to serve increased water
3425 quantities demands. As a result, a transition from ground water
3426 supply to more expensive alternative water supply is necessary.
3427 The purpose of this section is to assist local governments by
3428 establishing a low-interest revolving loan program for
3429 infrastructure financing for alternative water supplies.

3430 (2) For purposes of this section, the term:

3431 (a) "Alternative water supplies" has the same meaning as
3432 provided in s. 373.19615(2).

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3433 (b) "Local government" has the same meaning as provided in
3434 s. 373.19615(2).

3435 (3) The Department of Environmental Protection is
3436 authorized to make loans to local governments to assist them in
3437 planning, designing, and constructing alternative water supply
3438 projects. The department may provide loan guarantees, purchase
3439 loan insurance, and refinance local debt through issue of new
3440 loans for alternative water supply projects approved by the
3441 department. Local governments may borrow funds made available
3442 pursuant to this section and may pledge any revenues or other
3443 adequate security available to them to repay any funds borrowed.

3444 (4) The term of loans made pursuant to this section shall
3445 not exceed 30 years. The interest rate on such loans shall be no
3446 greater than that paid on the last bonds sold pursuant to s. 14,
3447 Art. VII of the State Constitution.

3448 (5) In order to ensure that public moneys are managed in
3449 an equitable and prudent manner, the total amount of money
3450 loaned to any local government during a fiscal year shall be no
3451 more than 25 percent of the total funds available for making
3452 loans during that year. The minimum amount of a loan shall be
3453 \$75,000.

3454 (6) The department may adopt rules that:

3455 (a) Set forth a priority system for loans based on factors
3456 provided for in s. 373.19615(6)(a) and (b).

3457 (b) Establish the requirements for the award and repayment
3458 of financial assistance.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3459 (c) Require adequate security to ensure that each loan
3460 recipient can meet its loan payment requirements.

3461 (d) Establish, at the department's discretion, a specific
3462 percentage of funding, not to exceed 20 percent, for financially
3463 disadvantaged communities for the development of alternative
3464 water supply projects. The department shall include within the
3465 rule a definition of the term "financially disadvantaged
3466 community," and the criteria for determining whether the project
3467 serves a financially disadvantaged community. Such criteria
3468 shall be based on the median household income of the service
3469 population or other reliably documented measures of
3470 disadvantaged status.

3471 (e) Require each project receiving financial assistance to
3472 be cost-effective, environmentally sound, implementable, and
3473 self-supporting.

3474 (7) The department shall prepare a report at the end of
3475 each fiscal year detailing the financial assistance provided
3476 under this section and outstanding loans.

3477 (8) Prior to approval of a loan, the local government
3478 shall, at a minimum:

3479 (a) Provide a repayment schedule.

3480 (b) Submit evidence of the ability of the project proposed
3481 for financial assistance to be permitted and implemented.

3482 (c) Submit plans and specifications, biddable contract
3483 documents, or other documentation of appropriate procurement of
3484 goods and services.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3485 (d) Provide assurance that records will be kept using
3486 generally accepted accounting principles and that the department
3487 or its agent and the Auditor General will have access to all
3488 records pertaining to the loan.

3489 (9) The department may conduct an audit of the loan
3490 project upon completion or may require that a separate project
3491 audit, prepared by an independent certified public accountant,
3492 be submitted.

3493 (10) The department may require reasonable service fees on
3494 loans made to local governments to ensure that the program will
3495 be operated in perpetuity and to implement the purposes
3496 authorized under this section. Service fees shall not be more
3497 than 4 percent of the loan amount exclusive of the service fee.
3498 The fee revenues, and interest earnings thereon, shall be used
3499 exclusively to carry out the purposes of this section.

3500 (11) All moneys available for financial assistance under
3501 this section shall be appropriated to the department exclusively
3502 to carry out this program. The principal and interest of all
3503 loans repaid and interest shall be used exclusively to carry out
3504 this section.

3505 (12)(a) If a local government agency defaults under the
3506 terms of its loan agreement, the department shall certify the
3507 default to the Chief Financial Officer, shall forward the
3508 delinquent amount to the department from any unobligated funds
3509 due to the local government agency under any revenue-sharing or
3510 tax-sharing fund established by the state, except as otherwise
3511 provided by the State Constitution. Certification of delinquency

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3512 shall not limit the department from pursuing other remedies
3513 available for default on a loan, including accelerating loan
3514 repayments, eliminating all or part of the interest rate subsidy
3515 on the loan, and court appointment of a receiver to manage
3516 alternative water supply project.

3517 (b) The department may impose penalty for delinquent local
3518 payments in the amount of 6 percent of the amount due, in
3519 addition to charging the cost to handle and process the debt.
3520 Penalty interest shall accrue on any amount due and payable
3521 beginning on the 30th day following the date upon which payment
3522 is due.

3523 (13) The department may terminate or rescind a financial
3524 assistance agreement when the local government fails to comply
3525 with the terms and conditions of the agreement.

3526 Section 26. Paragraphs (l) and (m) are added to subsection
3527 (24) of section 380.06, Florida Statutes, to read:

3528 380.06 Developments of regional impact.--

3529 (24) STATUTORY EXEMPTIONS.--

3530 (1) Any proposed development or redevelopment within an
3531 area designated for:

3532 1. Urban infill development as designated in the
3533 comprehensive plan;

3534 2. Urban redevelopment as designated in the comprehensive
3535 plan;

3536 3. Downtown revitalization as designated in the
3537 comprehensive plan; or

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3538 4. Urban infill and redevelopment under s. 163.2517 as
3539 designated in the comprehensive plan,
3540
3541 is exempt from the provisions of this section. However, a
3542 municipality with a population of 7,500 or fewer may adopt an
3543 ordinance imposing a fee upon an applicant for purposes of
3544 reimbursing the municipality for the reasonable costs that the
3545 municipality may incur in reviewing any project which is exempt
3546 under this subparagraph. The municipality may use all or part of
3547 this fee to employ professional expertise to ensure that the
3548 impacts of such projects are properly evaluated. Municipalities
3549 adopting such ordinances may not impose a fee on a project in
3550 excess of its actual out-of-pocket reasonable review costs. A
3551 copy of such ordinance shall be transmitted to the state land
3552 planning agency and the applicable regional planning council.

3553 (m) Any proposed development within a rural land
3554 stewardship area created pursuant to s. 163.3177(11)(d) is
3555 exempt from the provisions of this section.

3556 Section 27. Section 380.115, Florida Statutes, is amended
3557 to read:

3558 380.115 Vested rights and duties; effect of size
3559 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~
3560 ~~2002-296.~~ --

3561 (1) A change in a development of regional impact guideline
3562 or standard does not abridge or modify ~~Nothing contained in this~~
3563 ~~act abridges or modifies~~ any vested or other right or any duty
3564 or obligation pursuant to any development order or agreement

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3565 that is applicable to a development of regional impact ~~on the~~
3566 ~~effective date of this act~~. A development that has received a
3567 development-of-regional-impact development order pursuant to s.
3568 380.06, but would is no longer be required to undergo
3569 development-of-regional-impact review by operation of a change
3570 in the guidelines and standards or has reduced its size below
3571 the thresholds in s. 380.0651 this act, shall be governed by the
3572 following procedures:

3573 (a) The development shall continue to be governed by the
3574 development-of-regional-impact development order and may be
3575 completed in reliance upon and pursuant to the development order
3576 unless the developer or landowner has followed the procedures
3577 for rescission in paragraph (b). The development-of-regional-
3578 impact development order may be enforced by the local government
3579 as provided by ss. 380.06(17) and 380.11.

3580 (b) If requested by the developer or landowner, the
3581 development-of-regional-impact development order shall may be
3582 rescinded by the local government with jurisdiction upon a
3583 showing by clear and convincing evidence that all required
3584 mitigation relating to the amount of development existing on the
3585 date of rescission has been completed abandoned pursuant to the
3586 process in s. 380.06(26).

3587 (2) A development with an application for development
3588 approval pending, and determined sufficient pursuant to s.
3589 380.06(10), on the effective date of a change to the guidelines
3590 and standards this act, or a notification of proposed change
3591 pending on the effective date of a change to the guidelines and

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3592 standards this act, may elect to continue such review pursuant
3593 to s. 380.06. At the conclusion of the pending review, including
3594 any appeals pursuant to s. 380.07, the resulting development
3595 order shall be governed by the provisions of subsection (1).

3596 (3) A landowner that has filed an application for a
3597 development of regional impact review prior to the adoption of
3598 an optional sector plan pursuant to s. 163.3245 may elect to
3599 have the application reviewed pursuant to s. 380.06,
3600 comprehensive plan provisions in force prior to adoption of the
3601 sector plan and any requested comprehensive plan amendments that
3602 accompany the application.

3603 Section 28. The Office of Program Policy Analysis and
3604 Government Accountability shall conduct a study on adjustments
3605 to the boundaries of regional planning councils, water
3606 management districts, and transportation districts. The purpose
3607 of the study is to organize these regional boundaries, without
3608 eliminating any regional agency, to be more coterminous with one
3609 another, creating a more unified system of regional boundaries.
3610 The study must be completed by December 31, 2005, and a study
3611 report submitted to the President of the Senate, the Speaker of
3612 the House of Representatives, and the Governor and the Century
3613 Commission for a Sustainable Florida by January 15, 2006.

3614 Section 29. Subsections (2), (3), (6), and (12) of section
3615 1013.33, Florida Statutes, are amended to read:

3616 1013.33 Coordination of planning with local governing
3617 bodies.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3618 (2)(a) The school board, county, and nonexempt
3619 municipalities located within the geographic area of a school
3620 district shall enter into an interlocal agreement that jointly
3621 establishes the specific ways in which the plans and processes
3622 of the district school board and the local governments are to be
3623 coordinated. Any updated ~~The~~ interlocal agreements and
3624 amendments to such agreements shall be submitted to the state
3625 land planning agency and the Office of Educational Facilities
3626 ~~and the SMART Schools Clearinghouse~~ in accordance with a
3627 schedule published by the state land planning agency pursuant to
3628 s. 163.3177(12)(h).

3629 ~~(b) The schedule must establish staggered due dates for~~
3630 ~~submission of interlocal agreements that are executed by both~~
3631 ~~the local government and district school board, commencing on~~
3632 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
3633 ~~the same date for all governmental entities within a school~~
3634 ~~district. However, if the county where the school district is~~
3635 ~~located contains more than 20 municipalities, the state land~~
3636 ~~planning agency may establish staggered due dates for the~~
3637 ~~submission of interlocal agreements by these municipalities. The~~
3638 ~~schedule must begin with those areas where both the number of~~
3639 ~~districtwide capital outlay full-time equivalent students equals~~
3640 ~~80 percent or more of the current year's school capacity and the~~
3641 ~~projected 5-year student growth rate is 1,000 or greater, or~~
3642 ~~where the projected 5-year student growth rate is 10 percent or~~
3643 ~~greater.~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3644 ~~(b)(e)~~ If the student population has declined over the 5-
3645 year period preceding the due date for submittal of an
3646 interlocal agreement by the local government and the district
3647 school board, the local government and district school board may
3648 petition the state land planning agency for a waiver of one or
3649 more of the requirements of subsection (3). The waiver must be
3650 granted if the procedures called for in subsection (3) are
3651 unnecessary because of the school district's declining school
3652 age population, considering the district's 5-year work program
3653 prepared pursuant to s. 1013.35. The state land planning agency
3654 may modify or revoke the waiver upon a finding that the
3655 conditions upon which the waiver was granted no longer exist.
3656 The district school board and local governments must submit an
3657 interlocal agreement within 1 year after notification by the
3658 state land planning agency that the conditions for a waiver no
3659 longer exist.

3660 ~~(c)(d) Interlocal agreements between local governments and~~
3661 ~~district school boards adopted pursuant to s. 163.3177 before~~
3662 ~~the effective date of subsections (2)-(9) must be updated and~~
3663 ~~executed pursuant to the requirements of subsections (2)-(9), if~~
3664 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
3665 ~~to subsections (2)-(9) must be submitted to the state land~~
3666 ~~planning agency within 30 days after execution by the parties~~
3667 ~~for review consistent with subsections (3) and (4). Local~~
3668 ~~governments and the district school board in each school~~
3669 ~~district are encouraged to adopt a single updated interlocal~~
3670 ~~agreement in which all join as parties. The state land planning~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3671 agency shall assemble and make available model interlocal
3672 agreements meeting the requirements of subsections (2)-(9) and
3673 shall notify local governments and, jointly with the Department
3674 of Education, the district school boards of the requirements of
3675 subsections (2)-(9), the dates for compliance, and the sanctions
3676 for noncompliance. The state land planning agency shall be
3677 available to informally review proposed interlocal agreements.
3678 If the state land planning agency has not received a proposed
3679 interlocal agreement for informal review, the state land
3680 planning agency shall, at least 60 days before the deadline for
3681 submission of the executed agreement, renotify the local
3682 government and the district school board of the upcoming
3683 deadline and the potential for sanctions.

3684 (3) ~~At a minimum,~~ The interlocal agreement must address
3685 the ~~following~~ issues required in s. 163.31777.÷

3686 ~~(a) A process by which each local government and the~~
3687 ~~district school board agree and base their plans on consistent~~
3688 ~~projections of the amount, type, and distribution of population~~
3689 ~~growth and student enrollment. The geographic distribution of~~
3690 ~~jurisdiction-wide growth forecasts is a major objective of the~~
3691 ~~process.~~

3692 ~~(b) A process to coordinate and share information relating~~
3693 ~~to existing and planned public school facilities, including~~
3694 ~~school renovations and closures, and local government plans for~~
3695 ~~development and redevelopment.~~

3696 ~~(c) Participation by affected local governments with the~~
3697 ~~district school board in the process of evaluating potential~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3698 ~~school closures, significant renovations to existing schools,~~
3699 ~~and new school site selection before land acquisition. Local~~
3700 ~~governments shall advise the district school board as to the~~
3701 ~~consistency of the proposed closure, renovation, or new site~~
3702 ~~with the local comprehensive plan, including appropriate~~
3703 ~~circumstances and criteria under which a district school board~~
3704 ~~may request an amendment to the comprehensive plan for school~~
3705 ~~siting.~~

3706 ~~(d) A process for determining the need for and timing of~~
3707 ~~onsite and offsite improvements to support new construction,~~
3708 ~~proposed expansion, or redevelopment of existing schools. The~~
3709 ~~process shall address identification of the party or parties~~
3710 ~~responsible for the improvements.~~

3711 ~~(e) A process for the school board to inform the local~~
3712 ~~government regarding school capacity. The capacity reporting~~
3713 ~~must be consistent with laws and rules regarding measurement of~~
3714 ~~school facility capacity and must also identify how the district~~
3715 ~~school board will meet the public school demand based on the~~
3716 ~~facilities work program adopted pursuant to s. 1013.35.~~

3717 ~~(f) Participation of the local governments in the~~
3718 ~~preparation of the annual update to the school board's 5-year~~
3719 ~~district facilities work program and educational plant survey~~
3720 ~~prepared pursuant to s. 1013.35.~~

3721 ~~(g) A process for determining where and how joint use of~~
3722 ~~either school board or local government facilities can be shared~~
3723 ~~for mutual benefit and efficiency.~~

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3724 ~~(h) A procedure for the resolution of disputes between the~~
3725 ~~district school board and local governments, which may include~~
3726 ~~the dispute resolution processes contained in chapters 164 and~~
3727 ~~186.~~

3728 ~~(i) An oversight process, including an opportunity for~~
3729 ~~public participation, for the implementation of the interlocal~~
3730 ~~agreement.~~

3731
3732 ~~A signatory to the interlocal agreement may elect not to include~~
3733 ~~a provision meeting the requirements of paragraph (c); however,~~
3734 ~~such a decision may be made only after a public hearing on such~~
3735 ~~election, which may include the public hearing in which a~~
3736 ~~district school board or a local government adopts the~~
3737 ~~interlocal agreement. An interlocal agreement entered into~~
3738 ~~pursuant to this section must be consistent with the adopted~~
3739 ~~comprehensive plan and land development regulations of any local~~
3740 ~~government that is a signatory.~~

3741 (6) Any local government transmitting a public school
3742 element to implement school concurrency pursuant to the
3743 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~
3744 ~~date of this section~~ is not required to amend the element or any
3745 interlocal agreement to conform with the provisions of
3746 subsections (2)-(8) ~~if the element is adopted prior to or within~~
3747 ~~1 year after the effective date of subsections (2)-(8) and~~
3748 ~~remains in effect.~~

3749 (12) As early in the design phase as feasible and
3750 consistent with an interlocal agreement entered pursuant to

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3751 subsections (2)-(8), but no later than 120 ~~90~~ days before
3752 commencing construction, the district school board shall in
3753 writing request a determination of consistency with the local
3754 government's comprehensive plan. The local governing body that
3755 regulates the use of land shall determine, in writing within 45
3756 days after receiving the necessary information and a school
3757 board's request for a determination, whether a proposed
3758 educational facility is consistent with the local comprehensive
3759 plan and consistent with local land development regulations. If
3760 the determination is affirmative, school construction may
3761 commence and further local government approvals are not
3762 required, except as provided in this section. Failure of the
3763 local governing body to make a determination in writing within
3764 90 days after a district school board's request for a
3765 determination of consistency shall be considered an approval of
3766 the district school board's application. Campus master plans and
3767 development agreements must comply with the provisions of ss.
3768 1013.30 and 1013.63.

3769 Section 30. Section 1013.352, Florida Statutes, is created
3770 to read:

3771 1013.352 Charter School Incentive Program for Sustainable
3772 Schools.--

3773 (1) There is hereby created the "Charter School Incentive
3774 Program for Sustainable Schools." Recognizing that there is an
3775 increasing deficit in educational facilities in this state, the
3776 Legislature believes that there is a need for creativeness in
3777 planning and development of additional educational facilities.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3778 To assist with the development of educational facilities, those
3779 charter schools whose charters are approved within 18 months
3780 after the effective date of this act shall be eligible for state
3781 funds under the following conditions:

3782 (a) The charter school is created to address school over-
3783 capacity issues or growth demands within the county.

3784 (b) A joint letter from the district school board and the
3785 charter school has been submitted with the proposed charter
3786 school charter that provides that the school board authorized
3787 the charter school as a result of school overcrowding or growth
3788 demands within the county and the school board requests that the
3789 requirement of s. 1013.62(1)(a)1. are waived.

3790 (c) The charter school has received an in-kind
3791 contribution or equivalent from an outside source other than the
3792 district school board that has been, at a minimum, equally
3793 matched by the district school board.

3794
3795 Notwithstanding s. 1013.62(7), if the above conditions apply,
3796 the Commissioner of Education, in consultation with the
3797 Department of Community Affairs shall distribute up to \$3
3798 million per charter school based upon the amount of the in-kind
3799 contribution or functional equivalent from an outside source
3800 that has been matched by the district school board or the
3801 contribution or functional equivalent by the district school
3802 board, whichever amount is greater, up to \$3 million. Under no
3803 conditions may the Commissioner of Education distribute funds to
3804 a newly chartered charter school that has not received an in-

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3805 kind contribution or equivalent from an outside source other
3806 than the district school board and which has not been, at a
3807 minimum, equally matched by the district school board.

3808 (2) A newly created charter school that receives
3809 distribution of funds under this program shall not be eligible
3810 for charter schools outlay funding under s. 1013.62.

3811 Section 31. Subsection (2) of section 1013.64, Florida
3812 Statutes, is amended to read:

3813 1013.64 Funds for comprehensive educational plant needs;
3814 construction cost maximums for school district capital
3815 projects.--Allocations from the Public Education Capital Outlay
3816 and Debt Service Trust Fund to the various boards for capital
3817 outlay projects shall be determined as follows:

3818 (2)(a) The department shall establish, as a part of the
3819 Public Education Capital Outlay and Debt Service Trust Fund, a
3820 separate account, in an amount determined by the Legislature, to
3821 be known as the "Special Facility Construction Account." The
3822 Special Facility Construction Account shall be used to provide
3823 necessary construction funds to school districts which have
3824 urgent construction needs but which lack sufficient resources at
3825 present, and cannot reasonably anticipate sufficient resources
3826 within the period of the next 3 years, for these purposes from
3827 currently authorized sources of capital outlay revenue. A school
3828 district requesting funding from the Special Facility
3829 Construction Account shall submit one specific construction
3830 project, not to exceed one complete educational plant, to the
3831 Special Facility Construction Committee. No district shall

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3832 receive funding for more than one approved project in any 3-year
3833 period. The first year of the 3-year period shall be the first
3834 year a district receives an appropriation. The department shall
3835 encourage a construction program that reduces the average size
3836 of schools in the district. The request must meet the following
3837 criteria to be considered by the committee:

3838 1. The project must be deemed a critical need and must be
3839 recommended for funding by the Special Facility Construction
3840 Committee. Prior to developing plans for the proposed facility,
3841 the district school board must request a preapplication review
3842 by the Special Facility Construction Committee or a project
3843 review subcommittee convened by the committee to include two
3844 representatives of the department and two staff from school
3845 districts not eligible to participate in the program. Within 60
3846 days after receiving the preapplication review request, the
3847 committee or subcommittee must meet in the school district to
3848 review the project proposal and existing facilities. To
3849 determine whether the proposed project is a critical need, the
3850 committee or subcommittee shall consider, at a minimum, the
3851 capacity of all existing facilities within the district as
3852 determined by the Florida Inventory of School Houses; the
3853 district's pattern of student growth; the district's existing
3854 and projected capital outlay full-time equivalent student
3855 enrollment as determined by the department; the district's
3856 existing satisfactory student stations; the use of all existing
3857 district property and facilities; grade level configurations;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3858 and any other information that may affect the need for the
3859 proposed project.

3860 2. The construction project must be recommended in the
3861 most recent survey or surveys by the district under the rules of
3862 the State Board of Education.

3863 3. The construction project must appear on the district's
3864 approved project priority list under the rules of the State
3865 Board of Education.

3866 4. The district must have selected and had approved a site
3867 for the construction project in compliance with s. 1013.36 and
3868 the rules of the State Board of Education.

3869 5. The district shall have developed a district school
3870 board adopted list of facilities that do not exceed the norm for
3871 net square feet occupancy requirements under the State
3872 Requirements for Educational Facilities, using all possible
3873 programmatic combinations for multiple use of space to obtain
3874 maximum daily use of all spaces within the facility under
3875 consideration.

3876 6. Upon construction, the total cost per student station,
3877 including change orders, must not exceed the cost per student
3878 station as provided in subsection (6).

3879 7. There shall be an agreement signed by the district
3880 school board stating that it will advertise for bids within 30
3881 days of receipt of its encumbrance authorization from the
3882 department.

3883 8. The district shall, at the time of the request and for
3884 a continuing period of 3 years, levy the maximum millage against

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3885 their nonexempt assessed property value as allowed in s.
3886 1011.71(2) or shall raise an equivalent amount of revenue from
3887 the school capital outlay surtax authorized under s. 212.055(6).
3888 Any district with a new or active project, funded under the
3889 provisions of this subsection, shall be required to budget no
3890 more than the value of 1.5 mills per year to the project to
3891 satisfy the annual participation requirement in the Special
3892 Facility Construction Account.

3893 9. If a contract has not been signed 90 days after the
3894 advertising of bids, the funding for the specific project shall
3895 revert to the Special Facility New Construction Account to be
3896 reallocated to other projects on the list. However, an
3897 additional 90 days may be granted by the commissioner.

3898 10. The department shall certify the inability of the
3899 district to fund the survey-recommended project over a
3900 continuous 3-year period using projected capital outlay revenue
3901 derived from s. 9(d), Art. XII of the State Constitution, as
3902 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

3903 11. The district shall have on file with the department an
3904 adopted resolution acknowledging its 3-year commitment of all
3905 unencumbered and future revenue acquired from s. 9(d), Art. XII
3906 of the State Constitution, as amended, paragraph (3)(a) of this
3907 section, and s. 1011.71(2).

3908 12. Final phase III plans must be certified by the board
3909 as complete and in compliance with the building and life safety
3910 codes prior to August 1.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3911 (b) The department shall establish, as a part of the
3912 Public Education Capital Outlay and Debt Service Trust Fund, a
3913 separate account, in an amount determined by the Legislature, to
3914 be known as the "High Growth County Facility Construction
3915 Account." The account shall be used to provide necessary
3916 construction funds to high growth school districts which have
3917 urgent construction needs, but which lack sufficient resources
3918 at present and cannot reasonably anticipate sufficient resources
3919 within the period of the next 3 years, for these purposes from
3920 currently authorized sources of capital outlay revenue and local
3921 sources. A school district requesting funding from the account
3922 shall submit one specific construction project, not to exceed
3923 one complete educational plant, to the Special Facility
3924 Construction Committee. No district shall receive funding for
3925 more than one approved project in any 2-year period, provided
3926 that any grants received under this paragraph must be fully
3927 expended in order for a district to apply for additional funding
3928 under this paragraph and all Classrooms First funds have been
3929 allocated and expended by the district. The first year of the 2-
3930 year period shall be the first year a district receives an
3931 appropriation. The request must meet the following criteria to
3932 be considered by the committee:

3933 1. The project must be deemed a critical need and must be
3934 recommended for funding by the Special Facility Construction
3935 Committee. Prior to developing plans for the proposed facility,
3936 the district school board must request a preapplication review
3937 by the Special Facility Construction Committee or a project

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3938 review subcommittee convened by the committee to include two
3939 representatives of the department and two staff from school
3940 districts not eligible to participate in the program. Within 60
3941 days after receiving the preapplication review request, the
3942 committee or subcommittee must meet in the school district to
3943 review the project proposal and existing facilities. To
3944 determine whether the proposed project is a critical need, the
3945 committee or subcommittee shall consider, at a minimum, the
3946 capacity of all existing facilities within the district as
3947 determined by the Florida Inventory of School Houses; the
3948 district's pattern of student growth with priority given to
3949 those districts that have equaled or exceeded twice the
3950 statewide average in growth in capital outlay full-time
3951 equivalent students over the previous 4 fiscal years; the
3952 district's existing and projected capital outlay full-time
3953 equivalent student enrollment as determined by the department
3954 with priority given to these districts with 20,000 or more
3955 capital outlay full-time equivalent students; the district's
3956 existing satisfactory student stations; the use of all existing
3957 district property and facilities; grade level configurations;
3958 and any other information that may affect the need for the
3959 proposed project.

3960 2. The construction project must be recommended in the
3961 most recent survey or surveys by the district under the rules of
3962 the State Board of Education.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3963 3. The construction project includes either a recreational
3964 facility or media center that will be jointly used with a local
3965 government.

3966 4. The construction project must appear on the district's
3967 approved project priority list under the rules of the State
3968 Board of Education.

3969 5. The district must have selected and had approved a site
3970 for the construction project in compliance with the interlocal
3971 agreement with the appropriate local government, s. 1013.36, and
3972 the rules of the State Board of Education.

3973 6. The district shall have developed a district school
3974 board adopted list of facilities that do not exceed the norm for
3975 net square feet occupancy requirements under the state
3976 requirements for educational facilities, using all possible
3977 programmatically combinations for multiple use of space to obtain
3978 maximum daily use of all spaces within the facility under
3979 consideration.

3980 7. Upon construction, the total cost per student station,
3981 including change orders, must not exceed the cost per student
3982 station as provided in subsection (6).

3983 8. There shall be an agreement signed by the district
3984 school board stating that it will advertise for bids within 30
3985 days after receipt of its encumbrance authorization from the
3986 department.

3987 9. If a contract has not been signed 90 days after the
3988 advertising of bids, the funding for the specific project shall
3989 revert to the Special Facility Construction Account to be

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

3990 reallocated to other projects on the list. However, an
3991 additional 90 days may be granted by the commissioner.

3992 10. Final phase III plans must be certified by the board
3993 as complete and in compliance with the building and life safety
3994 codes prior to August 1.

3995 (c)(b) The Special Facility Construction Committee shall
3996 be composed of the following: two representatives of the
3997 Department of Education, a representative from the Governor's
3998 office, a representative selected annually by the district
3999 school boards, and a representative selected annually by the
4000 superintendents.

4001 (d)(e) The committee shall review the requests submitted
4002 from the districts, evaluate the ability of the project to
4003 relieve critical needs, and rank the requests in priority order.
4004 This statewide priority list for special facilities construction
4005 shall be submitted to the Legislature in the commissioner's
4006 annual capital outlay legislative budget request at least 45
4007 days prior to the legislative session. For the initial year of
4008 the funding of the program outlined in paragraph (b), the
4009 Special Facility Construction Committee shall authorize the
4010 disbursement of funds appropriated by the Legislature for the
4011 purposes of the program funded by the High Growth County
4012 Facility Construction Account created in paragraph (b).

4013 Section 32. School Concurrency Task Force.-

4014 (1) The School Concurrency Task Force is created to review
4015 the requirements for school concurrency in law and make
4016 recommendations regarding streamlining the process and

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4017 procedures for establishing school concurrency. The task force
4018 shall also examine the methodology and processes used for the
4019 funding of construction of public schools and make
4020 recommendations on revisions to provisions of law and rules
4021 which will help ensure that schools are built and available when
4022 the expected demands of growth produce the need for new school
4023 facilities.

4024 (2) The task force shall be composed of 11 members. The
4025 membership must represent local governments, school boards,
4026 developers and homebuilders, the business community, the
4027 agriculture community, the environmental community, and other
4028 appropriate stakeholders. The task force shall include two
4029 members appointed by the Governor, two members appointed by the
4030 President of the Senate, two members appointed by the Speaker of
4031 the House of Representatives, one member appointed by the
4032 Florida School Boards Association, one member appointed by the
4033 Florida Association of Counties, and one member appointed by the
4034 Florida League of Cities. The Secretary of the Department of
4035 Community Affairs, or a senior management designee, and the
4036 Commissioner of Education, or a senior management designee,
4037 shall also be ex officio nonvoting members on the task force.

4038 (3) The task force shall report to the Governor, the
4039 President of the Senate, and the Speaker of the House of
4040 Representatives no later than December 1, 2005, with specific
4041 recommendations for revisions to provisions of law and rules.

4042 Section 33. Florida Impact Fee Review Task Force.--

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4043 (1) The Legislature recognizes that impact fees have been
4044 an important source of revenues to local governments to fund new
4045 growth. Local governments have assumed this responsibility under
4046 their constitutional home rule authority. With the increased use
4047 of impact fees, questions have arisen about whether their use
4048 should be regulated by law.

4049 (2) Effective upon this act becoming law, the Florida
4050 Impact Fee Review Task Force is created.

4051 (3)(a) The task force is to be composed of the following
4052 15 members, who shall be appointed within 30 days after the
4053 effective date of this section.

4054 1. Eleven members selected by the Governor, none of whom
4055 may be a member of the Legislature at the time of the
4056 appointment, as follows: two members of a county commission, two
4057 members of a city commission or council, two members of a local
4058 school board, two members of the development community, and two
4059 members of the homebuilding community. The Governor shall
4060 designate one additional appointee as chairman.

4061 2. One Senator appointed by the President of the Senate,
4062 and one member of the House of Representatives appointed by the
4063 Speaker of the House of Representatives, who shall be ex
4064 officio, nonvoting members.

4065 3. One citizen appointed by the President of the Senate,
4066 and one citizen appointed by the Speaker of the House of
4067 Representatives. The citizen appointees shall have no current or
4068 past direct relationship to local government, school boards, or
4069 the development or homebuilding industries.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4070 4. The Secretary of the Department of Community Affairs or
4071 his designee is to serve as an ex officio, nonvoting member.

4072 (4)(a) The task force shall act as an advisory body to the
4073 Governor and the Legislature.

4074 (b) The task force shall convene its initial meeting
4075 within 60 days after the effective date of this section and
4076 thereafter at the call of its chair.

4077 (c) Task Force members shall not receive remuneration for
4078 their services, but are entitled to reimbursement by the
4079 Legislative Committee on Intergovernmental Relations for travel
4080 and per diem expenses in accordance with s. 112.061, Florida
4081 Statutes.

4082 (5) The Task Force shall survey and review current use of
4083 impact fees as a method of financing local infrastructure to
4084 accommodate new growth and current case law controlling the use
4085 of impact fees. To the extent feasible, the review is to include
4086 consideration of the following:

4087 (a) Local government criteria and methodology used for the
4088 determination of the amount of impact fees.

4089 (b) Application and relative burden of impact fees in
4090 different areas of the state in relation to other methods of
4091 financing new infrastructure.

4092 (c) The range of use of impact fees as a percentage of the
4093 total capital costs for infrastructure needs created by new
4094 development.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4095 (d) The methods used by local governments for the
4096 accounting and reporting of the collection and expenditure of
4097 all impact fees.

4098 (e) Notice provisions prior to adoption and the effective
4099 date of local ordinances creating a new impact fee or increasing
4100 an existing impact fee.

4101 (f) Interlocal agreements between counties and cities to
4102 allocate impact fee proceeds between them.

4103 (g) Requirements and options related to timing of impact
4104 fees payments.

4105 (h) The importance of impact fees to the ability of local
4106 government to fund infrastructure needed to mitigate the impacts
4107 of development and meet statutory requirements for concurrency.

4108 (i) Methods used by local governments to ameliorate the
4109 effect of impact fee costs on affordable housing.

4110 (6) The task force shall report to the Governor, the
4111 President of the Senate, and the Speaker of the House of
4112 Representatives by February 1, 2006. The report shall include
4113 the task force's recommendations regarding:

4114 (a) Whether there is a need for statutory direction on the
4115 methodology and data used to calculate impact fees.

4116 (b) Whether there should be statutory direction on
4117 payment, exemption, or waiver of impact fees for affordable
4118 housing.

4119 (c) Whether there should be statutory direction on the
4120 accounting and reporting of the collection and expenditure of
4121 all impact fees.

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4122 (d) Whether there is a need for statutory direction on the
4123 notice given in advance of the effective date of a new or
4124 amended impact fee ordinance.

4125 (e) Whether there is a need for statutory direction on the
4126 sharing of impact fees between counties and cities.

4127 (f) Whether there is a need for statutory direction on the
4128 timing of payment of impact fees.

4129 (g) Any other recommendation the Task Force deems
4130 appropriate.

4131
4132 If the task force makes a recommendation for statutory
4133 direction, the report shall also contain the task force's
4134 recommendation for statutory changes.

4135 (7) The Legislative Committee on Intergovernmental
4136 Relations shall serve as staff to the task force and is
4137 authorized to employ technical support and expend funds
4138 appropriated to the committee for carrying out the official
4139 duties of the task force. All state agencies are directed to
4140 cooperate with and assist the task force to the fullest extent
4141 possible. All local governments are encouraged to assist and
4142 cooperate with the commission as necessary.

4143 Section 34. Sections 163.31776 and 339.2817, Florida
4144 Statutes, are repealed.

4145 Section 35. Beginning in fiscal year 2005-2006, the
4146 Department of Transportation shall allocate sufficient funds to
4147 implement the transportation provisions of the Sustainable
4148 Florida Act of 2005. The department shall develop a plan to

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4149 expend these revenues and amend the current tentative work
4150 program for the time period 2005-2006. In addition, prior to
4151 work program adoption, the department shall submit a budget
4152 amendment pursuant to s. 339.135(7), Florida Statutes. The
4153 department shall provide a report to the President of the Senate
4154 and the Speaker of the House of Representative by February 1,
4155 2006, identifying the program adjustments it has made consistent
4156 with the provisions of the Sustainable Florida Transportation
4157 Program.

4158 Section 36. Effective July 1, 2005, the sum of \$433.25
4159 million from non-recurring General Revenue is appropriated to
4160 the State Transportation Trust Fund in the Department of
4161 Transportation to be allocated as follows:

4162 (1) The sum of \$100 million for the State-funded
4163 Infrastructure Bank pursuant to s. 339.55, Florida Statutes, to
4164 be available as loans for local government projects consistent
4165 with the provisions of the Transportation Incentive Program for
4166 a Sustainable Florida

4167 (2) The sum of \$333.25 million for Transportation
4168 Incentive Program for a Sustainable Florida pursuant to s.
4169 339.28171, Florida Statutes.

4170 Section 37. Funding for Sustainable Water
4171 Supplies.--Effective July 1, 2005, the sum of \$100 million from
4172 recurring general revenue for distribution pursuant to s.
4173 373.19615, Florida Statutes. The sum of \$50 million from
4174 nonrecurring general revenue is appropriated to the Department

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4175 of Environmental Protection for distribution pursuant to s.
4176 373.19616, Florida Statutes.

4177 Section 38. Funding for Sustainable Schools.--In order to
4178 provide for innovative approaches to meet school capacity
4179 demands, effective July 1, 2005, the sum of \$80 million is
4180 transferred from recurring general revenue to the Public
4181 Education Capital Outlay and Debt Service Trust Fund in the
4182 Department of Education to be used as follows:

4183 (1) The sum of \$35 million from recurring funds in the
4184 Public Education Capital Outlay and Debt Service Trust Fund
4185 shall be used for the Charter School Incentive Program for
4186 Sustainable Schools created pursuant to section 1013.352,
4187 Florida Statutes.

4188 (2) The sum of \$15 million from recurring funds in the
4189 Public Education Capital Outlay and Debt Service Trust Fund
4190 shall be used for educational facilities benefit districts as
4191 provided in s. 1013.356(3), Florida Statutes, as follows: for
4192 construction and capital maintenance costs not covered by the
4193 funds provided under s. 1013.356(1), Florida Statutes, in fiscal
4194 year 2005-2006, an amount contributed by the state equal to 25
4195 percent of the remaining costs of construction and capital
4196 maintenance of the educational facilities, up to \$2 million. Any
4197 construction costs above the cost-per-student criteria
4198 established for the SIT Program in s. 1013.72(2), Florida
4199 Statutes, shall be funded exclusively by the educational
4200 facilities benefit district or the community development
4201 district. Funds contributed by a district school board shall not

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4202 be used to fund operational costs. Funds not committed by March
4203 31, 2006, revert to the Charter School Incentive Program for
4204 Sustainable Schools created pursuant to s. 1013.352, Florida
4205 Statutes.

4206 (3) The sum of \$30 million from recurring funds in the
4207 Public Education Capital Outlay and Debt Service Trust Fund
4208 shall be transferred annually from the Public Education Capital
4209 Outlay and Debt Service Trust Fund to the High Growth County
4210 Facility Construction Account.

4211
4212 Notwithstanding the requirements of ss. 1013.64 and 1013.65,
4213 Florida Statutes, these moneys may not be distributes as part of
4214 the comprehensive plan for the Public Education Capital Outlay
4215 and Debt Service Trust Fund.

4216 Section 39. (1) Effective July 1, 2005, the sum of
4217 \$85,618,291 is appropriated from nonrecurring general revenue
4218 for the Classrooms for Kids Program pursuant to s. 1013.735,
4219 Florida Statutes.

4220 (2) Effective July 1, 2005, the sum of \$181,131,709 is
4221 appropriated from nonrecurring general revenue to assist school
4222 districts in meeting the school concurrency provisions under
4223 this act. Such funds shall be distributed to school districts
4224 under the formula pursuant to s. 1013.735(1), Florida Statutes

4225 Section 40. Statewide Technical Assistance for a
4226 Sustainable Florida.--In order to assist local governments and
4227 school boards to implement the provisions of this act, effective
4228 July 1, 2005, the sum of \$3 million is appropriated from

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4229 recurring general revenue to the Department of Community
4230 Affairs. The department shall provide a report to the Governor,
4231 the President of the Senate, and the Speaker of the House of
4232 Representatives by February 1, 2006, on the progress made toward
4233 implementing this act and a recommendation of whether additional
4234 funds should be appropriated to provide additional technical
4235 assistance to implement this act.

4236 Section 41. Effective July 1, 2005, the sum of \$250,000 is
4237 appropriated from recurring general revenue to the Department of
4238 Community Affairs to provide the necessary staff and other
4239 assistance to the Century Commission for a Sustainable Florida
4240 required by section 11.

4241 Section 42. If any provision of this act or its
4242 application to any person or circumstance is held invalid, the
4243 invalidity does not affect other provisions or applications of
4244 the act which can be given effect without the invalid provision
4245 or application, and to this end the provisions of this act are
4246 severable.

4247 Section 43. This act shall take effect July 1, 2005.

4248
4249 ===== T I T L E A M E N D M E N T =====

4250 Remove the entire title and insert:

4251 A bill to be entitled

4252 An act relating to growth management incentives; providing
4253 a popular name; amending s. 163.3164, F.S.; revising a
4254 definition to conform; defining the term "financial
4255 feasibility"; creating s. 163.3172, F.S.; providing

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4256 legislative determinations; limiting the effect of certain
4257 charter county charter provisions, ordinances, or land
4258 development regulations relating to urban infill and
4259 redevelopment under certain circumstances; requiring a
4260 referendum; providing referendum requirements; amending s.
4261 163.3177, F.S.; revising criteria for the capital
4262 improvements element of comprehensive plans; providing for
4263 subjecting certain local governments to sanctions by the
4264 Administration Commission under certain circumstances;
4265 deleting obsolete provisions; requiring local governments
4266 to adopt a transportation concurrency management system by
4267 ordinance; requiring inclusion of alternative water supply
4268 projects; providing a methodology requirement; requiring
4269 the Department of Transportation to develop a model
4270 transportation concurrency management ordinance;
4271 specifying ordinance assessment authority; providing
4272 additional requirements for a general water element of
4273 comprehensive plans; revising public educational
4274 facilities element requirements; revising requirements for
4275 rural land stewardship areas; exempting rural land
4276 stewardship areas from developments of regional impact
4277 provisions; requiring counties and municipalities to adopt
4278 consistent public school facilities and enter into certain
4279 interlocal agreements; authorizing the state land planning
4280 agency to grant waivers under certain circumstances;
4281 providing additional requirements for public school
4282 facilities elements of comprehensive plans; requiring the

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4283 state land planning agency to adopt phased schedules for
4284 adopting a public school facilities element; providing
4285 requirements; providing requirements; providing conditions
4286 for prohibiting local governments from certain adopting
4287 amendments to the comprehensive plan; authorizing the
4288 state land planning agency to issue schools certain show
4289 cause notices for certain purposes; providing for imposing
4290 sanctions on a school board under certain circumstances;
4291 providing requirements; encouraging local governments to
4292 develop a community vision for certain purposes; providing
4293 for assistance by regional planning councils; providing
4294 for local government designation of urban service
4295 boundaries; providing requirements; amending s. 163.31777,
4296 F.S.; applying public schools interlocal agreement
4297 provisions to school boards and nonexempt municipalities;
4298 deleting a scheduling requirement for public schools
4299 interlocal agreements; providing additional requirements
4300 for updates and amendments to such interlocal agreements;
4301 revising procedures for public school elements
4302 implementing school concurrency; revising exemption
4303 criteria for certain municipalities; amending s. 163.3180,
4304 F.S.; including schools and water supplies under
4305 concurrency provisions; revising a transportation
4306 facilities scheduling requirement; requiring local
4307 governments and the Department of Transportation to
4308 cooperatively establish a plan for maintaining certain
4309 level-of-service standards for certain facilities within

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4310 certain areas; requiring local governments to consult with
4311 the department to make certain impact assessments relating
4312 to concurrency management areas and multimodal
4313 transportation districts; revising criteria for local
4314 government authorization to grant exceptions from
4315 concurrency requirements for transportation facilities;
4316 providing for waiving certain transportation facilities
4317 concurrency requirements for certain projects under
4318 certain circumstances; providing criteria and
4319 requirements; revising provisions authorizing local
4320 governments to adopt long-term transportation management
4321 systems to include long-term school concurrency management
4322 systems; revising requirements; requiring periodic
4323 evaluation of long-term concurrency systems; providing
4324 criteria; revising requirements for roadway facilities on
4325 the Strategic Intermodal System; providing additional
4326 level-of-service standards requirements; revising
4327 requirements for developing school concurrency; requiring
4328 adoption of a public school facilities element for
4329 effectiveness of a school concurrency requirement;
4330 providing an exception; revising service area requirements
4331 for concurrency systems; requiring local governments to
4332 apply school concurrency on a less than districtwide basis
4333 under certain circumstances for certain purposes; revising
4334 provisions prohibiting a local government from denying a
4335 development order or a functional equivalent authorizing
4336 residential developments under certain circumstances;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4337 specifying conditions for satisfaction of school
4338 concurrency requirements by a developer; providing for
4339 mediation of disputes; specifying options for
4340 proportionate-share mitigation of impacts on public school
4341 facilities; providing criteria and requirements; providing
4342 legislative intent relating to mitigation of impacts of
4343 development on transportation facilities; authorizing
4344 local governments to create mitigation banks for
4345 transportation facilities for certain purposes; providing
4346 requirements; specifying conditions for satisfaction of
4347 transportation facilities concurrency by a developer;
4348 providing for mitigation; providing for mediation of
4349 disputes; providing criteria for transportation mitigation
4350 contributions; providing for enforceable development
4351 agreements for certain projects; specifying conditions for
4352 satisfaction of concurrency requirements of a local
4353 comprehensive plan by a development; amending s. 163.3184,
4354 F.S.; correcting cross references; authorizing instead of
4355 requiring the state land planning agency to review plan
4356 amendments; amending s. 163.3187, F.S.; providing
4357 additional criteria for small scale amendments to adopted
4358 comprehensive plans; providing an additional exception to
4359 a limitation on amending an adopted comprehensive plan by
4360 certain municipalities; providing procedures and
4361 requirements; providing for notice and public hearings;
4362 correcting a cross reference; providing for
4363 nonapplication; amending s. 163.3191, F.S.; revising

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4364 requirements for evaluation and assessment of the
4365 coordination of a comprehensive plan with certain schools;
4366 providing additional assessment criteria for certain
4367 counties and municipalities; requiring certain counties
4368 and municipalities to adopt appropriate concurrency goals,
4369 objectives, and policies in plan amendments under certain
4370 circumstances; revising reporting requirements for
4371 evaluation and assessment of water supply sources;
4372 providing for a prohibition on plan amendments for failure
4373 to timely adopt updating comprehensive plan amendments;
4374 creating s. 163.3247, F.S.; providing a popular name;
4375 providing legislative findings and intent; creating the
4376 Century Commission for a Sustainable Florida for certain
4377 purposes; providing for appointment of commission members;
4378 providing for terms; providing for meetings and votes of
4379 members; requiring members to serve without compensation;
4380 providing for per diem and travel expenses; providing
4381 powers and duties of the commission; requiring the
4382 creation of a joint select committee of the Legislature;
4383 providing purposes; requiring the Secretary of Community
4384 Affairs to select an executive director of the commission;
4385 requiring the Department of Community Affairs to provide
4386 staff for the commission; providing for other agency staff
4387 support for the commission; amending s. 201.15, F.S.;
4388 providing for an alternative distribution to the State
4389 Transportation Trust Fund of certain revenues from the
4390 excise tax on documents remaining after certain prior

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

4391 distributions; amending s. 215.211, F.S.; providing for
4392 deposit of certain service charge revenues into the State
4393 Transportation Trust Fund to be used for certain purposes;
4394 amending ss. 337.107 and 337.11, F.S.; revising
4395 authorization for the Department of Transportation to
4396 contract for right-of-way services; providing additional
4397 requirements; providing for a two year effect; amending s.
4398 339.08, F.S.; specifying an additional use for moneys in
4399 the State Transportation Trust Fund; amending s. 339.135,
4400 F.S.; revising provisions relating to funding and
4401 developing a tentative work program; amending s. 339.155,
4402 F.S.; providing additional requirements for development of
4403 regional transportation plans in certain areas pursuant to
4404 interlocal agreements; requiring the department to develop
4405 a model interlocal agreement; providing requirements;
4406 amending s. 339.175, F.S.; revising requirements for
4407 metropolitan planning organizations and transportation
4408 improvement programs; creating s. 339.28171, F.S.;
4409 creating the Transportation Incentive Program for a
4410 Sustainable Florida; providing program requirements;
4411 requiring the Department of Transportation to develop
4412 criteria to assist local governments in evaluating
4413 concurrency management system backlogs; specifying
4414 criteria requirements; providing requirements for local
4415 governments; specifying percentages and requirements for
4416 apportioning matching funds among grant applicants;
4417 authorizing the department to administer contracts as

884113

5/2/2005 9:07:41 AM

HOUSE AMENDMENT

Bill No. HB 1865

Amendment No. (for drafter's use only)

4418 requested by local governments; amending s. 339.2818,
4419 F.S.; revising criteria and requirement for the Small
4420 County Outreach Program to conform; creating s. 339.2820,
4421 F.S.; creating the Off-System Bridge Program for
4422 Sustainable Transportation within the Department of
4423 Transportation for certain purposes; providing for funding
4424 certain project costs; requiring the department to
4425 allocate funding for the program for certain projects;
4426 specifying criteria for projects to be funded from the
4427 program; amending s. 339.55, F.S.; revising funding
4428 authorization for the state-funded infrastructure bank ;
4429 creating s. 373.19615, F.S.; creating the Florida's
4430 Sustainable Water Supplies Program; providing funding
4431 requirements for local government development of
4432 alternative water supply projects; providing for
4433 allocation of funds to water management districts;
4434 providing definitions; specifying factors to consider in
4435 funding certain projects; providing funding requirements;
4436 requiring the Department of Environmental Protection to
4437 establish factors for granting financial assistance to
4438 eligible projects; creating s. 373.19616, F.S.; creating
4439 the Water Transition Assistance Program to establish a
4440 low-interest revolving loan program for infrastructure
4441 financing for alternative water supplies; providing
4442 legislative declarations; providing definitions;
4443 authorizing the Department of Environmental Protection to
4444 make loans to local governments for certain purposes;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4445 authorizing local governments to borrow funds and pledge
4446 revenues for repayment; providing loan limitations;
4447 authorizing the department to adopt certain rules;
4448 requiring the department to prepare an annual report on
4449 such financial assistance; providing loan approval
4450 requirements for local governments; authorizing the
4451 department to conduct or require audits; authorizing the
4452 department to require reasonable loan service fees;
4453 providing limitations; providing requirements for
4454 financial assistance funding; providing for enforcement of
4455 loan defaults; authorizing the department to impose
4456 penalties for delinquent loan payments; authorizing the
4457 department to terminate financial assistance agreements
4458 under certain circumstances; amending s. 373.223, F.S.;
4459 providing a presumption of consistency for certain
4460 alternative water supply uses; amending s. 380.06, F.S.;
4461 providing additional exemptions from development of
4462 regional impact provisions for certain projects in
4463 proposed developments or redevelopments within an area
4464 designated in a comprehensive plan and for proposed
4465 developments within certain rural land stewardship areas;
4466 authorizing certain municipalities to adopt an ordinance
4467 imposing a fee on certain applicants for certain purposes;
4468 specifying fee uses; providing a limitation; amending s.
4469 380.115, F.S.; revising provisions relating to preserving
4470 vested rights and duties under development of regional
4471 impact guidelines and standards; revising procedures and

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4472 requirements for governance and rescission of development-
4473 of-regional-impact development orders under changing
4474 guidelines and standards; requiring the Office of Program
4475 Policy Analysis and Government Accountability to conduct a
4476 study on adjustments to boundaries of regional planning
4477 councils, water management districts, and transportation
4478 districts; providing purposes; requiring a study report to
4479 the Governor and Legislature; amending s. 1013.33, F.S.;
4480 revising provisions relating to coordination of
4481 educational facilities planning pursuant to certain
4482 interlocal agreements; revising procedures and
4483 requirements for updated agreements and agreement
4484 amendments; creating s. 1013.352, F.S.; creating a Charter
4485 School Incentive Program for Sustainable Schools;
4486 providing purposes; specifying conditions for eligibility
4487 for state funds; authorizing the Commissioner of Education
4488 to waive certain requirements and distribute certain funds
4489 to charter schools under certain circumstances;
4490 prohibiting the commissioner from distributing funds to
4491 certain schools under certain circumstances; providing for
4492 ineligibility of certain schools for charter school outlay
4493 funding under certain circumstances; amending s. 1013.64,
4494 F.S.; requiring the Department of Education to establish a
4495 the High Growth County Facility Construction Account as a
4496 separate account within the Public Education Capital
4497 Outlay and Debt Service Trust Fund for certain purposes;
4498 specifying requirements for funding from the account;

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4499 creating the School Concurrency Task Force; providing
4500 purposes; providing for membership; requiring a report to
4501 the Governor and Legislature; creating the Florida Impact
4502 Fee Review Task Force; providing legislative findings;
4503 providing for membership; providing for meetings;
4504 providing duties and responsibilities of the task force;
4505 prohibiting compensation of the task force; providing for
4506 per diem and travel expenses; requiring a report to the
4507 Governor and Legislature; specifying report contents;
4508 requiring the Legislative Committee on Intergovernmental
4509 Relations to serve as staff; repealing s. 163.31776, F.S.,
4510 relating to the public educational facilities element;
4511 repealing s. 339.2817, F.S., relating to the County
4512 Incentive Grant Program; requiring the Department of
4513 Transportation to allocate sufficient funds so implement
4514 the transportation provisions of the act; requiring the
4515 department to develop a plan to expend revenues and amend
4516 the current work program; requiring the department to
4517 submit a budget amendment for certain purposes; requiring
4518 a report to the Legislature; providing for funding for
4519 sustainable water supplies; providing an appropriation;
4520 providing for allocation of the appropriation; specifying
4521 uses of appropriations; providing for funding for
4522 sustainable schools; providing an appropriation; providing
4523 for allocation of the appropriation; specifying uses of
4524 the appropriation; providing for Statewide Technical
4525 Assistance for a Sustainable Florida; providing an

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4526 appropriation; specifying uses; requiring the Department
4527 of Community Affairs to report to the Governor and
4528 Legislature; specifying report requirements; providing an
4529 appropriation to the Department of Community Affairs for
4530 certain staffing purposes; providing severability;
4531 providing an effective date.

4532
4533 WHEREAS, the Legislature finds and declares that the
4534 state's population has increased by approximately 3 million
4535 individuals each decade since 1970 to nearly 16 million
4536 individuals in 2000, and

4537 WHEREAS, increased populations have resulted in greater
4538 density concentrations in many areas around the state and
4539 created growth issues that increasingly overlap multiple local
4540 government jurisdictional and state agency district boundaries,
4541 and

4542 WHEREAS, development patterns throughout areas of the
4543 state, in conjunction with the implementation of growth
4544 management policies, have increasingly caused urban flight which
4545 has resulted in urban sprawl and cause capacity issues related
4546 to transportation facilities, public educational facilities, and
4547 water supply facilities, and

4548 WHEREAS, the Legislature recognizes that urban infill and
4549 redevelopment is a high state priority, and

4550 WHEREAS, consequently, the Legislature determines it in the
4551 best interests of the people of the state to undertake action to
4552 address these issues and work towards a sustainable Florida

884113

5/2/2005 9:07:41 AM

Amendment No. (for drafter's use only)

4553 | where facilities are planned and available concurrent with
4554 | existing and projected demands while protecting Florida's
4555 | natural and environmental resources, rural and agricultural
4556 | resources, and maintaining a viable and sustainable economy, and

4557 | WHEREAS, the Legislature enacts measures in the law and
4558 | earmarks funds for the 2005-2006 fiscal year intended to result
4559 | in a reemphasis on urban infill and redevelopment, achieving and
4560 | maintaining concurrency with transportation and public
4561 | educational facilities, and instilling a sense of
4562 | intergovernmental cooperation and coordination, and

4563 | WHEREAS, the Legislature will establish a standing
4564 | commission tasked with helping Floridians envision and plan
4565 | their collective future with an eye towards both 25-year and 50-
4566 | year horizons, NOW, THEREFORE,

4567 |
4568 |

884113

5/2/2005 9:07:41 AM