

CHAMBER ACTION

1 The Transportation & Economic Development Appropriations  
2 Committee recommends the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to growth management incentives; providing  
8 a popular name; amending s. 20.18, F.S.; changing the name  
9 of the Department of Community Affairs to the Department  
10 of Community Assistance; amending s. 163.3164, F.S.;  
11 revising a definition to conform; defining the term  
12 "financial feasibility"; creating s. 163.3172, F.S.;  
13 providing legislative determinations; limiting the effect  
14 of certain charter county charter provisions, ordinances,  
15 or land development regulations under certain  
16 circumstances; amending s. 163.3177, F.S.; revising  
17 criteria for the capital improvements element of  
18 comprehensive plans; providing for subjecting certain  
19 local governments to sanctions by the Administration  
20 Commission under certain circumstances; requiring certain  
21 local governments to adopt a long-term capital  
22 improvements schedule to a long-term concurrency  
23 management system and annually update such schedule;

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24 deleting obsolete provisions; requiring local governments  
25 to adopt a transportation concurrency management system by  
26 ordinance; providing a methodology requirement; requiring  
27 the Department of Transportation to develop a model  
28 transportation concurrency management ordinance;  
29 specifying ordinance assessment authority; providing  
30 additional requirements for a general water element of  
31 comprehensive plans; requiring a work plan; specifying  
32 cooperation between certain entities relating to  
33 developing water supply facilities; revising public  
34 educational facilities element requirements; revising  
35 requirements for rural land stewardship areas; exempting  
36 rural land stewardship areas from developments of regional  
37 impact provisions; requiring counties and municipalities  
38 to adopt consistent public school facilities and enter  
39 into certain interlocal agreements; authorizing the state  
40 land planning agency to grant waivers under certain  
41 circumstances; providing additional requirements for  
42 public school facilities elements of comprehensive plans;  
43 requiring the state land planning agency to adopt phased  
44 schedules for adopting a public school facilities element;  
45 providing requirements; encouraging local governments to  
46 develop a community vision for certain purposes; providing  
47 for assistance by regional planning councils; amending s.  
48 163.31777, F.S.; deleting a scheduling requirement for  
49 public schools interlocal agreements; providing additional  
50 requirements for such interlocal agreements; revising  
51 procedures for public school elements implementing school

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52 | concurrency; revising exemption criteria for certain  
53 | municipalities; amending s. 163.3180, F.S.; including  
54 | schools and water supplies under concurrency provisions;  
55 | revising a transportation facilities scheduling  
56 | requirement; requiring local governments and the  
57 | Department of Transportation to cooperatively establish a  
58 | plan for maintaining certain level-of-service standards  
59 | for certain facilities within certain areas; revising  
60 | criteria for local government authorization to grant  
61 | exceptions from concurrency requirements for  
62 | transportation facilities; providing for waiving certain  
63 | transportation facilities concurrency requirements for  
64 | certain projects under certain circumstances; providing  
65 | criteria and requirements; revising provisions authorizing  
66 | local governments to adopt long-term transportation  
67 | management systems to include long-term school concurrency  
68 | management systems; revising requirements; requiring  
69 | periodic evaluation of long-term concurrency systems;  
70 | providing criteria; revising requirements for roadway  
71 | facilities on the Strategic Intermodal System; providing  
72 | additional level-of-service standards requirements;  
73 | revising requirements for developing school concurrency;  
74 | requiring adoption of a public school facilities element  
75 | for effectiveness of a school concurrency requirement;  
76 | providing an exception; revising service area requirements  
77 | for concurrency systems; requiring local governments to  
78 | apply school concurrency on a less than districtwide basis  
79 | under certain circumstances for certain purposes; revising

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80 provisions prohibiting a local government from denying a  
81 development order or a functional equivalent authorizing  
82 residential developments under certain circumstances;  
83 specifying conditions for satisfaction of school  
84 concurrency requirements by a developer; providing for  
85 mediation of disputes; specifying options for  
86 proportionate-share mitigation of impacts on public school  
87 facilities; providing criteria and requirements; providing  
88 legislative intent relating to mitigation of impacts of  
89 development on transportation facilities; authorizing  
90 local governments to create mitigation banks for  
91 transportation facilities for certain purposes; providing  
92 requirements; specifying conditions for satisfaction of  
93 transportation facilities concurrency by a developer;  
94 providing for mitigation; providing for mediation of  
95 disputes; providing criteria for transportation mitigation  
96 contributions; providing for enforceable development  
97 agreements for certain projects; specifying conditions for  
98 satisfaction of concurrency requirements of a local  
99 comprehensive plan by a development; amending s. 163.3184,  
100 F.S.; authorizing instead of requiring the state land  
101 planning agency to review plan amendments; amending s.  
102 163.3187, F.S.; providing an additional exception to a  
103 limitation on amending an adopted comprehensive plan by  
104 certain local governments; providing procedures and  
105 requirements; providing for notice and public hearings;  
106 providing for nonapplication; amending s. 163.3191, F.S.;  
107 revising requirements for evaluation and assessment of the

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108 | coordination of a comprehensive plan with certain schools;  
 109 | providing additional assessment criteria for certain  
 110 | counties and municipalities; requiring certain counties  
 111 | and municipalities to adopt appropriate concurrency goals,  
 112 | objectives, and policies in plan amendments under certain  
 113 | circumstances; revising reporting requirements for  
 114 | evaluation and assessment of water supply sources;  
 115 | providing for a prohibition on plan amendments for failure  
 116 | to timely adopt updating comprehensive plan amendments;  
 117 | creating s. 163.3247, F.S.; providing a popular name;  
 118 | providing legislative findings and intent; creating the  
 119 | Century Commission for a Sustainable Florida for certain  
 120 | purposes; providing for appointment of commission members;  
 121 | providing for terms; providing for meetings and votes of  
 122 | members; requiring members to serve without compensation;  
 123 | providing for per diem and travel expenses; providing  
 124 | powers and duties of the commission; requiring the  
 125 | creation of a joint select committee of the Legislature;  
 126 | providing purposes; requiring the Secretary of Community  
 127 | Assistance to select an executive director of the  
 128 | commission; requiring the Department of Community  
 129 | Assistance to provide staff for the commission; providing  
 130 | for other agency staff support for the commission;  
 131 | amending s. 339.135, F.S.; revising provisions relating to  
 132 | funding and developing a tentative work program; creating  
 133 | s. 339.28171, F.S.; creating the Local Government  
 134 | Concurrency Program for a Sustainable Florida; providing  
 135 | program requirements; requiring the Department of

136 Transportation to develop criteria to assist local  
 137 governments in evaluating concurrency management system  
 138 backlogs; specifying criteria requirements; providing  
 139 requirements for local governments; specifying percentages  
 140 for apportioning matching funds among grant applicants;  
 141 authorizing the department to adopt rules to administer  
 142 the program; creating s. 339.2820, F.S.; creating the Off-  
 143 System Bridge Program for Sustainable Transportation  
 144 within the Department of Transportation for certain  
 145 purposes; providing for funding certain project costs;  
 146 requiring the department to allocate funding for the  
 147 program for certain projects; specifying criteria for  
 148 projects to be funded from the program; amending s.  
 149 380.06, F.S.; providing additional exemptions from  
 150 development of regional impact provisions for certain  
 151 projects in proposed developments or redevelopments within  
 152 an area designated in a comprehensive plan and for  
 153 proposed developments within certain rural land  
 154 stewardship areas; requiring the Office of Program Policy  
 155 Analysis and Government Accountability to conduct a study  
 156 on adjustments to boundaries of regional planning  
 157 councils, water management districts, and transportation  
 158 districts; providing purposes; requiring a study report to  
 159 the Governor and Legislature; creating s. 1013.352, F.S.;  
 160 creating a Charter School Incentive Program for  
 161 Sustainable Schools; providing purposes; specifying  
 162 conditions for eligibility for state funds; authorizing  
 163 the Commissioner of Education to waive certain

164 requirements and distribute certain funds to charter  
 165 schools under certain circumstances; prohibiting the  
 166 commissioner from distributing funds to certain schools  
 167 under certain circumstances; repealing s. 163.31776, F.S.,  
 168 relating to the public educational facilities element;  
 169 providing appropriations; specifying uses of  
 170 appropriations; providing for Small County Technical  
 171 Assistance for a Sustainable Florida; providing an  
 172 appropriation; providing uses; requiring the Department of  
 173 Community Assistance to report to the Governor and  
 174 Legislature; specifying report requirements; requiring the  
 175 Division of Statutory Revision of the Office of  
 176 Legislative Services to develop proposed legislation to  
 177 change references in the Florida Statutes to the  
 178 Department of Community Affairs to the Department of  
 179 Community Assistance; providing an effective date.

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

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

190 WHEREAS, development patterns throughout areas of the  
 191 state, in conjunction with the implementation of growth

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192 management policies, have increasingly caused urban flight which  
 193 has resulted in urban sprawl and cause capacity issues related  
 194 to transportation facilities, public educational facilities, and  
 195 water supply facilities, and

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

198 WHEREAS, consequently, the Legislature determines it in the  
 199 best interests of the people of the state to undertake action to  
 200 address these issues and work towards a sustainable Florida  
 201 where facilities are planned and available concurrent with  
 202 existing and projected demands while protecting Florida's  
 203 natural and environmental resources, rural and agricultural  
 204 resources, and maintaining a viable and sustainable economy, and

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

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

215

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

217

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



220 Section 2. Subsections (1), (2), (3), (5), and (6) of  
221 section 20.18, Florida Statutes, are amended to read:

222 20.18 Department of Community Assistance Affairs.--There  
223 is created a Department of Community Assistance Affairs.

224 (1) The head of the Department of Community Assistance  
225 ~~Affairs~~ is the Secretary of Community Assistance Affairs. The  
226 secretary shall be appointed by the Governor subject to  
227 confirmation by the Senate. The secretary shall serve at the  
228 pleasure of the Governor.

229 (2) The following units of the Department of Community  
230 Assistance Affairs are established:

231 (a) Division of Emergency Management.

232 (b) Division of Housing and Community Development.

233 (c) Division of Community Planning.

234 (3) Unless otherwise provided by law, the Secretary of  
235 Community Assistance Affairs shall appoint the directors or  
236 executive directors of any commission or council assigned to the  
237 department, who shall serve at his or her pleasure as provided  
238 for division directors in s. 110.205. The appointment or  
239 termination by the secretary will be done with the advice and  
240 consent of the commission or council; and the director or  
241 executive director may employ, subject to departmental rules and  
242 procedures, such personnel as may be authorized and necessary.

243 (5) The role of state government required by part I of  
244 chapter 421 (Housing Authorities Law), chapter 422 (Housing  
245 Cooperation Law), and chapter 423 (tax exemption of housing  
246 authorities) is the responsibility of the Department of  
247 Community Assistance Affairs; and the department is the agency

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248 of state government responsible for the state's role in housing  
249 and urban development.

250 (6) The Office of Urban Opportunity is created within the  
251 Department of Community Assistance ~~Affairs~~. The purpose of the  
252 office is to administer the Front Porch Florida initiative, a  
253 comprehensive, community-based urban core redevelopment program  
254 that enables urban core residents to craft solutions to the  
255 unique challenges of each designated community.

256 Section 3. Subsection (20) of section 163.3164, Florida  
257 Statutes, is amended, and subsection (32) is added to said  
258 section, to read:

259 163.3164 Local Government Comprehensive Planning and Land  
260 Development Regulation Act; definitions.--As used in this act:

261 (20) "State land planning agency" means the Department of  
262 Community Assistance ~~Affairs~~.

263 (32) "Financial feasibility" means sufficient revenues are  
264 currently available or will be available from committed or  
265 identified funding sources available for financing capital  
266 improvements, such as ad valorem taxes, bonds, state and federal  
267 funds, tax revenues, impact fees, and developer contributions,  
268 which are adequate to fund the projected costs of the capital  
269 improvements and as otherwise identified within this act  
270 necessary to ensure that adopted level-of-service standards are  
271 achieved and maintained within the 5-year schedule of capital  
272 improvements.

273 Section 4. Section 163.3172, Florida Statutes, is created  
274 to read:

275        163.3172 Urban infill and redevelopment.--In recognition  
 276 that urban infill and redevelopment is a high state priority,  
 277 the Legislature determines that local governments should not  
 278 adopt charter provisions, ordinances, or land development  
 279 regulations that discourage this state priority. The Legislature  
 280 also recognizes that limitations on building height are one  
 281 restriction that may discourage increased density within urban  
 282 cores. Notwithstanding chapter 125 and s. 163.3171, any existing  
 283 or future charter county charter provision, ordinance, or land  
 284 development regulation that restricts the height of a building  
 285 shall not be effective within any municipality of the county  
 286 unless, by a majority vote, the charter provision, ordinance, or  
 287 land development regulation is approved by a majority vote of a  
 288 county-wide referendum or a majority vote of the municipality's  
 289 governing board.

290        Section 5. Subsection (3), paragraphs (a), (b), (c), and  
 291 (h) of subsection (6), paragraph (d) of subsection (11), and  
 292 subsection (12) of section 163.3177, Florida Statutes, are  
 293 amended, and subsection (13) is added to said section, to read:

294        163.3177 Required and optional elements of comprehensive  
 295 plan; studies and surveys.--

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

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

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

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

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

313 4. Standards for the management of debt.

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

317 (b) The capital improvements element shall be reviewed on  
 318 an annual basis and modified as necessary in accordance with s.  
 319 163.3187 or s. 163.3189 in order to maintain a financially  
 320 feasible 5-year schedule of capital improvements. ~~except that~~  
 321 Corrections, updates, and modifications concerning costs;  
 322 revenue sources; acceptance of facilities pursuant to  
 323 dedications which are consistent with the plan; or the date of  
 324 construction of any facility enumerated in the capital  
 325 improvements element may be accomplished by ordinance and shall  
 326 not be deemed to be amendments to the local comprehensive plan.  
 327 A copy of the ordinance shall be transmitted to the state land  
 328 planning agency. All public facilities shall be consistent with  
 329 the capital improvements element.

330        (c) If the local government does not adopt the required  
 331 annual update to the schedule of capital improvements, the state  
 332 land planning agency shall notify the Administration Commission.  
 333 A local government that has failed to adopt the required annual  
 334 update in the capital improvement element may be subject to  
 335 sanctions by the commission pursuant to s. 163.3184(11).

336        (d) If a local government adopts a long-term concurrency  
 337 management system pursuant to s. 163.3180(9), it shall also  
 338 adopt a long-term capital improvements schedule covering up to a  
 339 10-year or 15-year period and shall update the long-term  
 340 schedule annually. The long-term schedule of capital  
 341 improvements must be financially feasible for the 5-year  
 342 schedule of capital improvements.

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

346        (a) A future land use plan element designating proposed  
 347 future general distribution, location, and extent of the uses of  
 348 land for residential uses, commercial uses, industry,  
 349 agriculture, recreation, conservation, education, public  
 350 buildings and grounds, other public facilities, and other  
 351 categories of the public and private uses of land. Counties are  
 352 encouraged to designate rural land stewardship areas, pursuant  
 353 to the provisions of paragraph (11)(d), as overlays on the  
 354 future land use map. Each future land use category must be  
 355 defined in terms of uses included, and must include standards to  
 356 be followed in the control and distribution of population  
 357 densities and building and structure intensities. The proposed

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358 distribution, location, and extent of the various categories of  
359 land use shall be shown on a land use map or map series which  
360 shall be supplemented by goals, policies, and measurable  
361 objectives. The future land use plan shall be based upon  
362 surveys, studies, and data regarding the area, including the  
363 amount of land required to accommodate anticipated growth; the  
364 projected population of the area; the character of undeveloped  
365 land; the availability of water supplies, public facilities, and  
366 services; the need for redevelopment, including the renewal of  
367 blighted areas and the elimination of nonconforming uses which  
368 are inconsistent with the character of the community; the  
369 compatibility of uses on lands adjacent to or closely proximate  
370 to military installations; and, in rural communities, the need  
371 for job creation, capital investment, and economic development  
372 that will strengthen and diversify the community's economy. The  
373 future land use plan may designate areas for future planned  
374 development use involving combinations of types of uses for  
375 which special regulations may be necessary to ensure development  
376 in accord with the principles and standards of the comprehensive  
377 plan and this act. The future land use plan element shall  
378 include criteria to be used to achieve the compatibility of  
379 adjacent or closely proximate lands with military installations.  
380 In addition, for rural communities, the amount of land  
381 designated for future planned industrial use shall be based upon  
382 surveys and studies that reflect the need for job creation,  
383 capital investment, and the necessity to strengthen and  
384 diversify the local economies, and shall not be limited solely  
385 by the projected population of the rural community. The future

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386 | land use plan of a county may also designate areas for possible  
 387 | future municipal incorporation. The land use maps or map series  
 388 | shall generally identify and depict historic district boundaries  
 389 | and shall designate historically significant properties meriting  
 390 | protection. The future land use element must clearly identify  
 391 | the land use categories in which public schools are an allowable  
 392 | use. When delineating the land use categories in which public  
 393 | schools are an allowable use, a local government shall include  
 394 | in the categories sufficient land proximate to residential  
 395 | development to meet the projected needs for schools in  
 396 | coordination with public school boards and may establish  
 397 | differing criteria for schools of different type or size. Each  
 398 | local government shall include lands contiguous to existing  
 399 | school sites, to the maximum extent possible, within the land  
 400 | use categories in which public schools are an allowable use. ~~All~~  
 401 | ~~comprehensive plans must comply with the school siting~~  
 402 | ~~requirements of this paragraph no later than October 1, 1999.~~  
 403 | ~~The failure by a local government to comply with these school~~  
 404 | ~~siting requirements by October 1, 1999, will result in the~~  
 405 | ~~prohibition of the local government's ability to amend the local~~  
 406 | ~~comprehensive plan, except for plan amendments described in s.~~  
 407 | ~~163.3187(1)(b), until the school siting requirements are met.~~  
 408 | Amendments proposed by a local government for purposes of  
 409 | identifying the land use categories in which public schools are  
 410 | an allowable use ~~or for adopting or amending the school siting~~  
 411 | ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation  
 412 | on the frequency of plan amendments contained in s. 163.3187.  
 413 | The future land use element shall include criteria that

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414 encourage the location of schools proximate to urban residential  
 415 areas to the extent possible and shall require that the local  
 416 government seek to collocate public facilities, such as parks,  
 417 libraries, and community centers, with schools to the extent  
 418 possible and to encourage the use of elementary schools as focal  
 419 points for neighborhoods. For schools serving predominantly  
 420 rural counties, defined as a county with a population of 100,000  
 421 or fewer, an agricultural land use category shall be eligible  
 422 for the location of public school facilities if the local  
 423 comprehensive plan contains school siting criteria and the  
 424 location is consistent with such criteria. Local governments  
 425 required to update or amend their comprehensive plan to include  
 426 criteria and address compatibility of adjacent or closely  
 427 proximate lands with existing military installations in their  
 428 future land use plan element shall transmit the update or  
 429 amendment to the department by June 30, 2006.

430 (b) A traffic circulation element consisting of the types,  
 431 locations, and extent of existing and proposed major  
 432 thoroughfares and transportation routes, including bicycle and  
 433 pedestrian ways. Transportation corridors, as defined in s.  
 434 334.03, may be designated in the traffic circulation element  
 435 pursuant to s. 337.273. If the transportation corridors are  
 436 designated, the local government may adopt a transportation  
 437 corridor management ordinance. By December 1, 2006, each local  
 438 government shall adopt by ordinance a transportation concurrency  
 439 management system which shall include a methodology for  
 440 assessing proportionate share mitigation options. By December 1,  
 441 2006, the Department of Transportation shall develop a model



442 transportation concurrency management ordinance. The  
 443 transportation concurrency management ordinance may assess a  
 444 concurrency impact area by districts or systemwide.

445 (c) A general sanitary sewer, solid waste, drainage,  
 446 potable water, and natural groundwater aquifer recharge element  
 447 correlated to principles and guidelines for future land use,  
 448 indicating ways to provide for future potable water, drainage,  
 449 sanitary sewer, solid waste, and aquifer recharge protection  
 450 requirements for the area. The element may be a detailed  
 451 engineering plan including a topographic map depicting areas of  
 452 prime groundwater recharge. The element shall describe the  
 453 problems and needs and the general facilities that will be  
 454 required for solution of the problems and needs. The element  
 455 shall also include a topographic map depicting any areas adopted  
 456 by a regional water management district as prime groundwater  
 457 recharge areas for the Floridan or Biscayne aquifers, pursuant  
 458 to s. 373.0395. These areas shall be given special consideration  
 459 when the local government is engaged in zoning or considering  
 460 future land use for said designated areas. For areas served by  
 461 septic tanks, soil surveys shall be provided which indicate the  
 462 suitability of soils for septic tanks. ~~By December 1, 2006, The~~  
 463 element must incorporate projects selected pursuant to s.  
 464 373.0361, to the extent applicable ~~consider the appropriate~~  
 465 ~~water management district's regional water supply plan approved~~  
 466 ~~pursuant to s. 373.0361.~~ The element must identify current water  
 467 supply sources, projected water use needs for the planning  
 468 period of the comprehensive plan, irrigation and reclaimed water  
 469 needs, and conservation and reuse strategies to reduce water

470 supply demand. The element shall include a work plan covering at  
 471 least a 10-year planning period for building water supply  
 472 facilities, including development of alternative water supplies  
 473 as defined in s. 373.1961(2)(i) that are necessary to meet  
 474 existing and projected water use demand over the work plan  
 475 planning period. The work plan shall also describe how the water  
 476 supply needs will be met over the course of the planning period  
 477 from any other providers of water, if applicable. The  
 478 information provided to the appropriate water management  
 479 district for each project, pursuant to s. 373.0361, shall be  
 480 annually incorporated into the work plan ~~include a work plan,~~  
 481 ~~covering at least a 10-year planning period, for building water~~  
 482 ~~supply facilities that are identified in the element as~~  
 483 ~~necessary to serve existing and new development and for which~~  
 484 ~~the local government is responsible. The work plan shall be~~  
 485 ~~updated, at a minimum, every 5 years within 12 months after the~~  
 486 ~~governing board of a water management district approves an~~  
 487 ~~updated regional water supply plan. Local government utilities~~  
 488 ~~and land use planners, private utilities, regional water supply~~  
 489 ~~authorities and water management districts are expected to~~  
 490 ~~cooperatively plan for the development of multi-jurisdictional~~  
 491 ~~water supply facilities that are sufficient to meet projected~~  
 492 ~~demands for established planning periods, including the~~  
 493 ~~development of alternative sources of water supplies to~~  
 494 ~~supplement traditional sources of ground and surface water~~  
 495 ~~supplies. Amendments to incorporate the work plan do not count~~  
 496 ~~toward the limitation on the frequency of adoption of amendments~~  
 497 ~~to the comprehensive plan. Consistent with s. 373.2234, local~~

498 governments, public and private utilities, regional water supply  
 499 authorities, and water management districts are expected to  
 500 cooperatively plan for the development of multijurisdictional  
 501 water supply facilities that are sufficient to meet projected  
 502 demands for established planning periods, including the  
 503 development of alternative water sources to supplement  
 504 traditional sources of ground and surface water supplies.

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

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

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

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

535           2. The intergovernmental coordination element shall  
536 further state principles and guidelines to be used in the  
537 accomplishment of coordination of the adopted comprehensive plan  
538 with the plans of school boards and other units of local  
539 government providing facilities and services but not having  
540 regulatory authority over the use of land. In addition, the  
541 intergovernmental coordination element shall describe joint  
542 processes for collaborative planning and decisionmaking on  
543 population projections and public school siting, the location  
544 and extension of public facilities subject to concurrency, and  
545 siting facilities with countywide significance, including  
546 locally unwanted land uses whose nature and identity are  
547 established in an agreement. Within 1 year of adopting their  
548 intergovernmental coordination elements, each county, all the  
549 municipalities within that county, the district school board,  
550 and any unit of local government service providers in that  
551 county shall establish by interlocal or other formal agreement  
552 executed by all affected entities, the joint processes described

553 | in this subparagraph consistent with their adopted  
554 | intergovernmental coordination elements.

555 |         3. To foster coordination between special districts and  
556 | local general-purpose governments as local general-purpose  
557 | governments implement local comprehensive plans, each  
558 | independent special district must submit a public facilities  
559 | report to the appropriate local government as required by s.  
560 | 189.415.

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

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

573 |         5. The state land planning agency shall establish a  
574 | schedule for phased completion and transmittal of plan  
575 | amendments to implement subparagraphs 1., 2., and 3. from all  
576 | jurisdictions so as to accomplish their adoption by December 31,  
577 | 1999. A local government may complete and transmit its plan  
578 | amendments to carry out these provisions prior to the scheduled  
579 | date established by the state land planning agency. The plan  
580 | amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

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

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

605           9. By February 1, 2003, representatives of municipalities,  
606 counties, and special districts shall provide to the Legislature  
607 recommended statutory changes for annexation, including any

608 | changes that address the delivery of local government services  
609 | in areas planned for annexation.

610 | (11)

611 | (d)1. The department, in cooperation with the Department  
612 | of Agriculture and Consumer Services, the Department of  
613 | Environmental Protection, water management districts, and  
614 | regional planning councils, shall provide assistance to local  
615 | governments in the implementation of this paragraph and rule 9J-  
616 | 5.006(5)(1), Florida Administrative Code. Implementation of  
617 | those provisions shall include a process by which the department  
618 | may authorize local governments to designate all or portions of  
619 | lands classified in the future land use element as predominantly  
620 | agricultural, rural, open, open-rural, or a substantively  
621 | equivalent land use, as a rural land stewardship area within  
622 | which planning and economic incentives are applied to encourage  
623 | the implementation of innovative and flexible planning and  
624 | development strategies and creative land use planning  
625 | techniques, including those contained herein and in rule 9J-  
626 | 5.006(5)(1), Florida Administrative Code. Assistance may  
627 | include, but is not limited to:

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

633 | b. Support for local government implementation of rural  
634 | land stewardship concepts by providing information and  
635 | assistance to local governments regarding land acquisition

636 | programs that may be used by the local government or landowners  
 637 | to leverage the protection of greater acreage and maximize the  
 638 | effectiveness of rural land stewardship areas; and

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

644 |       2. The department shall encourage participation by local  
 645 | governments of different sizes and rural characteristics in  
 646 | establishing and implementing rural land stewardship areas. It  
 647 | is the intent of the Legislature that rural land stewardship  
 648 | areas be used to further the following broad principles of rural  
 649 | sustainability: restoration and maintenance of the economic  
 650 | value of rural land; control of urban sprawl; identification and  
 651 | protection of ecosystems, habitats, and natural resources;  
 652 | promotion of rural economic activity; maintenance of the  
 653 | viability of Florida's agricultural economy; and protection of  
 654 | the character of rural areas of Florida. Rural land stewardship  
 655 | areas may be multicounty in order to encourage coordinated  
 656 | regional stewardship planning.

657 |       3. A local government, in conjunction with a regional  
 658 | planning council, a stakeholder organization of private land  
 659 | owners, or another local government, shall notify the department  
 660 | in writing of its intent to designate a rural land stewardship  
 661 | area. The written notification shall describe the basis for the  
 662 | designation, including the extent to which the rural land  
 663 | stewardship area enhances rural land values, controls urban



664 | sprawl, provides necessary open space for agriculture and  
 665 | protection of the natural environment, promotes rural economic  
 666 | activity, and maintains rural character and the economic  
 667 | viability of agriculture.

668 |         4. A rural land stewardship area shall be not less than  
 669 | 10,000 acres and shall be located outside of municipalities and  
 670 | established urban growth boundaries, and shall be designated by  
 671 | plan amendment. The plan amendment designating a rural land  
 672 | stewardship area shall be subject to review by the Department of  
 673 | Community Assistance ~~Affairs~~ pursuant to s. 163.3184 and shall  
 674 | provide for the following:

675 |             a. Criteria for the designation of receiving areas within  
 676 | rural land stewardship areas in which innovative planning and  
 677 | development strategies may be applied. Criteria shall at a  
 678 | minimum provide for the following: adequacy of suitable land to  
 679 | accommodate development so as to avoid conflict with  
 680 | environmentally sensitive areas, resources, and habitats;  
 681 | compatibility between and transition from higher density uses to  
 682 | lower intensity rural uses; the establishment of receiving area  
 683 | service boundaries which provide for a separation between  
 684 | receiving areas and other land uses within the rural land  
 685 | stewardship area through limitations on the extension of  
 686 | services; and connection of receiving areas with the rest of the  
 687 | rural land stewardship area using rural design and rural road  
 688 | corridors.

689 |             b. Goals, objectives, and policies setting forth the  
 690 | innovative planning and development strategies to be applied

691 within rural land stewardship areas pursuant to the provisions  
692 of this section.

693 c. A process for the implementation of innovative planning  
694 and development strategies within the rural land stewardship  
695 area, including those described in this subsection and rule 9J-  
696 5.006(5)(1), Florida Administrative Code, which provide for a  
697 functional mix of land uses and which are applied through the  
698 adoption by the local government of zoning and land development  
699 regulations applicable to the rural land stewardship area.

700 d. A process which encourages visioning pursuant to s.  
701 163.3167(11) to ensure that innovative planning and development  
702 strategies comply with the provisions of this section.

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

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

714 6. Upon the adoption of a plan amendment creating a rural  
715 land stewardship area, the local government shall, by ordinance,  
716 establish the methodology for the creation, conveyance, and use  
717 of transferable rural land use credits, otherwise referred to as  
718 stewardship credits, the application of ~~assign to the area a~~

719 ~~ertain number of credits, to be known as "transferable rural~~  
 720 ~~land use credits,"~~ which shall not constitute a right to develop  
 721 land, nor increase density of land, except as provided by this  
 722 section. The total amount of transferable rural land use credits  
 723 within assigned to the rural land stewardship area must enable  
 724 the realization of the long-term vision and goals for ~~correspond~~  
 725 ~~to~~ the 25-year or greater projected population of the rural land  
 726 stewardship area. Transferable rural land use credits are  
 727 subject to the following limitations:

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

730       b. Transferable rural land use credits may only be used on  
 731 lands designated as receiving areas and then solely for the  
 732 purpose of implementing innovative planning and development  
 733 strategies and creative land use planning techniques adopted by  
 734 the local government pursuant to this section.

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

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

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

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

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

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

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

769 j. Transferable rural land use credits may be assigned at  
 770 different ratios of credits per acre according to the natural  
 771 resource or other beneficial use characteristics of the land and  
 772 according to the land use remaining following the transfer of  
 773 credits, with the highest number of credits per acre assigned to  
 774 the most environmentally valuable land, or in locations where

775 the retention of ~~and a lesser number of credits to be assigned~~  
 776 ~~to~~ open space and agricultural land, is a priority, to such  
 777 lands.

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

785 7. Owners of land within rural land stewardship areas  
 786 should be provided incentives to enter into rural land  
 787 stewardship agreements, pursuant to existing law and rules  
 788 adopted thereto, with state agencies, water management  
 789 districts, and local governments to achieve mutually agreed upon  
 790 conservation objectives. Such incentives may include, but not be  
 791 limited to, the following:

792 a. Opportunity to accumulate transferable mitigation  
 793 credits.

794 b. Extended permit agreements.

795 c. Opportunities for recreational leases and ecotourism.

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

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

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

807           9. In recognition of the benefits of conceptual long-range  
808 planning, restoration and maintenance of the economic value of  
809 rural land; control of urban sprawl; identification and  
810 protection of ecosystems, habitats, and natural resources;  
811 promotion of rural economic activity; maintenance of the  
812 viability of the agricultural economy of this state; and  
813 protection of the character of rural areas of this state that  
814 will result from a rural land stewardship area, and to further  
815 encourage the innovative planning and development strategies in  
816 a rural land stewardship area, development within a rural land  
817 stewardship area is exempt from the requirements of s. 380.06.

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

821           (a) In order to enact a public school facilities element,  
822 each county and each municipality within the county must adopt a  
823 consistent public school facilities element and enter an  
824 interlocal agreement pursuant to s. 163.31777. The state land  
825 planning agency may provide a waiver to a county and to the  
826 municipalities within the county if the utilization rate for all  
827 schools within the district is less than 100 percent and the  
828 projected 5-year capital outlay full-time equivalent student  
829 growth rate is less than 10 percent. At its discretion, the

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830 state land planning agency may grant a waiver to a county or  
831 municipality for a single school to exceed the 100 percent  
832 limitation if it can be demonstrated that the utilization rate  
833 for that single school is not greater than 105 percent and there  
834 is no projected growth in the capital outlay full-time  
835 equivalent student population over the next 5 years. A  
836 municipality in a nonexempt county is exempt if the municipality  
837 meets all of the following criteria for having no significant  
838 impact on school attendance:

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

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

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

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

850 (b)(a) A public school facilities element shall be based  
851 upon data and analyses that address, among other items, how  
852 level-of-service standards will be achieved and maintained. Such  
853 data and analyses must include, at a minimum, such items as: the  
854 interlocal agreement adopted pursuant to s. 163.31777 and the 5-  
855 year school district facilities work program adopted pursuant to  
856 s. 1013.35; the educational plant survey prepared pursuant to s.  
857 1013.31 and an existing educational and ancillary plant map or

858 map series; information on existing development and development  
 859 anticipated for the next 5 years and the long-term planning  
 860 period; an analysis of problems and opportunities for existing  
 861 schools and schools anticipated in the future; an analysis of  
 862 opportunities to collocate future schools with other public  
 863 facilities such as parks, libraries, and community centers; an  
 864 analysis of the need for supporting public facilities for  
 865 existing and future schools; an analysis of opportunities to  
 866 locate schools to serve as community focal points; projected  
 867 future population and associated demographics, including  
 868 development patterns year by year for the upcoming 5-year and  
 869 long-term planning periods; and anticipated educational and  
 870 ancillary plants with land area requirements.

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

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

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

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

- 882 1. The procedure for an annual update process;
- 883 2. The procedure for school site selection;
- 884 3. The procedure for school permitting;



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

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

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

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

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

902           9. Coordination with the future land use element.

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

912        (h) The state land planning agency shall establish phased  
 913 schedules for adoption of the public school facilities element  
 914 and the required updates to the public schools interlocal  
 915 agreement pursuant to s. 163.31777. The schedule for the updated  
 916 public schools interlocal agreement shall provide for each  
 917 county and local government within the county to submit the  
 918 agreement no later than December 1, 2006. The schedule for the  
 919 public schools facilities element shall provide for each county  
 920 and local government within the county to adopt such element  
 921 beginning December 1, 2008, and ending no later than December 1,  
 922 2010. The state land planning agency shall set the same date for  
 923 all governmental entities within a school district. However, if  
 924 the county where the school district is located contains more  
 925 than 20 municipalities, the state land planning agency may  
 926 establish staggered due dates for the submission of interlocal  
 927 agreements by these municipalities. Plan amendments to adopt a  
 928 public school facilities element are exempt from the provisions  
 929 of s. 163.3187(1).

930        (13) Each local government is encouraged to develop a  
 931 community vision that provides for sustainable growth,  
 932 recognizes the local government's fiscal constraints, and  
 933 protects the local government's natural resources. At the  
 934 request of a local government, the applicable regional planning  
 935 council shall provide assistance in the development of a long-  
 936 range community vision. The community vision must reflect the  
 937 community's shared concept for growth and development of the  
 938 community, including visual representations depicting the

939 desired land-use patterns and character of the community during  
 940 a 10-year planning timeframe.

941 Section 6. Subsections (1), (2), (5), (6), and (7) of  
 942 section 163.31777, Florida Statutes, are amended to read:

943 163.31777 Public schools interlocal agreement.--

944 (1)(a) The county and municipalities located within the  
 945 geographic area of a school district shall enter into an  
 946 interlocal agreement with the district school board which  
 947 jointly establishes the specific ways in which the plans and  
 948 processes of the district school board and the local governments  
 949 are to be coordinated. The interlocal agreements shall be  
 950 submitted to the state land planning agency and the Office of  
 951 Educational Facilities and the SMART Schools Clearinghouse in  
 952 accordance with a schedule published by the state land planning  
 953 agency.

954 ~~(b) The schedule must establish staggered due dates for~~  
 955 ~~submission of interlocal agreements that are executed by both~~  
 956 ~~the local government and the district school board, commencing~~  
 957 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
 958 ~~set the same date for all governmental entities within a school~~  
 959 ~~district. However, if the county where the school district is~~  
 960 ~~located contains more than 20 municipalities, the state land~~  
 961 ~~planning agency may establish staggered due dates for the~~  
 962 ~~submission of interlocal agreements by these municipalities. The~~  
 963 ~~schedule must begin with those areas where both the number of~~  
 964 ~~districtwide capital outlay full-time equivalent students equals~~  
 965 ~~80 percent or more of the current year's school capacity and the~~  
 966 ~~projected 5-year student growth is 1,000 or greater, or where~~

967 | ~~the projected 5-year student growth rate is 10 percent or~~  
 968 | ~~greater.~~

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

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

995 state land planning agency shall assemble and make available  
 996 model interlocal agreements meeting the requirements of this  
 997 section and notify local governments and, jointly with the  
 998 Department of Education, the district school boards of the  
 999 requirements of this section, the dates for compliance, and the  
 1000 sanctions for noncompliance. The state land planning agency  
 1001 shall be available to informally review proposed interlocal  
 1002 agreements. If the state land planning agency has not received a  
 1003 proposed interlocal agreement for informal review, the state  
 1004 land planning agency shall, at least 60 days before the deadline  
 1005 for submission of the executed agreement, renotify the local  
 1006 government and the district school board of the upcoming  
 1007 deadline and the potential for sanctions.

1008 (2) ~~At a minimum,~~ The interlocal agreement shall  
 1009 acknowledge the school board's constitutional and statutory  
 1010 obligations to provide a uniform system of free public schools  
 1011 on a countywide basis and the land use authority of local  
 1012 governments, including their authority to approve or deny  
 1013 comprehensive plan amendments and development orders. The  
 1014 interlocal agreement must address the following issues:

1015 (a) Establish the mechanisms for coordinating the  
 1016 development, adoption, and amendment of each local government's  
 1017 public school facilities element with each other and the plans  
 1018 of the school board to ensure a uniform districtwide school  
 1019 concurrency system.

1020 (b) Establish a process for the development of siting  
 1021 criteria which encourages the location of public schools  
 1022 proximate to urban residential areas to the extent possible and

1023 seeks to collocate schools with other public facilities such as  
 1024 parks, libraries, and community centers to the extent possible.

1025 (c) Specify uniform, districtwide level-of-service  
 1026 standards for public schools of the same type and the process  
 1027 for modifying the adopted levels-of-service standards.

1028 (d) Establish a financially feasible process for the  
 1029 preparation, amendment, and joint approval by each local  
 1030 government and the school board of a public school capital  
 1031 facilities program, and a process and schedule for incorporation  
 1032 of the public school capital facilities program into the local  
 1033 government comprehensive plans on an annual basis.

1034 (e) Define the geographic application of school  
 1035 concurrency. If school concurrency is to be applied on a less  
 1036 than districtwide basis in the form of concurrency service  
 1037 areas, the agreement shall establish criteria and standards for  
 1038 the establishment and modification of school concurrency service  
 1039 areas. The agreement shall also establish a process and schedule  
 1040 for the mandatory incorporation of the school concurrency  
 1041 service areas and the criteria and standards for establishment  
 1042 of the service areas into the local government comprehensive  
 1043 plans. The agreement shall ensure maximum utilization of school  
 1044 capacity, taking into account transportation costs and court-  
 1045 approved desegregation plans, as well as other applicable  
 1046 factors. The agreement shall also ensure the achievement and  
 1047 maintenance of the adopted level-of-service standards for the  
 1048 geographic area of application throughout the 5 years covered by  
 1049 the public school capital facilities plan and thereafter by  
 1050 adding a new fifth year during the annual update.

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1051           (f) Establish a uniform districtwide procedure for  
 1052 implementing school concurrency which provides for:  
 1053           1. The evaluation of development applications for  
 1054 compliance with school concurrency requirements, including  
 1055 information provided by the school board on affected schools;  
 1056           2. An opportunity for the school board to review and  
 1057 comment on the effect of comprehensive plan amendments and  
 1058 rezonings on the public school facilities plan; and  
 1059           3. The monitoring and evaluation of the school concurrency  
 1060 system.  
 1061           (g) A process and uniform methodology for determining  
 1062 proportionate-share mitigation pursuant to s. 380.06.  
 1063           (h)(a) A process by which each local government and the  
 1064 district school board agree and base their plans on consistent  
 1065 projections of the amount, type, and distribution of population  
 1066 growth and student enrollment. The geographic distribution of  
 1067 jurisdiction-wide growth forecasts is a major objective of the  
 1068 process.  
 1069           (i)(b) A process to coordinate and share information  
 1070 relating to existing and planned public school facilities,  
 1071 including school renovations and closures, and local government  
 1072 plans for development and redevelopment.  
 1073           (j)(e) Participation by affected local governments with  
 1074 the district school board in the process of evaluating potential  
 1075 school closures, significant renovations to existing schools,  
 1076 and new school site selection before land acquisition. Local  
 1077 governments shall advise the district school board as to the  
 1078 consistency of the proposed closure, renovation, or new site

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1079 | with the local comprehensive plan, including appropriate  
 1080 | circumstances and criteria under which a district school board  
 1081 | may request an amendment to the comprehensive plan for school  
 1082 | siting.

1083 |        (k)~~(d)~~ A process for determining the need for and timing  
 1084 | of onsite and offsite improvements to support new, proposed  
 1085 | expansion, or redevelopment of existing schools. The process  
 1086 | must address identification of the party or parties responsible  
 1087 | for the improvements.

1088 |        (l)~~(e)~~ A process for the school board to inform the local  
 1089 | government regarding the effect of comprehensive plan amendments  
 1090 | on school capacity. The capacity reporting must be consistent  
 1091 | with laws and rules relating to measurement of school facility  
 1092 | capacity and must also identify how the district school board  
 1093 | will meet the public school demand based on the facilities work  
 1094 | program adopted pursuant to s. 1013.35.

1095 |        (m)~~(f)~~ Participation of the local governments in the  
 1096 | preparation of the annual update to the district school board's  
 1097 | 5-year district facilities work program and educational plant  
 1098 | survey prepared pursuant to s. 1013.35.

1099 |        (n)~~(g)~~ A process for determining where and how joint use  
 1100 | of either school board or local government facilities can be  
 1101 | shared for mutual benefit and efficiency.

1102 |        (o)~~(h)~~ A procedure for the resolution of disputes between  
 1103 | the district school board and local governments, which may  
 1104 | include the dispute resolution processes contained in chapters  
 1105 | 164 and 186.



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1106 (p)~~(i)~~ An oversight process, including an opportunity for  
 1107 public participation, for the implementation of the interlocal  
 1108 agreement.

1109 (q) A process for development of a public school  
 1110 facilities element pursuant to 163.3177(12).

1111  
 1112 ~~A signatory to the interlocal agreement may elect not to include~~  
 1113 ~~a provision meeting the requirements of paragraph (e); however,~~  
 1114 ~~such a decision may be made only after a public hearing on such~~  
 1115 ~~election, which may include the public hearing in which a~~  
 1116 ~~district school board or a local government adopts the~~  
 1117 ~~interlocal agreement. An interlocal agreement entered into~~  
 1118 ~~pursuant to this section must be consistent with the adopted~~  
 1119 ~~comprehensive plan and land development regulations of any local~~  
 1120 ~~government that is a signatory.~~

1121 (5) Any local government transmitting a public school  
 1122 element to implement school concurrency pursuant to the  
 1123 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~  
 1124 ~~date of this section~~ is not required to amend the element or any  
 1125 interlocal agreement to conform with the provisions of this  
 1126 section ~~if the element is adopted prior to or within 1 year~~  
 1127 ~~after the effective date of this section and remains in effect.~~

1128 (6) Except as provided in subsection (7), municipalities  
 1129 meeting the exemption criteria in s. 163.3177(12) ~~having no~~  
 1130 ~~established need for a new school facility and meeting the~~  
 1131 ~~following criteria~~ are exempt from the requirements of  
 1132 subsections (1), (2), and (3).÷

1133           ~~(a) The municipality has no public schools located within~~  
1134 ~~its boundaries.~~

1135           ~~(b) The district school board's 5-year facilities work~~  
1136 ~~program and the long-term 10-year and 20-year work programs, as~~  
1137 ~~provided in s. 1013.35, demonstrate that no new school facility~~  
1138 ~~is needed in the municipality. In addition, the district school~~  
1139 ~~board must verify in writing that no new school facility will be~~  
1140 ~~needed in the municipality within the 5-year and 10-year~~  
1141 ~~timeframes.~~

1142           (7) At the time of the evaluation and appraisal report,  
1143 each exempt municipality shall assess the extent to which it  
1144 continues to meet the criteria for exemption under s.  
1145 163.3177(12) ~~subsection (6)~~. If the municipality continues to  
1146 meet these criteria ~~and the district school board verifies in~~  
1147 ~~writing that no new school facilities will be needed within the~~  
1148 ~~5-year and 10-year timeframes~~, the municipality shall continue  
1149 to be exempt from the interlocal-agreement requirement. Each  
1150 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must  
1151 comply with the provisions of this section within 1 year after  
1152 the district school board proposes, in its 5-year district  
1153 facilities work program, a new school within the municipality's  
1154 jurisdiction.

1155           Section 7. Paragraph (a) of subsection (1), paragraphs (a)  
1156 and (c) of subsection (2), paragraph (c) of subsection (4),  
1157 subsections (5), (6), (7), (9), (10), and (13), and paragraph  
1158 (c) of subsection (15) of section 163.3180, Florida Statutes,  
1159 are amended, and subsections (16) and (17) are added to said  
1160 section, to read:

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1161 |           163.3180 Concurrency.--

1162 |           (1)(a) Sanitary sewer, solid waste, drainage, potable  
1163 | water, parks and recreation, schools, and transportation  
1164 | facilities, including mass transit, where applicable, are the  
1165 | only public facilities and services subject to the concurrency  
1166 | requirement on a statewide basis. Additional public facilities  
1167 | and services may not be made subject to concurrency on a  
1168 | statewide basis without appropriate study and approval by the  
1169 | Legislature; however, any local government may extend the  
1170 | concurrency requirement so that it applies to additional public  
1171 | facilities within its jurisdiction.

1172 |           (2)(a) Consistent with public health and safety, sanitary  
1173 | sewer, solid waste, drainage, adequate water supplies, and  
1174 | potable water facilities shall be in place and available to  
1175 | serve new development no later than the issuance by the local  
1176 | government of a certificate of occupancy or its functional  
1177 | equivalent.

1178 |           (c) Consistent with the public welfare, and except as  
1179 | otherwise provided in this section, transportation facilities  
1180 | ~~designated as part of the Florida Intrastate Highway System~~  
1181 | needed to serve new development shall be in place or under  
1182 | actual construction within 3 ~~not more than 5~~ years after  
1183 | issuance by the local government of a certificate of occupancy  
1184 | or its functional equivalent. ~~Other transportation facilities~~  
1185 | ~~needed to serve new development shall be in place or under~~  
1186 | ~~actual construction no more than 3 years after issuance by the~~  
1187 | ~~local government of a certificate of occupancy or its functional~~  
1188 | ~~equivalent.~~

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1189 (4)  
 1190 (c) The concurrency requirement, except as it relates to  
 1191 transportation facilities, as implemented in local government  
 1192 comprehensive plans, may be waived by a local government for  
 1193 urban infill and redevelopment areas designated pursuant to s.  
 1194 163.2517 if such a waiver does not endanger public health or  
 1195 safety as defined by the local government in its local  
 1196 government comprehensive plan. The waiver shall be adopted as a  
 1197 plan amendment pursuant to the process set forth in s.  
 1198 163.3187(3)(a). A local government may grant a concurrency  
 1199 exception pursuant to subsection (5) for transportation  
 1200 facilities located within these urban infill and redevelopment  
 1201 areas. Within designated urban infill and redevelopment areas,  
 1202 the local government and Department of Transportation shall  
 1203 cooperatively establish a plan for maintaining the adopted  
 1204 level-of-service standards established by the Department of  
 1205 Transportation for Strategic Intermodal System facilities, as  
 1206 defined in s. 339.64.

1207 (5)(a) The Legislature finds that under limited  
 1208 circumstances dealing with transportation facilities,  
 1209 countervailing planning and public policy goals may come into  
 1210 conflict with the requirement that adequate public facilities  
 1211 and services be available concurrent with the impacts of such  
 1212 development. The Legislature further finds that often the  
 1213 unintended result of the concurrency requirement for  
 1214 transportation facilities is the discouragement of urban infill  
 1215 development and redevelopment. Such unintended results directly  
 1216 conflict with the goals and policies of the ~~state comprehensive~~

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1217 ~~plan and~~ the intent of this part. Therefore, exceptions from the  
 1218 concurrency requirement for transportation facilities may be  
 1219 granted as provided by this subsection.

1220 (b) A local government may grant an exception from the  
 1221 concurrency requirement for transportation facilities if the  
 1222 proposed development is otherwise consistent with the adopted  
 1223 local government comprehensive plan and is a project that  
 1224 promotes public transportation or is located within an area  
 1225 designated in the comprehensive plan for:

- 1226 1. Urban infill development,
- 1227 2. Urban redevelopment,
- 1228 3. Downtown revitalization, or
- 1229 4. Urban infill and redevelopment under s. 163.2517.
- 1230 5. An adopted detailed specific area plan within an  
 1231 optional sector plan approved pursuant to s. 163.3245.

1232 (c) The Legislature also finds that developments located  
 1233 within urban infill, urban redevelopment, existing urban  
 1234 service, or downtown revitalization areas or areas designated as  
 1235 urban infill and redevelopment areas under s. 163.2517 which  
 1236 pose only special part-time demands on the transportation system  
 1237 should be excepted from the concurrency requirement for  
 1238 transportation facilities. A special part-time demand is one  
 1239 that does not have more than 200 scheduled events during any  
 1240 calendar year and does not affect the 100 highest traffic volume  
 1241 hours.

1242 (d) A local government shall establish guidelines for  
 1243 granting the exceptions authorized in paragraphs (b) and (c) in  
 1244 the comprehensive plan. These guidelines must include

1245 | consideration of the Strategic Intermodal System ~~impacts on the~~  
 1246 | ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The  
 1247 | exceptions may be available only within the specific geographic  
 1248 | area of the jurisdiction designated in the plan. Pursuant to s.  
 1249 | 163.3184, any affected person may challenge a plan amendment  
 1250 | establishing these guidelines and the areas within which an  
 1251 | exception could be granted.

1252 |       (e) It is a high state priority that urban infill and  
 1253 | redevelopment be promoted and provided incentives. By promoting  
 1254 | the revitalization of existing communities of this state, a more  
 1255 | efficient maximization of space and facilities may be achieved  
 1256 | and urban sprawl will be discouraged. If a local government  
 1257 | creates a long-term vision for its community that includes  
 1258 | adequate funding and services, the transportation facilities  
 1259 | concurrency requirement of paragraph (2)(c) are waived for:

- 1260 |       1. Urban infill development;
- 1261 |       2. Urban redevelopment;
- 1262 |       3. Downtown revitalization;
- 1263 |       4. Urban infill and redevelopment under s. 163.2517; or
- 1264 |       5. Local governments that are at least 90 percent built-  
 1265 | out. "Built-out" means 90 percent of a local government's  
 1266 | developable land is currently developed. However, if a  
 1267 | municipality annexes unincorporated property that decreases the  
 1268 | percentage of build-out to an amount below 90 percent, any newly  
 1269 | annexed property shall not be exempt from transportation  
 1270 | facilities concurrency requirements unless the annexed property  
 1271 | is at least 90 percent built out. The local government and  
 1272 | Department of Transportation shall cooperatively establish a

1273 plan for maintaining the adopted level-of-service standards  
 1274 established by the Department of Transportation for Strategic  
 1275 Intermodal System facilities, as defined in s. 339.64.

1276 (6) The Legislature finds that a de minimis impact is  
 1277 consistent with this part. A de minimis impact is an impact that  
 1278 would not affect more than 1 percent of the maximum volume at  
 1279 the adopted level of service of the affected transportation  
 1280 facility as determined by the local government. No impact will  
 1281 be de minimis if the sum of existing roadway volumes and the  
 1282 projected volumes from approved projects on a transportation  
 1283 facility would exceed 110 percent of the maximum volume at the  
 1284 adopted level of service of the affected transportation  
 1285 facility; provided however, that an impact of a single family  
 1286 home on an existing lot will constitute a de minimis impact on  
 1287 all roadways regardless of the level of the deficiency of the  
 1288 roadway. ~~Local governments are encouraged to adopt methodologies~~  
 1289 ~~to encourage de minimis impacts on transportation facilities~~  
 1290 ~~within an existing urban service area.~~ Further, no impact will  
 1291 be de minimis if it would exceed the adopted level-of-service  
 1292 standard of any affected designated hurricane evacuation routes.  
 1293 Each local government shall annually adjust its concurrency  
 1294 management system calculation of existing background traffic to  
 1295 reflect projects permitted under the de minimis exemption.

1296 (7) In order to promote infill development and  
 1297 redevelopment, one or more transportation concurrency management  
 1298 areas may be designated in a local government comprehensive  
 1299 plan. A transportation concurrency management area must be a  
 1300 compact geographic area with an existing network of roads where

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1301 multiple, viable alternative travel paths or modes are available  
 1302 for common trips. A local government may establish an areawide  
 1303 level-of-service standard for such a transportation concurrency  
 1304 management area based upon an analysis that provides for a  
 1305 justification for the areawide level of service, how urban  
 1306 infill development or redevelopment will be promoted, and how  
 1307 mobility will be accomplished within the transportation  
 1308 concurrency management area. Within designated urban infill and  
 1309 redevelopment areas, the local government and Department of  
 1310 Transportation shall cooperatively establish a plan for  
 1311 maintaining the adopted level-of-service standards established  
 1312 by the Department of Transportation for Strategic Intermodal  
 1313 System facilities, as defined in s. 339.64. The state land  
 1314 planning agency shall amend chapter 9J-5, Florida Administrative  
 1315 Code, to be consistent with this subsection.

1316 (9)(a) Each local government may adopt as a part of its  
 1317 plan, a long-term transportation and school concurrency  
 1318 management systems system with a planning period of up to 10  
 1319 years for specially designated districts or areas where  
 1320 significant backlogs exist. The plan may include interim level-  
 1321 of-service standards on certain facilities and shall ~~may~~ rely on  
 1322 the local government's schedule of capital improvements for up  
 1323 to 10 years as a basis for issuing development orders that  
 1324 authorize commencement of construction ~~permits~~ in these  
 1325 designated districts or areas. The concurrency management  
 1326 system. ~~It~~ must be designed to correct existing deficiencies and  
 1327 set priorities for addressing backlogged facilities. The  
 1328 concurrency management system ~~It~~ must be financially feasible



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1329 and consistent with other portions of the adopted local plan,  
1330 including the future land use map.

1331 (b) If a local government has a transportation or school  
1332 facility backlog for existing development which cannot be  
1333 adequately addressed in a 10-year plan, the state land planning  
1334 agency may allow it to develop a plan and long-term schedule of  
1335 capital improvements covering ~~of~~ up to 15 years for good and  
1336 sufficient cause, based on a general comparison between that  
1337 local government and all other similarly situated local  
1338 jurisdictions, using the following factors:

- 1339 1. The extent of the backlog.
- 1340 2. For roads, whether the backlog is on local or state  
1341 roads.
- 1342 3. The cost of eliminating the backlog.
- 1343 4. The local government's tax and other revenue-raising  
1344 efforts.

1345 (c) The local government may issue approvals to commence  
1346 construction, notwithstanding s. 163.3180, consistent with and  
1347 in areas that are subject to a long-term concurrency management  
1348 system.

1349 (d) If the local government adopts a long-term concurrency  
1350 management system, the government must evaluate the system  
1351 periodically. At a minimum, the local government must assess its  
1352 progress toward improving levels of service within the long-term  
1353 concurrency management district or area in the evaluation and  
1354 appraisal report and determine any changes that are necessary to  
1355 accelerate progress in meeting acceptable levels of service or  
1356 providing other methods of transportation.

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1357 (10) With regard to facilities on the Florida Intrastate  
 1358 Highway System as defined in s. 338.001, with concurrence from  
 1359 the Department of Transportation, the level-of-service standard  
 1360 for general lanes in urbanized areas, as defined in s.  
 1361 334.03(36), may be established by the local government in the  
 1362 comprehensive plan. For the Strategic Intermodal System and all  
 1363 other facilities on the Florida Intrastate Highway System, local  
 1364 governments shall adopt the level-of-service standard that has  
 1365 been established by the Department of Transportation by rule.  
 1366 For all other roads on the State Highway System, local  
 1367 governments shall establish an adequate level-of-service  
 1368 standard that need not be consistent with any level-of-service  
 1369 standard established by the Department of Transportation. In  
 1370 establishing adequate level-of-service standards for any  
 1371 arterial roads or collector roads, as appropriate, which  
 1372 traverse multiple jurisdictions, local governments shall  
 1373 consider compatibility with the roadway facility's adopted  
 1374 level-of-service standards in adjacent jurisdictions. Each local  
 1375 government within a county shall use a common and professionally  
 1376 accepted methodology for measuring impacts on transportation  
 1377 facilities for the purposes of implementing its concurrency  
 1378 management system. Counties are encouraged to coordinate with  
 1379 adjacent counties for the purpose of using common methodologies  
 1380 for implementing their concurrency management systems.

1381 (13) School concurrency, ~~if imposed by local option,~~ shall  
 1382 be established on a districtwide basis and shall include all  
 1383 public schools in the district and all portions of the district,  
 1384 whether located in a municipality or an unincorporated area

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1385 unless exempt from the public school facilities element pursuant  
 1386 to s. 163.3177(12), except that this subsection shall not apply  
 1387 to the Florida School for the Deaf and the Blind. The  
 1388 development of school concurrency shall be accomplished through  
 1389 a coordinated process including the local school district, the  
 1390 county, and all non-exempt municipalities within the county and  
 1391 shall be reflected in the public school facilities element  
 1392 adopted pursuant to the schedule provided for in s.  
 1393 163.3177(12)(h). The school concurrency requirement shall not be  
 1394 effective until the adoption of the public school facilities  
 1395 element. The application of school concurrency to development  
 1396 shall be based upon the adopted comprehensive plan, as amended.  
 1397 All local governments within a county, except as provided in  
 1398 paragraph (f), shall adopt and transmit to the state land  
 1399 planning agency the necessary plan amendments, along with the  
 1400 interlocal agreement, for a compliance review pursuant to s.  
 1401 163.3184(7) and (8). ~~School concurrency shall not become~~  
 1402 ~~effective in a county until all local governments, except as~~  
 1403 ~~provided in paragraph (f), have adopted the necessary plan~~  
 1404 ~~amendments, which together with the interlocal agreement, are~~  
 1405 ~~determined to be in compliance with the requirements of this~~  
 1406 ~~part.~~ The minimum requirements for school concurrency are the  
 1407 following:  
 1408 (a) Public school facilities element.--A local government  
 1409 shall adopt and transmit to the state land planning agency a  
 1410 plan or plan amendment which includes a public school facilities  
 1411 element which is consistent with the requirements of s.  
 1412 163.3177(12) and which is determined to be in compliance as

1413 defined in s. 163.3184(1)(b). All local government public school  
 1414 facilities plan elements within a county must be consistent with  
 1415 each other as well as the requirements of this part.

1416 (b) Level-of-service standards.--The Legislature  
 1417 recognizes that an essential requirement for a concurrency  
 1418 management system is the level of service at which a public  
 1419 facility is expected to operate.

1420 1. Local governments and school boards imposing school  
 1421 concurrency shall exercise authority in conjunction with each  
 1422 other to establish jointly adequate level-of-service standards,  
 1423 as defined in chapter 9J-5, Florida Administrative Code,  
 1424 necessary to implement the adopted local government  
 1425 comprehensive plan, based on data and analysis.

1426 2. Public school level-of-service standards shall be  
 1427 included and adopted into the capital improvements element of  
 1428 the local comprehensive plan and shall apply districtwide to all  
 1429 schools of the same type. Types of schools may include  
 1430 elementary, middle, and high schools as well as special purpose  
 1431 facilities such as magnet schools.

1432 3. Local governments and school boards shall have the  
 1433 option to utilize tiered level-of-service standards to allow  
 1434 time to achieve an adequate and desirable level of service as  
 1435 circumstances warrant.

1436 (c) Service areas.--The Legislature recognizes that an  
 1437 essential requirement for a concurrency system is a designation  
 1438 of the area within which the level of service will be measured  
 1439 when an application for a residential development permit is  
 1440 reviewed for school concurrency purposes. This delineation is

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1441 | also important for purposes of determining whether the local  
 1442 | government has a financially feasible public school capital  
 1443 | facilities program that will provide schools which will achieve  
 1444 | and maintain the adopted level-of-service standards.

1445 |         1. In order to balance competing interests, preserve the  
 1446 | constitutional concept of uniformity, and avoid disruption of  
 1447 | existing educational and growth management processes, local  
 1448 | governments are encouraged to initially apply school concurrency  
 1449 | to development only on a districtwide basis so that a  
 1450 | concurrency determination for a specific development will be  
 1451 | based upon the availability of school capacity districtwide. To  
 1452 | ensure that development is coordinated with schools having  
 1453 | available capacity, within 5 years after adoption of school  
 1454 | concurrency local governments shall apply school concurrency on  
 1455 | a less than districtwide basis, such as using school attendance  
 1456 | zones or concurrency service areas, as provided in subparagraph  
 1457 | 2.

1458 |         2. For local governments applying school concurrency on a  
 1459 | less than districtwide basis, such as utilizing school  
 1460 | attendance zones or larger school concurrency service areas,  
 1461 | local governments and school boards shall have the burden to  
 1462 | demonstrate that the utilization of school capacity is maximized  
 1463 | to the greatest extent possible in the comprehensive plan and  
 1464 | amendment, taking into account transportation costs and court-  
 1465 | approved desegregation plans, as well as other factors. In  
 1466 | addition, in order to achieve concurrency within the service  
 1467 | area boundaries selected by local governments and school boards,  
 1468 | the service area boundaries, together with the standards for

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1469 establishing those boundaries, shall be identified and, included  
 1470 as supporting data and analysis for, ~~and adopted as part of the~~  
 1471 comprehensive plan. ~~Any subsequent change to the service area~~  
 1472 ~~boundaries for purposes of a school concurrency system shall be~~  
 1473 ~~by plan amendment and shall be exempt from the limitation on the~~  
 1474 ~~frequency of plan amendments in s. 163.3187(1).~~

1475 3. Where school capacity is available on a districtwide  
 1476 basis but school concurrency is applied on a less than  
 1477 districtwide basis in the form of concurrency service areas, if  
 1478 the adopted level-of-service standard cannot be met in a  
 1479 particular service area as applied to an application for a  
 1480 development permit through mitigation or other measures and if  
 1481 the needed capacity for the particular service area is available  
 1482 in one or more contiguous service areas, as adopted by the local  
 1483 government, ~~then~~ the development order may not shall be denied  
 1484 on the basis of school concurrency, and if issued, development  
 1485 impacts shall be shifted to contiguous service areas with  
 1486 schools having available capacity and mitigation measures shall  
 1487 ~~not be exacted.~~

1488 (d) Financial feasibility.--The Legislature recognizes  
 1489 that financial feasibility is an important issue because the  
 1490 premise of concurrency is that the public facilities will be  
 1491 provided in order to achieve and maintain the adopted level-of-  
 1492 service standard. This part and chapter 9J-5, Florida  
 1493 Administrative Code, contain specific standards to determine the  
 1494 financial feasibility of capital programs. These standards were  
 1495 adopted to make concurrency more predictable and local  
 1496 governments more accountable.

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1497 | 1. A comprehensive plan amendment seeking to impose school  
 1498 | concurrency shall contain appropriate amendments to the capital  
 1499 | improvements element of the comprehensive plan, consistent with  
 1500 | the requirements of s. 163.3177(3) and rule 9J-5.016, Florida  
 1501 | Administrative Code. The capital improvements element shall set  
 1502 | forth a financially feasible public school capital facilities  
 1503 | program, established in conjunction with the school board, that  
 1504 | demonstrates that the adopted level-of-service standards will be  
 1505 | achieved and maintained.

1506 | 2. Such amendments shall demonstrate that the public  
 1507 | school capital facilities program meets all of the financial  
 1508 | feasibility standards of this part and chapter 9J-5, Florida  
 1509 | Administrative Code, that apply to capital programs which  
 1510 | provide the basis for mandatory concurrency on other public  
 1511 | facilities and services.

1512 | 3. When the financial feasibility of a public school  
 1513 | capital facilities program is evaluated by the state land  
 1514 | planning agency for purposes of a compliance determination, the  
 1515 | evaluation shall be based upon the service areas selected by the  
 1516 | local governments and school board.

1517 | (e) Availability standard.--Consistent with the public  
 1518 | welfare, a local government may not deny a development order or  
 1519 | its functional equivalent ~~permit~~ authorizing residential  
 1520 | development for failure to achieve and maintain the level-of-  
 1521 | service standard for public school capacity in a local ~~option~~  
 1522 | school concurrency management system where adequate school  
 1523 | facilities will be in place or under actual construction within  
 1524 | 3 years after the permit issuance by the local government of a

1525 certificate of occupancy or its functional equivalent. School  
 1526 concurrency shall be satisfied if the developer executes a  
 1527 legally binding commitment to provide mitigation proportionate  
 1528 to the demand for public school facilities to be created by  
 1529 actual development of the property, including, but not limited  
 1530 to, the options described in subparagraph 1. Approval of a  
 1531 funding agreement shall not be unreasonably withheld. Any  
 1532 dispute shall be mediated pursuant to s. 120.573. Options for  
 1533 proportionate-share mitigation of impacts on public school  
 1534 facilities shall be established in the interlocal agreement  
 1535 pursuant to s. 163.31777.

1536 1. Appropriate mitigation options include the contribution  
 1537 of land; the construction, expansion, or payment for land  
 1538 acquisition or construction of a public school facility; or the  
 1539 creation of mitigation banking based on the construction of a  
 1540 public school facility in exchange for the right to sell  
 1541 capacity credits. Such options must include execution by the  
 1542 applicant and the local government of a binding development  
 1543 agreement that constitutes a legally binding commitment to pay  
 1544 proportionate-share mitigation for the additional residential  
 1545 units approved by the local government in a development order  
 1546 and actually developed on the property, taking into account  
 1547 residential density allowed on the property prior to the plan  
 1548 amendment that increased overall residential density. The  
 1549 district school board shall be a party to such an agreement. As  
 1550 a condition of its entry into such a development agreement, the  
 1551 local government may require the landowner to agree to  
 1552 continuing renewal of the agreement upon its expiration.



1553           2. If the education facilities plan and the public  
 1554 educational facilities element authorize a contribution of land;  
 1555 the construction, expansion, or payment for land acquisition; or  
 1556 the construction or expansion of a public school facility, or a  
 1557 portion of such facility, as proportionate-share mitigation, the  
 1558 local government shall credit such a contribution, construction,  
 1559 expansion, or payment toward any other impact fee or exaction  
 1560 imposed by local ordinance for the same need, on a dollar-for-  
 1561 dollar basis at fair market value.

1562           3. Any proportionate-share mitigation must be directed by  
 1563 the school board toward a school capacity improvement that is  
 1564 identified in the financially feasible 5-year district work plan  
 1565 and that will be provided in accordance with a binding  
 1566 developer's agreement.

1567           (f) Intergovernmental coordination.--

1568           1. When establishing concurrency requirements for public  
 1569 schools, a local government shall satisfy the requirements for  
 1570 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
 1571 and 2., except that a municipality is not required to be a  
 1572 signatory to the interlocal agreement required by ss. s-  
 1573 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
 1574 imposition of school concurrency, and as a nonsignatory, shall  
 1575 not participate in the adopted local school concurrency system,  
 1576 if the municipality meets all of the following criteria for  
 1577 having no significant impact on school attendance:

1578           a. The municipality has issued development orders for  
 1579 fewer than 50 residential dwelling units during the preceding 5

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1580 | years, or the municipality has generated fewer than 25  
1581 | additional public school students during the preceding 5 years.

1582 |       b. The municipality has not annexed new land during the  
1583 | preceding 5 years in land use categories which permit  
1584 | residential uses that will affect school attendance rates.

1585 |       c. The municipality has no public schools located within  
1586 | its boundaries.

1587 |       d. At least 80 percent of the developable land within the  
1588 | boundaries of the municipality has been built upon.

1589 |       2. A municipality which qualifies as having no significant  
1590 | impact on school attendance pursuant to the criteria of  
1591 | subparagraph 1. must review and determine at the time of its  
1592 | evaluation and appraisal report pursuant to s. 163.3191 whether  
1593 | it continues to meet the criteria pursuant to s. 163.31777(6).

1594 | If the municipality determines that it no longer meets the  
1595 | criteria, it must adopt appropriate school concurrency goals,  
1596 | objectives, and policies in its plan amendments based on the  
1597 | evaluation and appraisal report, and enter into the existing  
1598 | interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and  
1599 | 163.31777, in order to fully participate in the school  
1600 | concurrency system. If such a municipality fails to do so, it  
1601 | will be subject to the enforcement provisions of s. 163.3191.

1602 |       (g) Interlocal agreement for school concurrency.--When  
1603 | establishing concurrency requirements for public schools, a  
1604 | local government must enter into an interlocal agreement which  
1605 | satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the  
1606 | requirements of this subsection. The interlocal agreement shall  
1607 | acknowledge both the school board's constitutional and statutory

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1608 obligations to provide a uniform system of free public schools  
 1609 on a countywide basis, and the land use authority of local  
 1610 governments, including their authority to approve or deny  
 1611 comprehensive plan amendments and development orders. The  
 1612 interlocal agreement shall be submitted to the state land  
 1613 planning agency by the local government as a part of the  
 1614 compliance review, along with the other necessary amendments to  
 1615 the comprehensive plan required by this part. In addition to the  
 1616 requirements of s. 163.3177(6)(h), the interlocal agreement  
 1617 shall meet the following requirements:

1618       1. Establish the mechanisms for coordinating the  
 1619 development, adoption, and amendment of each local government's  
 1620 public school facilities element with each other and the plans  
 1621 of the school board to ensure a uniform districtwide school  
 1622 concurrency system.

1623       2. Establish a process by which each local government and  
 1624 the school board shall agree and base their plans on consistent  
 1625 projections of the amount, type, and distribution of population  
 1626 growth and coordinate and share information relating to existing  
 1627 and planned public school facilities projections and proposals  
 1628 for development and redevelopment, and infrastructure required  
 1629 to support public school facilities.

1630       3. Establish a process for the development of siting  
 1631 criteria which encourages the location of public schools  
 1632 proximate to urban residential areas to the extent possible and  
 1633 seeks to collocate schools with other public facilities such as  
 1634 parks, libraries, and community centers to the extent possible.

1635 |           4. Specify uniform, districtwide level-of-service  
1636 | standards for public schools of the same type and the process  
1637 | for modifying the adopted levels-of-service standards.

1638 |           5. Establish a process for the preparation, amendment, and  
1639 | joint approval by each local government and the school board of  
1640 | a public school capital facilities program which is financially  
1641 | feasible, and a process and schedule for incorporation of the  
1642 | public school capital facilities program into the local  
1643 | government comprehensive plans on an annual basis.

1644 |           6. Define the geographic application of school  
1645 | concurrency. If school concurrency is to be applied on a less  
1646 | than districtwide basis in the form of concurrency service  
1647 | areas, the agreement shall establish criteria and standards for  
1648 | the establishment and modification of school concurrency service  
1649 | areas. The agreement shall also establish a process and schedule  
1650 | for the mandatory incorporation of the school concurrency  
1651 | service areas and the criteria and standards for establishment  
1652 | of the service areas into the local government comprehensive  
1653 | plans. The agreement shall ensure maximum utilization of school  
1654 | capacity, taking into account transportation costs and court-  
1655 | approved desegregation plans, as well as other factors. The  
1656 | agreement shall also ensure the achievement and maintenance of  
1657 | the adopted level-of-service standards for the geographic area  
1658 | of application throughout the 5 years covered by the public  
1659 | school capital facilities plan and thereafter by adding a new  
1660 | fifth year during the annual update.

1661 |           7. Establish a uniform districtwide procedure for  
1662 | implementing school concurrency which provides for:

1663 |           a. The evaluation of development applications for  
 1664 | compliance with school concurrency requirements;  
 1665 |           b. An opportunity for the school board to review and  
 1666 | comment on the effect of comprehensive plan amendments and  
 1667 | rezonings on the public school facilities plan; and  
 1668 |           c. The monitoring and evaluation of the school concurrency  
 1669 | system.  
 1670 |           8. Include provisions relating to termination, suspension,  
 1671 | and amendment of the agreement. The agreement shall provide that  
 1672 | if the agreement is terminated or suspended, the application of  
 1673 | school concurrency shall be terminated or suspended.  
 1674 |           (15)  
 1675 |           (c) Local governments may establish multimodal level-of-  
 1676 | service standards that rely primarily on nonvehicular modes of  
 1677 | transportation within the district, when justified by an  
 1678 | analysis demonstrating that the existing and planned community  
 1679 | design will provide an adequate level of mobility within the  
 1680 | district based upon professionally accepted multimodal level-of-  
 1681 | service methodologies. Within designated urban infill and  
 1682 | redevelopment areas, the local government and Department of  
 1683 | Transportation shall cooperatively establish a plan for  
 1684 | maintaining the adopted level-of-service standards established  
 1685 | by the Department of Transportation for Strategic Intermodal  
 1686 | System facilities, as defined in s. 339.64. The analysis must  
 1687 | take into consideration the impact on the Florida Intrastate  
 1688 | Highway System. The analysis must also demonstrate that the  
 1689 | capital improvements required to promote community design are  
 1690 | financially feasible over the development or redevelopment

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1691 | timeframe for the district and that community design features  
1692 | within the district provide convenient interconnection for a  
1693 | multimodal transportation system. Local governments may issue  
1694 | development permits in reliance upon all planned community  
1695 | design capital improvements that are financially feasible over  
1696 | the development or redevelopment timeframe for the district,  
1697 | without regard to the period of time between development or  
1698 | redevelopment and the scheduled construction of the capital  
1699 | improvements. A determination of financial feasibility shall be  
1700 | based upon currently available funding or funding sources that  
1701 | could reasonably be expected to become available over the  
1702 | planning period.

1703 |       (16)(a) It is the intent of the Legislature to provide a  
1704 | method by which the impacts of development on transportation  
1705 | facilities can be mitigated by the cooperative efforts of the  
1706 | public and private sectors.

1707 |       (b) When authorized in a local government comprehensive  
1708 | plan, local governments may create mitigation banks for  
1709 | transportation facilities to satisfy the concurrency provisions  
1710 | of this section, using the process and methodology developed in  
1711 | accordance with s. 163.3177(6)(b).

1712 |       (c) Mitigation contributions shall be used to satisfy the  
1713 | transportation concurrency requirements of this section and may  
1714 | be applied as a credit against impact fees. Mitigation for  
1715 | development impacts to facilities on the Strategic Intermodal  
1716 | System made pursuant to this subsection requires the concurrence  
1717 | of the Department of Transportation. However, this does not  
1718 | authorize the Department of Transportation to arbitrarily charge

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1719 a fee or require additional mitigation. Concurrence by the  
 1720 Department of Transportation may not be withheld unduly.

1721 (d) Transportation facilities concurrency shall be  
 1722 satisfied if the developer executes a legally binding commitment  
 1723 to provide mitigation proportionate to the demand for  
 1724 transportation facilities to be created by actual development of  
 1725 the property, including, but not limited to, the options for  
 1726 mitigation established in the transportation element or traffic  
 1727 circulation element. Approval of a funding agreement shall not  
 1728 be unreasonably withheld. Any dispute shall be mediated pursuant  
 1729 to s. 120.573. Appropriate transportation mitigation  
 1730 contributions may include public or private funds; the  
 1731 contribution of right-of-way; the construction of a  
 1732 transportation facility or payment for the right-of-way or  
 1733 construction of a transportation facility or service; or the  
 1734 provision of transit service. Such options shall include  
 1735 execution of an enforceable development agreement for projects  
 1736 to be funded by a developer.

1737 (17) A development may satisfy the concurrency  
 1738 requirements of the local comprehensive plan, the local  
 1739 government's land development regulations, and s. 380.06 by  
 1740 entering into a legally binding commitment to provide mitigation  
 1741 proportionate to the direct impact of the development. A local  
 1742 government may not require a development to pay more than its  
 1743 proportionate-share contribution regardless of the method  
 1744 mitigation.

1745 Section 8. Paragraph (a) of subsection (6) of section  
 1746 163.3184, Florida Statutes, is amended to read:

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1747 163.3184 Process for adoption of comprehensive plan or  
1748 plan amendment.--

1749 (6) STATE LAND PLANNING AGENCY REVIEW.--

1750 (a) The state land planning agency may ~~shall~~ review a  
1751 proposed plan amendment upon request of a regional planning  
1752 council, affected person, or local government transmitting the  
1753 plan amendment. The request from the regional planning council  
1754 or affected person must be received within 30 days after  
1755 transmittal of the proposed plan amendment pursuant to  
1756 subsection (3). A regional planning council or affected person  
1757 requesting a review shall do so by submitting a written request  
1758 to the agency with a notice of the request to the local  
1759 government and any other person who has requested notice.

1760 Section 9. Paragraph (o) is added to subsection (1) of  
1761 section 163.3187, Florida Statutes, to read:

1762 163.3187 Amendment of adopted comprehensive plan.--

1763 (1) Amendments to comprehensive plans adopted pursuant to  
1764 this part may be made not more than two times during any  
1765 calendar year, except:

1766 (o)1. For local governments that are more than 90 percent  
1767 built-out, which for purposes of this paragraph means 90 percent  
1768 of a local government's developable land is currently developed,  
1769 any local government comprehensive plan amendments may be  
1770 approved without regard to statutory limits on the frequency of  
1771 consideration of amendments to the local comprehensive plan only  
1772 if the proposed amendment involves a use of 100 acres or fewer  
1773 and:



1774 a. The cumulative annual effect of the acreage for all  
 1775 amendments adopted pursuant to this paragraph does not exceed  
 1776 500 acres.

1777 b. The proposed amendment does not involve the same  
 1778 property granted a change within the prior 12 months.

1779 c. The proposed amendment does not involve the same  
 1780 owner's property within 200 feet of property granted a change  
 1781 within the prior 12 months.

1782 d. The proposed amendment does not involve a text change  
 1783 to the goals, policies, and objectives of the local government's  
 1784 comprehensive plan but only proposes a land use change to the  
 1785 future land use map for a site-specific small scale development  
 1786 activity.

1787 e. The property that is the subject of the proposed  
 1788 amendment is not located within an area of critical state  
 1789 concern.

1790 2.a. A local government that proposes to consider a plan  
 1791 amendment pursuant to this paragraph is not required to comply  
 1792 with the procedures and public notice requirements of s.  
 1793 163.3184(15)(c) for such plan amendments if the local government  
 1794 complies with the provisions of s. 125.66(4)(a) for a county or  
 1795 of s. 166.041(3)(c) for a municipality. If a request for a plan  
 1796 amendment under this paragraph is initiated by other than the  
 1797 local government, public notice is required.

1798 b. The local government shall send copies of the notice  
 1799 and amendment to the state land planning agency, the regional  
 1800 planning council, and any other person or entity requesting a  
 1801 copy. This information shall also include a statement

1802 identifying any property subject to the amendment that is  
 1803 located within a coastal high hazard area as identified in the  
 1804 local comprehensive plan.

1805 3. Amendments adopted pursuant to this paragraph require  
 1806 only one public hearing before the governing board, which shall  
 1807 be an adoption hearing as described in s. 163.3184(7), and are  
 1808 not subject to the requirements of s. 163.3184(3)-(6) unless the  
 1809 local government elects to have them subject to those  
 1810 requirements.

1811 4. This paragraph shall not apply if a municipality  
 1812 annexes unincorporated property that decreases the percentage of  
 1813 build-out to an amount below 90 percent.

1814 Section 10. Paragraphs (k) and (l) of subsection (2) and  
 1815 subsection (10) of section 163.3191, Florida Statutes, are  
 1816 amended to read:

1817 163.3191 Evaluation and appraisal of comprehensive plan.--

1818 (2) The report shall present an evaluation and assessment  
 1819 of the comprehensive plan and shall contain appropriate  
 1820 statements to update the comprehensive plan, including, but not  
 1821 limited to, words, maps, illustrations, or other media, related  
 1822 to:

1823 (k) The coordination of the comprehensive plan with  
 1824 existing public schools and those identified in the applicable  
 1825 educational facilities plan adopted pursuant to s. 1013.35. The  
 1826 assessment shall address, where relevant, the success or failure  
 1827 of the coordination of the future land use map and associated  
 1828 planned residential development with public schools and their  
 1829 capacities, as well as the joint decisionmaking processes

1830 engaged in by the local government and the school board in  
 1831 regard to establishing appropriate population projections and  
 1832 the planning and siting of public school facilities. For  
 1833 counties or municipalities that do not have a public schools  
 1834 interlocal agreement or public school facility element, the  
 1835 assessment shall determine whether the local government  
 1836 continues to meet the criteria of s. 163.3177(12). If the county  
 1837 or municipality determines that it no longer meets the criteria,  
 1838 the county or municipality must adopt appropriate school  
 1839 concurrency goals, objectives, and policies in its plan  
 1840 amendments pursuant to the requirements of the public school  
 1841 facility element and enter into the existing interlocal  
 1842 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
 1843 order to fully participate in the school concurrency system ~~if~~  
 1844 ~~the issues are not relevant, the local government shall~~  
 1845 ~~demonstrate that they are not relevant.~~

1846 (1) The report must evaluate whether the local government  
 1847 has been successful in identifying water supply sources,  
 1848 including conservation and reuse, necessary to meet existing and  
 1849 projected water use demand for the comprehensive plan's water  
 1850 supply work plan. The water supply sources evaluated in the  
 1851 report must be consistent with ~~evaluation must consider~~ the  
 1852 appropriate water management district's regional water supply  
 1853 plan approved pursuant to s. 373.0361. The report must evaluate  
 1854 the degree to which the local government has implemented the  
 1855 work plan for water supply facilities included in the potable  
 1856 water element. ~~The potable water element must be revised to~~  
 1857 ~~include a work plan, covering at least a 10-year planning~~

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1858 ~~period, for building any water supply facilities that are~~  
 1859 ~~identified in the element as necessary to serve existing and new~~  
 1860 ~~development and for which the local government is responsible.~~

1861 (10) The governing body shall amend its comprehensive plan  
 1862 based on the recommendations in the report and shall update the  
 1863 comprehensive plan based on the components of subsection (2),  
 1864 pursuant to the provisions of ss. 163.3184, 163.3187, and  
 1865 163.3189. Amendments to update a comprehensive plan based on the  
 1866 evaluation and appraisal report shall be adopted within 18  
 1867 months after the report is determined to be sufficient by the  
 1868 state land planning agency, except the state land planning  
 1869 agency may grant an extension for adoption of a portion of such  
 1870 amendments. The state land planning agency may grant a 6-month  
 1871 extension for the adoption of such amendments if the request is  
 1872 justified by good and sufficient cause as determined by the  
 1873 agency. An additional extension may also be granted if the  
 1874 request will result in greater coordination between  
 1875 transportation and land use, for the purposes of improving  
 1876 Florida's transportation system, as determined by the agency in  
 1877 coordination with the Metropolitan Planning Organization  
 1878 program. Failure to timely adopt updating amendments to the  
 1879 comprehensive plan based on the evaluation and appraisal report  
 1880 shall result in a local government being prohibited from  
 1881 adopting amendments to the comprehensive plan until the  
 1882 evaluation and appraisal report updating amendments have been  
 1883 adopted and found in compliance by the state land planning  
 1884 agency. The prohibition on plan amendments shall commence when  
 1885 the updating amendments to the comprehensive plan are past due.

1886 The comprehensive plan as amended shall be in compliance as  
 1887 defined in s. 163.3184(1)(b). Within 6 months after the  
 1888 effective date of the updating amendments to the comprehensive  
 1889 plan, the local government shall provide to the state land  
 1890 planning agency and to all agencies designated by rule a  
 1891 complete copy of the updated comprehensive plan.

1892 Section 11. Section 163.3247, Florida Statutes, is created  
 1893 to read:

1894 163.3247 Century Commission for a Sustainable Florida.--

1895 (1) POPULAR NAME.--This section may be cited as the  
 1896 "Century Commission for a Sustainable Florida Act."

1897 (2) FINDINGS AND INTENT.--The Legislature finds and  
 1898 declares that the population of this state is expected to more  
 1899 than double over the next 100 years, with commensurate impacts  
 1900 to the state's natural resources and public infrastructure.  
 1901 Consequently, it is in the best interests of the people of the  
 1902 state to ensure sound planning for the proper placement of this  
 1903 growth and protection of the state's land, water, and other  
 1904 natural resources since such resources are essential to our  
 1905 collective quality of life and a strong economy. The state's  
 1906 growth management system should foster economic stability  
 1907 through regional solutions and strategies, urban renewal and  
 1908 infill, and the continued viability of agricultural economies,  
 1909 while allowing for rural economic development and protecting the  
 1910 unique characteristics of rural areas, and should reduce the  
 1911 complexity of the regulatory process while carrying out the  
 1912 intent of the laws and encouraging greater citizen  
 1913 participation.

1914           (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;  
 1915 CREATION; ORGANIZATION.--The Century Commission for a  
 1916 Sustainable Florida is created as a standing body to help the  
 1917 citizens of this state envision and plan their collective future  
 1918 with an eye towards both 20-year and 50-year horizons.

1919           (a) The commission shall consist of nine members, three  
 1920 appointed by the Governor, three appointed by the President of  
 1921 the Senate, and three appointed by the Speaker of the House of  
 1922 Representatives. Appointments shall be made no later than  
 1923 October 1, 2005. One member shall be designated by the Governor  
 1924 as chair of the commission. Any vacancy that occurs on the  
 1925 commission must be filled in the same manner as the original  
 1926 appointment and shall be for the unexpired term of that  
 1927 commission seat. Members shall serve 4-year terms, except that,  
 1928 initially, to provide for staggered terms, three of the  
 1929 appointees, one each by the Governor, the President of the  
 1930 Senate, and the Speaker of the House of Representatives, shall  
 1931 serve 2-year terms, three shall serve 3-year terms, and three  
 1932 shall serve 4-year terms. All subsequent appointments shall be  
 1933 for 4-year terms. An appointee may not serve more than 6 years.

1934           (b) The first meeting of the commission shall be held no  
 1935 later than December 1, 2005, and shall meet at the call of the  
 1936 chair but not less frequently than three times per year in  
 1937 different regions of the state to solicit input from the public  
 1938 or any other individuals offering testimony relevant to the  
 1939 issues to be considered.

1940           (c) Each member of the commission is entitled to one vote  
 1941 and actions of the commission are not binding unless taken by a

1942 | three-fifths vote of the members present. A majority of the  
 1943 | members is required to constitute a quorum, and the affirmative  
 1944 | vote of a quorum is required for a binding vote.

1945 | (d) Members of the commission shall serve without  
 1946 | compensation but shall be entitled to receive per diem and  
 1947 | travel expenses in accordance with s. 112.061 while in  
 1948 | performance of their duties.

1949 | (4) POWERS AND DUTIES.--The commission shall:

1950 | (a) Annually conduct a process through which the  
 1951 | commission envisions the future for the state and then develops  
 1952 | and recommends policies, plans, action steps, or strategies to  
 1953 | assist in achieving the vision.

1954 | (b) Continuously review and consider statutory and  
 1955 | regulatory provisions, governmental processes, and societal and  
 1956 | economic trends in its inquiry of how state, regional, and local  
 1957 | governments and entities and citizens of this state can best  
 1958 | accommodate projected increased populations while maintaining  
 1959 | the natural, historical, cultural, and manmade life qualities  
 1960 | that best represent the state.

1961 | (c) Bring together people representing varied interests to  
 1962 | develop a shared image of the state and its developed and  
 1963 | natural areas. The process should involve exploring the impact  
 1964 | of the estimated population increase and other emerging trends  
 1965 | and issues; creating a vision for the future; and developing a  
 1966 | strategic action plan to achieve that vision using 20-year and  
 1967 | 50-year intermediate planning timeframes.

1968 | (d) Focus on essential state interests, defined as those  
 1969 | interests that transcend local or regional boundaries and are

1970 | most appropriately conserved, protected, and promoted at the  
 1971 | state level.

1972 | (e) Serve as an objective, nonpartisan repository of  
 1973 | exemplary community-building ideas and as a source to recommend  
 1974 | strategies and practices to assist others in working  
 1975 | collaboratively to problem solve on issues relating to growth  
 1976 | management.

1977 | (f) Annually, beginning January 16, 2007, and every year  
 1978 | thereafter on the same date, provide to the Governor, the  
 1979 | President of the Senate, and the Speaker of the House of  
 1980 | Representatives a written report containing specific  
 1981 | recommendations for addressing growth management in the state,  
 1982 | including executive and legislative recommendations. Further,  
 1983 | the report shall contain discussions regarding the need for  
 1984 | intergovernmental cooperation and the balancing of environmental  
 1985 | protection and future development and recommendations on issues,  
 1986 | including, but not limited to, recommendations regarding  
 1987 | dedicated sources of funding for sewer facilities, water supply  
 1988 | and quality, transportation facilities that are not adequately  
 1989 | addressed by the Strategic Intermodal System, and educational  
 1990 | infrastructure to support existing development and projected  
 1991 | population growth. This report shall be verbally presented to a  
 1992 | joint session of both houses annually as scheduled by the  
 1993 | President of the Senate and the Speaker of the House of  
 1994 | Representatives.

1995 | (g) Beginning with the 2007 Regular Session of the  
 1996 | Legislature, the President of the Senate and Speaker of the  
 1997 | House of Representatives shall create a joint select committee,



1998 | the task of which shall be to review the findings and  
 1999 | recommendations of the Century Commission for a Sustainable  
 2000 | Florida for potential action.

2001 | (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2002 | (a) The Secretary of Community Assistance shall select an  
 2003 | executive director of the commission, and the executive director  
 2004 | shall serve at the pleasure of the secretary under the  
 2005 | supervision and control of the commission.

2006 | (b) The Department of Community Assistance shall provide  
 2007 | staff and other resources necessary to accomplish the goals of  
 2008 | the commission based upon recommendations of the Governor.

2009 | (c) All agencies under the control of the Governor are  
 2010 | directed, and all other agencies are requested, to render  
 2011 | assistance to, and cooperate with, the commission.

2012 | Section 12. Paragraph (b) of subsection (4) of section  
 2013 | 339.135, Florida Statutes, is amended to read:

2014 | 339.135 Work program; legislative budget request;  
 2015 | definitions; preparation, adoption, execution, and amendment.--

2016 | (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2017 | (b)1. A tentative work program, including the ensuing  
 2018 | fiscal year and the successive 4 fiscal years, shall be prepared  
 2019 | for the State Transportation Trust Fund and other funds managed  
 2020 | by the department, unless otherwise provided by law. The  
 2021 | tentative work program shall be based on the district work  
 2022 | programs and shall set forth all projects by phase to be  
 2023 | undertaken during the ensuing fiscal year and planned for the  
 2024 | successive 4 fiscal years. The total amount of the liabilities  
 2025 | accruing in each fiscal year of the tentative work program may

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2026 | not exceed the revenues available for expenditure during the  
 2027 | respective fiscal year based on the cash forecast for that  
 2028 | respective fiscal year.

2029 |         2. The tentative work program shall be developed in  
 2030 | accordance with the Florida Transportation Plan required in s.  
 2031 | 339.155 and must comply with the program funding levels  
 2032 | contained in the program and resource plan.

2033 |         3. The department may include in the tentative work  
 2034 | program proposed changes to the programs contained in the  
 2035 | previous work program adopted pursuant to subsection (5);  
 2036 | however, the department shall minimize changes and adjustments  
 2037 | that affect the scheduling of project phases in the 4 common  
 2038 | fiscal years contained in the previous adopted work program and  
 2039 | the tentative work program. The department, in the development  
 2040 | of the tentative work program, shall advance by 1 fiscal year  
 2041 | all projects included in the second year of the previous year's  
 2042 | adopted work program, unless the secretary specifically  
 2043 | determines that it is necessary, for specific reasons, to  
 2044 | reschedule or delete one or more projects from that year. Such  
 2045 | changes and adjustments shall be clearly identified, and the  
 2046 | effect on the 4 common fiscal years contained in the previous  
 2047 | adopted work program and the tentative work program shall be  
 2048 | shown. It is the intent of the Legislature that ~~the first 5~~  
 2049 | ~~years of the adopted work program for facilities designated as~~  
 2050 | ~~part of the Florida Intrastate Highway System and the first 3~~  
 2051 | years of the adopted work program stand as the commitment of the  
 2052 | state to undertake transportation projects that local  
 2053 | governments may rely on for planning and concurrency purposes

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2054 and in the development and amendment of the capital improvements  
2055 elements of their local government comprehensive plans.

2056 4. The tentative work program must include a balanced 36-  
2057 month forecast of cash and expenditures and a 5-year finance  
2058 plan supporting the tentative work program.

2059 Section 13. Section 339.28171, Florida Statutes, is  
2060 created to read:

2061 339.28171 Local Government Concurrency Program for  
2062 Sustainable Transportation.--

2063 (1) There is created within the Department of  
2064 Transportation a Local Government Concurrency Program for  
2065 Sustainable Transportation for the purpose of providing grants  
2066 to local governments, to improve a transportation facility or  
2067 system which addresses identified concurrency management system  
2068 backlog and relieves traffic congestion in urban infill and  
2069 redevelopment areas.

2070 (2) To be eligible for consideration, projects must be  
2071 consistent, to the maximum extent feasible, with local  
2072 government comprehensive plans and the Strategic Intermodal  
2073 System.

2074 (3) The department shall develop criteria to fund local  
2075 government projects addressing any concurrency management system  
2076 backlog. The district secretary shall use the following criteria  
2077 to evaluate the project applications:

2078 (a) The level of local government funding efforts.

2079 (b) The level of local funding provided for the proposed  
2080 project.

2081        (c) The ability of local government to rapidly address  
 2082 project construction.

2083        (d) The level of municipal and county cooperation on the  
 2084 proposed project.

2085        (e) The project location within an urban infill area, a  
 2086 community redevelopment area, a concurrency management area, or  
 2087 a rural area of critical economic concern.

2088        (f) The extent to which the project would foster public-  
 2089 private partnerships and investment.

2090        (g) The extent to which the project provides or protects  
 2091 environmentally sensitive areas.

2092        (h) The extent to which new technologies are used to  
 2093 support urban mobility, a mass transit system, bicycle  
 2094 facilities, or pedestrian pathways.

2095        (4) As part of the project application, the local  
 2096 government shall demonstrate a long-term transportation  
 2097 concurrency system to address the existing capital improvement  
 2098 program backlog and how this project implements that plan.

2099        (5) The percentage of matching funds available to  
 2100 applicants shall be based on the following:

2101        (a) For projects that provide capacity on the Strategic  
 2102 Intermodal System shall be 35 percent.

2103        (b) For projects that provide capacity on the Florida  
 2104 Intrastate Highway System, the percentage shall be 45 percent.

2105        (c) For local projects that demonstrate capacity  
 2106 improvements in the urban service boundary, or urban infill or  
 2107 redevelopment are, or provide such capacity replacement to the

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2108 Florida Intrastate Highway System, the percentage shall be 65  
2109 percent.

2110 (6) The department may adopt rules to administer the  
2111 program.

2112 Section 14. Section 339.2820, Florida Statutes, is created  
2113 to read:

2114 339.2820 Off-System Bridge Program for Sustainable  
2115 Transportation.--

2116 (1) There is created within the Department of  
2117 Transportation an Off-System Bridge Program for Sustainable  
2118 Transportation for the purpose of providing funds to improve the  
2119 sufficiency rating of local bridges.

2120 (2) The percentage of matching funds provided from the  
2121 Off-System Bridge Program for Sustainable Transportation may  
2122 fund up to 50 percent of project costs.

2123 (3) The department shall allocate funding available for  
2124 the Off-System Bridge Program for Sustainable Transportation for  
2125 projects to replace, rehabilitate, paint, or install scour  
2126 countermeasures to highway bridges located on public roads,  
2127 other than those on a federal-aid highway.

2128 (4) Projects to be funded from the Off-System Bridge  
2129 Program for Sustainable Transportation shall, at a minimum:

2130 (a) Be classified as a structurally deficient bridge with  
2131 a poor condition rating for either the deck, superstructure, or  
2132 substructure component, or culvert.

2133 (b) Have a sufficiency rating of 35 or below.

2134 (c) Have average daily traffic of at least 500 vehicles.

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2136 Special consideration shall be given to bridges that are closed  
 2137 to all traffic or that have a load restriction of less than 10  
 2138 tons.

2139 Section 15. Paragraphs (l) and (m) are added to subsection  
 2140 (24) of section 380.06, Florida Statutes, to read:

2141 380.06 Developments of regional impact.--

2142 (24) STATUTORY EXEMPTIONS.--

2143 (1) Any proposed development or redevelopment within an  
 2144 area designated in the comprehensive plan for:

2145 1. Urban infill development;

2146 2. Urban redevelopment;

2147 3. Downtown revitalization; or

2148 4. Urban infill and redevelopment under s. 163.2517,

2149

2150 is exempt from the provisions of this section.

2151 (m) Any proposed development within a rural land  
 2152 stewardship area created pursuant to s. 163.3177(11)(d) is  
 2153 exempt from the provisions of this section.

2154 Section 16. The Office of Program Policy Analysis and  
 2155 Government Accountability shall conduct a study on adjustments  
 2156 to the boundaries of regional planning councils, water  
 2157 management districts, and transportation districts. The purpose  
 2158 of the study is to organize these regional boundaries to be more  
 2159 coterminous with one another, creating a more unified system of  
 2160 regional boundaries. The study must be completed by December 31,  
 2161 2005, and a study report submitted to the President of the  
 2162 Senate, the Speaker of the House of Representatives, and the

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2163 Governor and the Century Commission for a Sustainable Florida by  
2164 January 15, 2006.

2165 Section 17. Section 1013.352, Florida Statutes, is created  
2166 to read:

2167 1013.352 Charter School Incentive Program for Sustainable  
2168 Schools.--There is hereby created the "Charter School Incentive  
2169 Program for Sustainable Schools." Recognizing that there is an  
2170 increasing deficit in educational facilities in this state, the  
2171 Legislature believes that there is a need for creativeness in  
2172 planning and development of additional educational facilities.  
2173 To assist with the development of educational facilities, those  
2174 charter schools whose charters are approved within 18 months  
2175 after the effective date of this act shall be eligible for state  
2176 funds under the following conditions:

2177 (1) The charter school is created to address school over-  
2178 capacity issues or growth demands within the county.

2179 (2) A joint letter from the district school board and the  
2180 charter school has been submitted with the proposed charter  
2181 school charter that provides that the school board authorized  
2182 the charter school as a result of school overcrowding or growth  
2183 demands within the county and the school board requests that the  
2184 requirement of s. 1013.62(1)(a)1. are waived.

2185 (3) The charter school has received an in-kind  
2186 contribution or equivalent from an outside source other than the  
2187 district school board that has been equally matched by the  
2188 district school board.

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2190 Notwithstanding s. 1013.62(7), if the above conditions apply,  
 2191 the Commissioner of Education, in consultation with the  
 2192 Department of Community Assistance, may waive the requirement of  
 2193 s. 1013.62(1)(a)1. and, if waived, shall distribute up to \$2  
 2194 million per charter school based upon the amount of the in-kind  
 2195 contribution or equivalent from an outside source other than the  
 2196 district school board received by the charter school. Under no  
 2197 conditions may the Commissioner of Education distribute funds to  
 2198 a newly chartered charter school that has not received an in-  
 2199 kind contribution or equivalent from an outside source other  
 2200 than the district school board.

2201 Section 18. Section 163.31776, Florida Statutes, is  
 2202 repealed.

2203 Section 19. Effective July 1, 2005, the sum of \$500  
 2204 million is appropriated from the General Revenue Fund to the  
 2205 Department of Transportation to be used as follows:

2206 (1) The sum of \$450 million shall be used for the Local  
 2207 Government Concurrency Program for Sustainable Transportation  
 2208 created pursuant to s. 339.28171, Florida Statutes.

2209 (2) The sum of \$50 million shall be used for the Off-  
 2210 System Bridge Program for Sustainable Transportation created  
 2211 pursuant to s. 339.2820, Florida Statutes.

2212 Section 20. Funding for Sustainable Water Supplies.--

2213 (1) Effective July 1, 2005, the sum of \$100 million is  
 2214 appropriated to the Department of Environmental Protection to  
 2215 provide funding for the development of alternative water  
 2216 supplies. The department shall deposit such revenues into the  
 2217 alternative water supply trust fund accounts created by each



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2218 district for the purpose of alternative supply development under  
 2219 the following funding formula:

2220 (a) Forty percent to the South Florida Water Management  
 2221 District.

2222 (b) Twenty-five percent to the Southwest Florida Water  
 2223 Management District.

2224 (c) Twenty-five percent to the St. Johns River Water  
 2225 Management District.

2226 (d) Five percent to the Suwannee River Water Management  
 2227 District.

2228 (e) Five percent to the Northwest Florida Water Management  
 2229 District.

2230 (2) The financial assistance for alternative water supply  
 2231 development contained in each district's economic incentives  
 2232 plan as required in s. 373.196(3), Florida Statutes, shall be  
 2233 deposited along with the state funds into an alternative water  
 2234 supply trust account created by each district and used to fund  
 2235 the local capital costs of alternative water supply projects  
 2236 approved pursuant to this section. For purposes of this section,  
 2237 the term "capital costs" means planning, design, engineering,  
 2238 and project construction costs, as well as legal,  
 2239 administrative, and permitting costs, and the term "alternative  
 2240 water supplies" includes, but is not limited to, water that has  
 2241 been reclaimed after one or more public supply, municipal,  
 2242 industrial, commercial, or agricultural uses; stormwater,  
 2243 brackish water, or saltwater; sources made more efficient  
 2244 through the interconnection of separate utility and other water  
 2245 supply systems; sources made available through enhanced storage

2246 capacity such as groundwater augmentation, aquifer storage and  
 2247 recovery, and surface water reservoirs; and any other  
 2248 nontraditional source, including surface water within the  
 2249 Southwest Florida Water Management District, of water supply  
 2250 that has been treated in accordance with applicable rules and  
 2251 standards sufficient to meet the intended use.

2252 (3) All funds provided by the state for the purpose of  
 2253 funding alternative water supply grants, shall, at a minimum,  
 2254 require a 50-percent match by the water management districts and  
 2255 grant applicant.

2256 Section 21. Funding for Sustainable Schools.--In order to  
 2257 provide for innovative approaches to meet school capacity  
 2258 demands, effective July 1, 2005, the sum of \$50 million is  
 2259 appropriated from the General Revenue Fund to the Department of  
 2260 Education to be used as follows:

2261 (1) The sum of \$35 million shall be used for the Charter  
 2262 School Incentive Program for Sustainable Schools created  
 2263 pursuant to section 1013.352, Florida Statutes.

2264 (2) The sum of \$15 million shall be used for educational  
 2265 facility benefit districts as provided in s. 1013.356(3),  
 2266 Florida Statutes, as follows: for construction and capital  
 2267 maintenance costs not covered by the funds provided under s.  
 2268 1013.356(1), Florida Statutes, in fiscal year 2005-2006, an  
 2269 amount contributed by the state equal to 25 percent of the  
 2270 remaining costs of construction and capital maintenance of the  
 2271 educational facilities. If all state funds have been allocated,  
 2272 the district school board shall contribute an amount equal to  
 2273 one-half of the remaining costs. Any construction costs above

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2274 the cost-per-student criteria established for the SIT Program in  
 2275 s. 1013.72(2), Florida Statutes, shall be funded exclusively by  
 2276 the educational facilities benefit district or the community  
 2277 development district. Funds contributed by a district school  
 2278 board shall not be used to fund operational costs. Funds not  
 2279 committed by March 31, 2006, revert to the Charter School  
 2280 Incentive Program for Sustainable Schools created pursuant to s.  
 2281 1013.352, Florida Statutes.

2282 Section 22. Small County Technical Assistance for a  
 2283 Sustainable Florida.--In order to promote good growth practices  
 2284 within rural areas of the state that not only prevent urban  
 2285 sprawl but protect the character of our rural communities,  
 2286 effective July 1, 2005, the sum of \$500,000 is appropriated from  
 2287 the General Revenue Fund to the Department of Community  
 2288 Assistance to provide technical assistance related to innovative  
 2289 planning strategies unique to rural landscapes to counties with  
 2290 a population of less than 50,000, as determined pursuant to s.  
 2291 11.031, Florida Statutes, and the municipalities located within  
 2292 those counties. The department shall provide a report to the  
 2293 Governor, President of the Senate, and Speaker of the House of  
 2294 Representatives by December 1, 2006, which shall contain a list  
 2295 of local governments that were assisted, the dollar amounts  
 2296 provided to each local government, a brief description of the  
 2297 assistance provided and how the assistance promotes good growth  
 2298 practices, and a recommendation of whether additional funds  
 2299 should be appropriated to assist these counties.

2300 Section 23. Effective July 1, 2005, the sum of \$250,000 is  
 2301 appropriated from the General Revenue Fund to the Department of

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2302 Community Assistance to provide the necessary staff and other  
2303 assistance to the Century Commission for a Sustainable Florida  
2304 required by section 11.

2305       Section 24. The Division of Statutory Revision of the  
2306 Office of Legislative Services shall prepare proposed  
2307 legislation for introduction in the 2006 Regular Session to  
2308 amend provisions of the Florida Statutes to change references to  
2309 the Department of Community Affairs to the Department of  
2310 Community Assistance in conformance with the provisions of this  
2311 act.

2312       Section 25. This act shall take effect July 1, 2005.