

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

108 providing procedures and requirements; providing for  
 109 notice and public hearings; providing for nonapplication;  
 110 amending s. 163.3191, F.S.; revising requirements for  
 111 evaluation and assessment of the coordination of a  
 112 comprehensive plan with certain schools; providing  
 113 additional assessment criteria for certain counties and  
 114 municipalities; requiring certain counties and  
 115 municipalities to adopt appropriate concurrency goals,  
 116 objectives, and policies in plan amendments under certain  
 117 circumstances; revising reporting requirements for  
 118 evaluation and assessment of water supply sources;  
 119 providing for a prohibition on plan amendments for failure  
 120 to timely adopt updating comprehensive plan amendments;  
 121 creating s. 163.3247, F.S.; providing a popular name;  
 122 providing legislative findings and intent; creating the  
 123 Century Commission for a Sustainable Florida for certain  
 124 purposes; providing for appointment of commission members;  
 125 providing for terms; providing for meetings and votes of  
 126 members; requiring members to serve without compensation;  
 127 providing for per diem and travel expenses; providing  
 128 powers and duties of the commission; requiring the  
 129 creation of a joint select committee of the Legislature;  
 130 providing purposes; requiring the Secretary of Community  
 131 Assistance to select an executive director of the  
 132 commission; requiring the Department of Community  
 133 Assistance to provide staff for the commission; providing  
 134 for other agency staff support for the commission;  
 135 amending s. 339.135, F.S.; revising provisions relating to

136 funding and developing a tentative work program; creating  
137 s. 339.28171, F.S.; creating the Local Government  
138 Concurrency Program for a Sustainable Florida; providing  
139 program requirements; requiring the Department of  
140 Transportation to develop criteria to assist local  
141 governments in evaluating concurrency management system  
142 backlogs; specifying criteria requirements; providing  
143 requirements for local governments; specifying percentages  
144 for apportioning matching funds among grant applicants;  
145 authorizing the department to adopt rules to administer  
146 the program; creating s. 339.2820, F.S.; creating the Off-  
147 System Bridge Program for Sustainable Transportation  
148 within the Department of Transportation for certain  
149 purposes; providing for funding certain project costs;  
150 requiring the department to allocate funding for the  
151 program for certain projects; specifying criteria for  
152 projects to be funded from the program; amending s.  
153 380.06, F.S.; providing additional exemptions from  
154 development of regional impact provisions for certain  
155 projects in proposed developments or redevelopments within  
156 an area designated in a comprehensive plan and for  
157 proposed developments within certain rural land  
158 stewardship areas; amending s. 380.115, F.S.; revising  
159 provisions relating to preserving vested rights and duties  
160 under development of regional impact guidelines and  
161 standards; revising procedures and requirements for  
162 governance and rescission of development-of-regional-  
163 impact development orders under changing guidelines and

164 standards; requiring the Office of Program Policy Analysis  
 165 and Government Accountability to conduct a study on  
 166 adjustments to boundaries of regional planning councils,  
 167 water management districts, and transportation districts;  
 168 providing purposes; requiring a study report to the  
 169 Governor and Legislature; amending s. 1013.33, F.S.;  
 170 revising provisions relating to coordination of  
 171 educational facilities planning pursuant to certain  
 172 interlocal agreements; revising procedures and  
 173 requirements for updated agreements and agreement  
 174 amendments; creating s. 1013.352, F.S.; creating a Charter  
 175 School Incentive Program for Sustainable Schools;  
 176 providing purposes; specifying conditions for eligibility  
 177 for state funds; authorizing the Commissioner of Education  
 178 to waive certain requirements and distribute certain funds  
 179 to charter schools under certain circumstances;  
 180 prohibiting the commissioner from distributing funds to  
 181 certain schools under certain circumstances; providing for  
 182 ineligibility of certain schools for charter school outlay  
 183 funding under certain circumstances; repealing s.  
 184 163.31776, F.S., relating to the public educational  
 185 facilities element; providing for funding for sustainable  
 186 water supplies; providing an appropriation; providing for  
 187 allocation of the appropriation; specifying uses of  
 188 appropriations; providing for funding for sustainable  
 189 schools; providing an appropriation; providing for  
 190 allocation of the appropriation; specifying uses of the  
 191 appropriation; providing for Statewide Technical

192 Assistance for a Sustainable Florida; providing an  
 193 appropriation; specifying uses; requiring the Department  
 194 of Community Assistance to report to the Governor and  
 195 Legislature; specifying report requirements; providing an  
 196 appropriation to the Department of Community Assistance  
 197 for certain staffing purposes; requiring the Division of  
 198 Statutory Revision of the Office of Legislative Services  
 199 to develop proposed legislation to change references in  
 200 the Florida Statutes to the Department of Community  
 201 Affairs to the Department of Community Assistance;  
 202 providing an effective date.

203  
 204 WHEREAS, the Legislature finds and declares that the  
 205 state's population has increased by approximately 3 million  
 206 individuals each decade since 1970 to nearly 16 million  
 207 individuals in 2000, and

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

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



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

221 WHEREAS, consequently, the Legislature determines it in the  
222 best interests of the people of the state to undertake action to  
223 address these issues and work towards a sustainable Florida  
224 where facilities are planned and available concurrent with  
225 existing and projected demands while protecting Florida's  
226 natural and environmental resources, rural and agricultural  
227 resources, and maintaining a viable and sustainable economy, and

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

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

238

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

240

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

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

245 20.18 Department of Community Assistance Affairs.--There  
246 is created a Department of Community Assistance Affairs.

247 (1) The head of the Department of Community Assistance  
 248 ~~Affairs~~ is the Secretary of Community Assistance ~~Affairs~~. The  
 249 secretary shall be appointed by the Governor subject to  
 250 confirmation by the Senate. The secretary shall serve at the  
 251 pleasure of the Governor.

252 (2) The following units of the Department of Community  
 253 Assistance ~~Affairs~~ are established:

- 254 (a) Division of Emergency Management.
- 255 (b) Division of Housing and Community Development.
- 256 (c) Division of Community Planning.

257 (3) Unless otherwise provided by law, the Secretary of  
 258 Community Assistance ~~Affairs~~ shall appoint the directors or  
 259 executive directors of any commission or council assigned to the  
 260 department, who shall serve at his or her pleasure as provided  
 261 for division directors in s. 110.205. The appointment or  
 262 termination by the secretary will be done with the advice and  
 263 consent of the commission or council; and the director or  
 264 executive director may employ, subject to departmental rules and  
 265 procedures, such personnel as may be authorized and necessary.

266 (5) The role of state government required by part I of  
 267 chapter 421 (Housing Authorities Law), chapter 422 (Housing  
 268 Cooperation Law), and chapter 423 (tax exemption of housing  
 269 authorities) is the responsibility of the Department of  
 270 Community Assistance ~~Affairs~~; and the department is the agency  
 271 of state government responsible for the state's role in housing  
 272 and urban development.

273 (6) The Office of Urban Opportunity is created within the  
 274 Department of Community Assistance ~~Affairs~~. The purpose of the

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275 office is to administer the Front Porch Florida initiative, a  
 276 comprehensive, community-based urban core redevelopment program  
 277 that enables urban core residents to craft solutions to the  
 278 unique challenges of each designated community.

279 Section 3. Subsection (20) of section 163.3164, Florida  
 280 Statutes, is amended, and subsection (32) is added to said  
 281 section, to read:

282 163.3164 Local Government Comprehensive Planning and Land  
 283 Development Regulation Act; definitions.--As used in this act:

284 (20) "State land planning agency" means the Department of  
 285 Community Assistance Affairs.

286 (32) "Financial feasibility" means sufficient revenues are  
 287 currently available or will be available from committed or  
 288 planned funding sources available for financing capital  
 289 improvements, such as ad valorem taxes, bonds, state and federal  
 290 funds, tax revenues, impact fees, and developer contributions,  
 291 which are adequate to fund the projected costs of the capital  
 292 improvements and as otherwise identified within this act  
 293 necessary to ensure that adopted level-of-service standards are  
 294 achieved and maintained within the 5-year schedule of capital  
 295 improvements.

296 Section 4. Section 163.3172, Florida Statutes, is created  
 297 to read:

298 163.3172 Urban infill and redevelopment.--In recognition  
 299 that urban infill and redevelopment is a high state priority,  
 300 the Legislature determines that local governments should not  
 301 adopt charter provisions, ordinances, or land development  
 302 regulations that discourage this state priority. Higher density

303 urban development is appropriate in urban core areas and should  
 304 be encouraged in such locations. Conversely, it is appropriate  
 305 to discourage greater height and density as a development form  
 306 in areas outside the urban core where such development forms are  
 307 incompatible with existing land uses. Notwithstanding chapter  
 308 125 and s. 163.3171, any existing or future charter county  
 309 charter provision, ordinance, land development regulation, or  
 310 countywide special act that governs the use and development of  
 311 land shall not be effective within any municipality of the  
 312 county unless the charter provision, ordinance, land development  
 313 regulation, or countywide special act is approved by a majority  
 314 vote of a countywide referendum or a majority vote of the  
 315 municipality's governing board. However, in the event of a  
 316 conflict of a countywide ordinance or a municipal ordinance that  
 317 regulates expressive conduct, the more restrictive ordinance  
 318 shall govern. In addition, the requirements of this section  
 319 restricting charter county charter provisions, ordinances, or  
 320 land development regulations concerning building height  
 321 restrictions shall not apply in the case of any areas of  
 322 critical state concern designated pursuant to s. 380.05-  
 323 380.0555.

324 Section 5. Subsection (3), paragraphs (a), (b), (c), and  
 325 (h) of subsection (6), paragraph (d) of subsection (11), and  
 326 subsection (12) of section 163.3177, Florida Statutes, are  
 327 amended, and subsection (13) is added to said section, to read:  
 328 163.3177 Required and optional elements of comprehensive  
 329 plan; studies and surveys.--

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

334 1. A component which outlines principles for construction,  
 335 extension, or increase in capacity of public facilities, as well  
 336 as a component which outlines principles for correcting existing  
 337 public facility deficiencies, which are necessary to implement  
 338 the comprehensive plan. The components shall cover at least a 5-  
 339 year period.

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

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

347 4. Standards for the management of debt.

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

351 6. The schedule of transportation improvements included in  
 352 the applicable metropolitan planning organization's  
 353 transportation improvement program adopted pursuant to s.  
 354 339.175(7) to the extent that such improvements are relied upon  
 355 to ensure concurrency and financial feasibility. The schedule  
 356 must also be coordinated with the applicable metropolitan

357 planning organization's long-range transportation plan adopted  
 358 pursuant to s. 339.175(6).

359 (b)1. The capital improvements element shall be reviewed  
 360 on an annual basis and modified as necessary in accordance with  
 361 s. 163.3187 or s. 163.3189 in order to maintain a financially  
 362 feasible 5-year schedule of capital improvements.~~, except that~~  
 363 Corrections, updates, and modifications concerning costs;  
 364 revenue sources; acceptance of facilities pursuant to  
 365 dedications which are consistent with the plan; or the date of  
 366 construction of any facility enumerated in the capital  
 367 improvements element may be accomplished by ordinance and shall  
 368 not be deemed to be amendments to the local comprehensive plan.  
 369 A copy of the ordinance shall be transmitted to the state land  
 370 planning agency. All public facilities shall be consistent with  
 371 the capital improvements element. Amendments to implement this  
 372 section must be transmitted no later than December 1, 2007.  
 373 Thereafter, a local government may not amend its future land use  
 374 map, except for plan amendments to meet new requirements under  
 375 this part, and emergency amendments pursuant to s.  
 376 163.3187(1)(a), after December 1, 2007, and every year  
 377 thereafter, until the local government has adopted the annual  
 378 update and the annual update to the schedule of capital  
 379 improvements is found to be in compliance.

380 2. Capital improvements element amendments adopted after  
 381 the effective date of this act shall require only a single  
 382 public hearing before the governing board which shall be an  
 383 adoption hearing as described in s. 163.3184(7). Such amendments  
 384 are not subject to the requirements of s. 163.3184(3)-(6).

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385 Capital improvements element amendments adopted after the  
 386 effective date of this act shall not be subject to challenge by  
 387 an affected party. If the department finds an amendment pursuant  
 388 to this subparagraph not in compliance, the local government may  
 389 challenge that determination pursuant to s. 163.3184(10).

390 (c) If a local government adopts a long-term concurrency  
 391 management system pursuant to s. 163.3180(9), it shall also  
 392 adopt a long-term capital improvements schedule covering up to a  
 393 10-year or 15-year period and shall update the long-term  
 394 schedule annually. The long-term schedule of capital  
 395 improvements must be financially feasible for the 5-year  
 396 schedule of capital improvements.

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

400 (a) A future land use plan element designating proposed  
 401 future general distribution, location, and extent of the uses of  
 402 land for residential uses, commercial uses, industry,  
 403 agriculture, recreation, conservation, education, public  
 404 buildings and grounds, other public facilities, and other  
 405 categories of the public and private uses of land. Counties are  
 406 encouraged to designate rural land stewardship areas, pursuant  
 407 to the provisions of paragraph (11)(d), as overlays on the  
 408 future land use map. Each future land use category must be  
 409 defined in terms of uses included, and must include standards to  
 410 be followed in the control and distribution of population  
 411 densities and building and structure intensities. The proposed  
 412 distribution, location, and extent of the various categories of

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413 land use shall be shown on a land use map or map series which  
414 shall be supplemented by goals, policies, and measurable  
415 objectives. The future land use plan shall be based upon  
416 surveys, studies, and data regarding the area, including the  
417 amount of land required to accommodate anticipated growth; the  
418 projected population of the area; the character of undeveloped  
419 land; the availability of water supplies, public facilities, and  
420 services; the need for redevelopment, including the renewal of  
421 blighted areas and the elimination of nonconforming uses which  
422 are inconsistent with the character of the community; the  
423 compatibility of uses on lands adjacent to or closely proximate  
424 to military installations; and, in rural communities, the need  
425 for job creation, capital investment, and economic development  
426 that will strengthen and diversify the community's economy. The  
427 future land use plan may designate areas for future planned  
428 development use involving combinations of types of uses for  
429 which special regulations may be necessary to ensure development  
430 in accord with the principles and standards of the comprehensive  
431 plan and this act. The future land use plan element shall  
432 include criteria to be used to achieve the compatibility of  
433 adjacent or closely proximate lands with military installations.  
434 In addition, for rural communities, the amount of land  
435 designated for future planned industrial use shall be based upon  
436 surveys and studies that reflect the need for job creation,  
437 capital investment, and the necessity to strengthen and  
438 diversify the local economies, and shall not be limited solely  
439 by the projected population of the rural community. The future  
440 land use plan of a county may also designate areas for possible

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441 future municipal incorporation. The land use maps or map series  
 442 shall generally identify and depict historic district boundaries  
 443 and shall designate historically significant properties meriting  
 444 protection. The future land use element must clearly identify  
 445 the land use categories in which public schools are an allowable  
 446 use. When delineating the land use categories in which public  
 447 schools are an allowable use, a local government shall include  
 448 in the categories sufficient land proximate to residential  
 449 development to meet the projected needs for schools in  
 450 coordination with public school boards and may establish  
 451 differing criteria for schools of different type or size. Each  
 452 local government shall include lands contiguous to existing  
 453 school sites, to the maximum extent possible, within the land  
 454 use categories in which public schools are an allowable use. ~~All~~  
 455 ~~comprehensive plans must comply with the school siting~~  
 456 ~~requirements of this paragraph no later than October 1, 1999.~~  
 457 ~~The failure by a local government to comply with these school~~  
 458 ~~siting requirements by October 1, 1999, will result in the~~  
 459 ~~prohibition of the local government's ability to amend the local~~  
 460 ~~comprehensive plan, except for plan amendments described in s.~~  
 461 ~~163.3187(1)(b), until the school siting requirements are met.~~  
 462 Amendments proposed by a local government for purposes of  
 463 identifying the land use categories in which public schools are  
 464 an allowable use ~~or for adopting or amending the school siting~~  
 465 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation  
 466 on the frequency of plan amendments contained in s. 163.3187.  
 467 The future land use element shall include criteria that  
 468 encourage the location of schools proximate to urban residential

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469 areas to the extent possible and shall require that the local  
 470 government seek to collocate public facilities, such as parks,  
 471 libraries, and community centers, with schools to the extent  
 472 possible and to encourage the use of elementary schools as focal  
 473 points for neighborhoods. For schools serving predominantly  
 474 rural counties, defined as a county with a population of 100,000  
 475 or fewer, an agricultural land use category shall be eligible  
 476 for the location of public school facilities if the local  
 477 comprehensive plan contains school siting criteria and the  
 478 location is consistent with such criteria. Local governments  
 479 required to update or amend their comprehensive plan to include  
 480 criteria and address compatibility of adjacent or closely  
 481 proximate lands with existing military installations in their  
 482 future land use plan element shall transmit the update or  
 483 amendment to the department by June 30, 2006.

484 (b) A traffic circulation element consisting of the types,  
 485 locations, and extent of existing and proposed major  
 486 thoroughfares and transportation routes, including bicycle and  
 487 pedestrian ways. Transportation corridors, as defined in s.  
 488 334.03, may be designated in the traffic circulation element  
 489 pursuant to s. 337.273. If the transportation corridors are  
 490 designated, the local government may adopt a transportation  
 491 corridor management ordinance. By December 1, 2006, each local  
 492 government shall adopt by ordinance a transportation concurrency  
 493 management system which shall include a methodology for  
 494 assessing proportionate share mitigation options. By December 1,  
 495 2005, the Department of Transportation shall develop a model  
 496 transportation concurrency management ordinance with

497 methodologies for assessing proportionate share options. The  
 498 transportation concurrency management ordinance may assess a  
 499 concurrency impact area by districts or systemwide.

500 (c) A general sanitary sewer, solid waste, drainage,  
 501 potable water, and natural groundwater aquifer recharge element  
 502 correlated to principles and guidelines for future land use,  
 503 indicating ways to provide for future potable water, drainage,  
 504 sanitary sewer, solid waste, and aquifer recharge protection  
 505 requirements for the area. The element may be a detailed  
 506 engineering plan including a topographic map depicting areas of  
 507 prime groundwater recharge. The element shall describe the  
 508 problems and needs and the general facilities that will be  
 509 required for solution of the problems and needs. The element  
 510 shall also include a topographic map depicting any areas adopted  
 511 by a regional water management district as prime groundwater  
 512 recharge areas for the Floridan or Biscayne aquifers, pursuant  
 513 to s. 373.0395. These areas shall be given special consideration  
 514 when the local government is engaged in zoning or considering  
 515 future land use for said designated areas. For areas served by  
 516 septic tanks, soil surveys shall be provided which indicate the  
 517 suitability of soils for septic tanks. ~~By December 1, 2006, The~~  
 518 element must incorporate projects selected pursuant to s.  
 519 373.0361, to the extent applicable ~~consider the appropriate~~  
 520 ~~water management district's regional water supply plan approved~~  
 521 ~~pursuant to s. 373.0361.~~ The element must identify current water  
 522 supply sources, projected water use needs for the planning  
 523 period of the comprehensive plan, irrigation and reclaimed water  
 524 needs, and conservation and reuse strategies to reduce water

525 supply demand. The element shall include a work plan covering at  
 526 least a 10-year planning period for building water supply  
 527 facilities, including development of alternative water supplies  
 528 as defined in s. 373.1961(2)(i) that are necessary to meet  
 529 existing and projected water use demand over the work plan  
 530 planning period. The work plan shall also describe how the water  
 531 supply needs will be met over the course of the planning period  
 532 from any other providers of water, if applicable. The  
 533 information provided to the appropriate water management  
 534 district for each project, pursuant to s. 373.0361, shall be  
 535 annually incorporated into the work plan ~~include a work plan,~~  
 536 ~~covering at least a 10-year planning period, for building water~~  
 537 ~~supply facilities that are identified in the element as~~  
 538 ~~necessary to serve existing and new development and for which~~  
 539 ~~the local government is responsible. The work plan shall be~~  
 540 updated, at a minimum, every 5 years within 12 months after the  
 541 governing board of a water management district approves an  
 542 updated regional water supply plan. Local government utilities  
 543 and land use planners, private utilities, regional water supply  
 544 authorities, and water management districts are expected to  
 545 cooperatively plan for the development of multijurisdictional  
 546 water supply facilities that are sufficient to meet projected  
 547 demands for established planning periods, including the  
 548 development of alternative sources of water supplies to  
 549 supplement traditional sources of ground and surface water  
 550 supplies. Amendments to incorporate the work plan do not count  
 551 toward the limitation on the frequency of adoption of amendments  
 552 to the comprehensive plan. Consistent with s. 373.2234, local

553 | governments, public and private utilities, regional water supply  
 554 | authorities, and water management districts are expected to  
 555 | cooperatively plan for the development of multijurisdictional  
 556 | water supply facilities that are sufficient to meet projected  
 557 | demands for established planning periods, including the  
 558 | development of alternative water sources to supplement  
 559 | traditional sources of ground and surface water supplies.

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

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

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

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

590           2. The intergovernmental coordination element shall  
591 further state principles and guidelines to be used in the  
592 accomplishment of coordination of the adopted comprehensive plan  
593 with the plans of school boards and other units of local  
594 government providing facilities and services but not having  
595 regulatory authority over the use of land. In addition, the  
596 intergovernmental coordination element shall describe joint  
597 processes for collaborative planning and decisionmaking on  
598 population projections and public school siting, the location  
599 and extension of public facilities subject to concurrency, and  
600 siting facilities with countywide significance, including  
601 locally unwanted land uses whose nature and identity are  
602 established in an agreement. Within 1 year of adopting their  
603 intergovernmental coordination elements, each county, all the  
604 municipalities within that county, the district school board,  
605 and any unit of local government service providers in that  
606 county shall establish by interlocal or other formal agreement  
607 executed by all affected entities, the joint processes described

608 | in this subparagraph consistent with their adopted  
609 | intergovernmental coordination elements.

610 |         3. To foster coordination between special districts and  
611 | local general-purpose governments as local general-purpose  
612 | governments implement local comprehensive plans, each  
613 | independent special district must submit a public facilities  
614 | report to the appropriate local government as required by s.  
615 | 189.415.

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

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

628 |         5. The state land planning agency shall establish a  
629 | schedule for phased completion and transmittal of plan  
630 | amendments to implement subparagraphs 1., 2., and 3. from all  
631 | jurisdictions so as to accomplish their adoption by December 31,  
632 | 1999. A local government may complete and transmit its plan  
633 | amendments to carry out these provisions prior to the scheduled  
634 | date established by the state land planning agency. The plan  
635 | amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

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

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

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



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

665 | (11)

666 | (d)1. The department, in cooperation with the Department  
667 | of Agriculture and Consumer Services, the Department of  
668 | Environmental Protection, water management districts, and  
669 | regional planning councils, shall provide assistance to local  
670 | governments in the implementation of this paragraph and rule 9J-  
671 | 5.006(5)(1), Florida Administrative Code. Implementation of  
672 | those provisions shall include a process by which the department  
673 | may authorize local governments to designate all or portions of  
674 | lands classified in the future land use element as predominantly  
675 | agricultural, rural, open, open-rural, or a substantively  
676 | equivalent land use, as a rural land stewardship area within  
677 | which planning and economic incentives are applied to encourage  
678 | the implementation of innovative and flexible planning and  
679 | development strategies and creative land use planning  
680 | techniques, including those contained herein and in rule 9J-  
681 | 5.006(5)(1), Florida Administrative Code. Assistance may  
682 | include, but is not limited to:

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

688 | b. Support for local government implementation of rural  
689 | land stewardship concepts by providing information and  
690 | assistance to local governments regarding land acquisition

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691 programs that may be used by the local government or landowners  
692 to leverage the protection of greater acreage and maximize the  
693 effectiveness of rural land stewardship areas; and

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

699 2. The department shall encourage participation by local  
700 governments of different sizes and rural characteristics in  
701 establishing and implementing rural land stewardship areas. It  
702 is the intent of the Legislature that rural land stewardship  
703 areas be used to further the following broad principles of rural  
704 sustainability: restoration and maintenance of the economic  
705 value of rural land; control of urban sprawl; identification and  
706 protection of ecosystems, habitats, and natural resources;  
707 promotion of rural economic activity; maintenance of the  
708 viability of Florida's agricultural economy; and protection of  
709 the character of rural areas of Florida. Rural land stewardship  
710 areas may be multicounty in order to encourage coordinated  
711 regional stewardship planning.

712 3. A local government, in conjunction with a regional  
713 planning council, a stakeholder organization of private land  
714 owners, or another local government, shall notify the department  
715 in writing of its intent to designate a rural land stewardship  
716 area. The written notification shall describe the basis for the  
717 designation, including the extent to which the rural land  
718 stewardship area enhances rural land values, controls urban

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719 | sprawl, provides necessary open space for agriculture and  
 720 | protection of the natural environment, promotes rural economic  
 721 | activity, and maintains rural character and the economic  
 722 | viability of agriculture.

723 |         4. A rural land stewardship area shall be not less than  
 724 | 10,000 acres and shall be located outside of municipalities and  
 725 | established urban growth boundaries, and shall be designated by  
 726 | plan amendment. The plan amendment designating a rural land  
 727 | stewardship area shall be subject to review by the Department of  
 728 | Community Assistance ~~Affairs~~ pursuant to s. 163.3184 and shall  
 729 | provide for the following:

730 |             a. Criteria for the designation of receiving areas within  
 731 | rural land stewardship areas in which innovative planning and  
 732 | development strategies may be applied. Criteria shall at a  
 733 | minimum provide for the following: adequacy of suitable land to  
 734 | accommodate development so as to avoid conflict with  
 735 | environmentally sensitive areas, resources, and habitats;  
 736 | compatibility between and transition from higher density uses to  
 737 | lower intensity rural uses; the establishment of receiving area  
 738 | service boundaries which provide for a separation between  
 739 | receiving areas and other land uses within the rural land  
 740 | stewardship area through limitations on the extension of  
 741 | services; and connection of receiving areas with the rest of the  
 742 | rural land stewardship area using rural design and rural road  
 743 | corridors.

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

746 within rural land stewardship areas pursuant to the provisions  
747 of this section.

748 c. A process for the implementation of innovative planning  
749 and development strategies within the rural land stewardship  
750 area, including those described in this subsection and rule 9J-  
751 5.006(5)(1), Florida Administrative Code, which provide for a  
752 functional mix of land uses and which are applied through the  
753 adoption by the local government of zoning and land development  
754 regulations applicable to the rural land stewardship area.

755 d. A process which encourages visioning pursuant to s.  
756 163.3167(11) to ensure that innovative planning and development  
757 strategies comply with the provisions of this section.

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

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

769 6. Upon the adoption of a plan amendment creating a rural  
770 land stewardship area, the local government shall, by ordinance,  
771 establish the methodology for the creation, conveyance, and use  
772 of transferable rural land use credits, otherwise referred to as  
773 stewardship credits, the application of ~~assign to the area a~~

774 ~~ertain number of credits, to be known as "transferable rural~~  
 775 ~~land use credits,"~~ which shall not constitute a right to develop  
 776 land, nor increase density of land, except as provided by this  
 777 section. The total amount of transferable rural land use credits  
 778 within assigned to the rural land stewardship area must enable  
 779 the realization of the long-term vision and goals for ~~correspond~~  
 780 ~~to~~ the 25-year or greater projected population of the rural land  
 781 stewardship area. Transferable rural land use credits are  
 782 subject to the following limitations:

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

785       b. Transferable rural land use credits may only be used on  
 786 lands designated as receiving areas and then solely for the  
 787 purpose of implementing innovative planning and development  
 788 strategies and creative land use planning techniques adopted by  
 789 the local government pursuant to this section.

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

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

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

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

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

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

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

824 j. Transferable rural land use credits may be assigned at  
 825 different ratios of credits per acre according to the natural  
 826 resource or other beneficial use characteristics of the land and  
 827 according to the land use remaining following the transfer of  
 828 credits, with the highest number of credits per acre assigned to  
 829 the most environmentally valuable land, or in locations where

830 the retention of ~~and a lesser number of credits to be assigned~~  
 831 ~~to~~ open space and agricultural land is a priority, to such  
 832 lands.

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

840 7. Owners of land within rural land stewardship areas  
 841 should be provided incentives to enter into rural land  
 842 stewardship agreements, pursuant to existing law and rules  
 843 adopted thereto, with state agencies, water management  
 844 districts, and local governments to achieve mutually agreed upon  
 845 conservation objectives. Such incentives may include, but not be  
 846 limited to, the following:

847 a. Opportunity to accumulate transferable mitigation  
 848 credits.

849 b. Extended permit agreements.

850 c. Opportunities for recreational leases and ecotourism.

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

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

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

862           9. In recognition of the benefits of conceptual long-range  
863 planning, restoration and maintenance of the economic value of  
864 rural land; control of urban sprawl; identification and  
865 protection of ecosystems, habitats, and natural resources;  
866 promotion of rural economic activity; maintenance of the  
867 viability of the agricultural economy of this state; and  
868 protection of the character of rural areas of this state that  
869 will result from a rural land stewardship area, and to further  
870 encourage the innovative planning and development strategies in  
871 a rural land stewardship area, development within a rural land  
872 stewardship area is exempt from the requirements of s. 380.06.

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

876           (a) In order to enact a public school facilities element,  
877 each county and each municipality within the county must adopt a  
878 consistent public school facilities element and enter an  
879 interlocal agreement pursuant to s. 163.31777. The state land  
880 planning agency may provide a waiver to a county and to the  
881 municipalities within the county if the utilization rate for all  
882 schools within the district is less than 100 percent and the  
883 projected 5-year capital outlay full-time equivalent student  
884 growth rate is less than 10 percent. At its discretion, the



885 state land planning agency may grant a waiver to a county or  
 886 municipality for a single school to exceed the 100 percent  
 887 limitation if it can be demonstrated that the capacity for that  
 888 single school is not greater than 105 percent. A municipality in  
 889 a nonexempt county is exempt if the municipality meets all of  
 890 the following criteria for having no significant impact on  
 891 school attendance:

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

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

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

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

903 (b)(a) A public school facilities element shall be based  
 904 upon data and analyses that address, among other items, how  
 905 level-of-service standards will be achieved and maintained. Such  
 906 data and analyses must include, at a minimum, such items as: the  
 907 interlocal agreement adopted pursuant to s. 163.31777 and the 5-  
 908 year school district facilities work program adopted pursuant to  
 909 s. 1013.35; the educational plant survey prepared pursuant to s.  
 910 1013.31 and an existing educational and ancillary plant map or  
 911 map series; information on existing development and development  
 912 anticipated for the next 5 years and the long-term planning

913 | period; an analysis of problems and opportunities for existing  
 914 | schools and schools anticipated in the future; an analysis of  
 915 | opportunities to collocate future schools with other public  
 916 | facilities such as parks, libraries, and community centers; an  
 917 | analysis of the need for supporting public facilities for  
 918 | existing and future schools; an analysis of opportunities to  
 919 | locate schools to serve as community focal points; projected  
 920 | future population and associated demographics, including  
 921 | development patterns year by year for the upcoming 5-year and  
 922 | long-term planning periods; and anticipated educational and  
 923 | ancillary plants with land area requirements.

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

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

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

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

- 935 |        1. The procedure for an annual update process;
- 936 |        2. The procedure for school site selection;
- 937 |        3. The procedure for school permitting;
- 938 |        4. Provision of ~~supporting~~ infrastructure necessary to  
 939 | support proposed schools, including potable water, wastewater,  
 940 | drainage, solid waste, transportation, and means by which to

941 ensure safe access to schools, including sidewalks, bicycle  
 942 paths, turn lanes, and signalization;

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

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

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

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

955 9. Coordination with the future land use element; and

956 10. Ensuring the achievement and maintenance of the  
 957 adopted level-of-service standards for the geographic area of  
 958 application throughout the 5 years covered by the public school  
 959 capital facilities plan and thereafter by adding a new fifth  
 960 year during the annual update.

961 ~~(g)(f)~~ The element shall include one or more future  
 962 conditions maps which depict the anticipated location of  
 963 educational and ancillary plants, including the general location  
 964 of improvements to existing schools or new schools anticipated  
 965 over the 5-year or long-term planning period. The maps will of  
 966 necessity be general for the long-term planning period and more  
 967 specific for the 5-year period. Maps indicating general

968 locations of future schools or school improvements may not  
 969 prescribe a land use on a particular parcel of land.

970 (h) The state land planning agency shall establish phased  
 971 schedules for adoption of the public school facilities element  
 972 and the required updates to the public schools interlocal  
 973 interlocal agreement pursuant to s. 163.31777. The schedule for  
 974 the updated public schools interlocal agreement shall provide  
 975 for each county and local government within the county to submit  
 976 the agreement no later than December 1, 2006. The schedule for  
 977 the public schools facilities element shall be transmitted to  
 978 the state land planning agency by December 1, 2008. The state  
 979 land planning agency may grant a 1-year extension for the  
 980 adoption of the element if a request is justified by good and  
 981 sufficient cause as determined by the agency. The state land  
 982 planning agency shall set the same date for all governmental  
 983 entities within a school district. However, if the county where  
 984 the school district is located contains more than 20  
 985 municipalities, the state land planning agency may establish  
 986 staggered due dates for the submission of interlocal agreements  
 987 by these municipalities. Plan amendments to adopt a public  
 988 school facilities element are exempt from the provisions of s.  
 989 163.3187(1).

990 (13) Each local government is encouraged to develop a  
 991 community vision that provides for sustainable growth,  
 992 recognizes the local government's fiscal constraints, and  
 993 protects the local government's natural resources. At the  
 994 request of a local government, the applicable regional planning  
 995 council shall provide assistance in the development of a long-

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996 | range community vision. The community vision must reflect the  
 997 | community's shared concept for growth and development of the  
 998 | community, including visual representations depicting the  
 999 | desired land-use patterns and character of the community during  
 1000 | a 10-year planning timeframe.

1001 | Section 6. Section 163.31777, Florida Statutes, is amended  
 1002 | to read:

1003 | 163.31777 Public schools interlocal agreement.--

1004 | (1)(a) The school board, county, and nonexempt  
 1005 | municipalities located within the geographic area of a school  
 1006 | district shall enter into an interlocal agreement with the  
 1007 | district school board which jointly establishes the specific  
 1008 | ways in which the plans and processes of the district school  
 1009 | board and the local governments are to be coordinated. ~~The~~  
 1010 | ~~interlocal agreements shall be submitted to the state land~~  
 1011 | ~~planning agency and the Office of Educational Facilities and the~~  
 1012 | ~~SMART Schools Clearinghouse in accordance with a schedule~~  
 1013 | ~~published by the state land planning agency.~~

1014 | ~~(b) The schedule must establish staggered due dates for~~  
 1015 | ~~submission of interlocal agreements that are executed by both~~  
 1016 | ~~the local government and the district school board, commencing~~  
 1017 | ~~on March 1, 2003, and concluding by December 1, 2004, and must~~  
 1018 | ~~set the same date for all governmental entities within a school~~  
 1019 | ~~district. However, if the county where the school district is~~  
 1020 | ~~located contains more than 20 municipalities, the state land~~  
 1021 | ~~planning agency may establish staggered due dates for the~~  
 1022 | ~~submission of interlocal agreements by these municipalities. The~~  
 1023 | ~~schedule must begin with those areas where both the number of~~

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1024 ~~districtwide capital outlay full-time equivalent students equals~~  
 1025 ~~80 percent or more of the current year's school capacity and the~~  
 1026 ~~projected 5-year student growth is 1,000 or greater, or where~~  
 1027 ~~the projected 5-year student growth rate is 10 percent or~~  
 1028 ~~greater.~~

1029 (b)(e) If the student population has declined over the 5-  
 1030 year period preceding the due date for submittal of an  
 1031 interlocal agreement by the local government and the district  
 1032 school board, the local government and the district school board  
 1033 may petition the state land planning agency for a waiver of one  
 1034 or more requirements of subsection (2). The waiver must be  
 1035 granted if the procedures called for in subsection (2) are  
 1036 unnecessary because of the school district's declining school  
 1037 age population, considering the district's 5-year facilities  
 1038 work program prepared pursuant to s. 1013.35. The state land  
 1039 planning agency may modify or revoke the waiver upon a finding  
 1040 that the conditions upon which the waiver was granted no longer  
 1041 exist. The district school board and local governments must  
 1042 submit an interlocal agreement within 1 year after notification  
 1043 by the state land planning agency that the conditions for a  
 1044 waiver no longer exist.

1045 (c)(d) ~~Interlocal agreements between local governments and~~  
 1046 ~~district school boards adopted pursuant to s. 163.3177 before~~  
 1047 ~~the effective date of this section must be updated and executed~~  
 1048 ~~pursuant to the requirements of this section, if necessary.~~  
 1049 ~~Amendments to interlocal agreements adopted pursuant to this~~  
 1050 ~~section must be submitted to the state land planning agency~~  
 1051 ~~within 30 days after execution by the parties for review~~

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1052 ~~consistent with this section.~~ Local governments and the district  
 1053 school board in each school district are encouraged to adopt a  
 1054 single updated interlocal agreement to which all join as  
 1055 parties. The state land planning agency shall assemble and make  
 1056 available model interlocal agreements meeting the requirements  
 1057 of this section and notify local governments and, jointly with  
 1058 the Department of Education, the district school boards of the  
 1059 requirements of this section, the dates for compliance, and the  
 1060 sanctions for noncompliance. The state land planning agency  
 1061 shall be available to informally review proposed interlocal  
 1062 agreements. If the state land planning agency has not received a  
 1063 proposed interlocal agreement for informal review, the state  
 1064 land planning agency shall, at least 60 days before the deadline  
 1065 for submission of the executed agreement, renotify the local  
 1066 government and the district school board of the upcoming  
 1067 deadline and the potential for sanctions.

1068 (2) ~~At a minimum,~~ The interlocal agreement shall  
 1069 acknowledge the school board's constitutional and statutory  
 1070 obligations to provide a uniform system of free public schools  
 1071 on a countywide basis and the land use authority of local  
 1072 governments, including their authority to approve or deny  
 1073 comprehensive plan amendments and development orders. The  
 1074 interlocal agreement must address the following issues:

1075 (a) Establish the mechanisms for coordinating the  
 1076 development, adoption, and amendment of each local government's  
 1077 public school facilities element with each other and the plans  
 1078 of the school board to ensure a uniform districtwide school  
 1079 concurrency system.

1080        (b) Establish a process for the development of siting  
 1081 criteria which encourages the location of public schools  
 1082 proximate to urban residential areas to the extent possible and  
 1083 seeks to collocate schools with other public facilities such as  
 1084 parks, libraries, and community centers to the extent possible.

1085        (c) Specify uniform, districtwide level-of-service  
 1086 standards for public schools of the same type and the process  
 1087 for modifying the adopted levels-of-service standards.

1088        (d) A process for establishing a financially feasible  
 1089 public school capital facilities program and a process and  
 1090 schedule for incorporation of the public school capital  
 1091 facilities program into the local government comprehensive plans  
 1092 on an annual basis.

1093        (e) If school concurrency is to be applied on a less than  
 1094 districtwide basis in the form of concurrency service areas, the  
 1095 agreement shall establish criteria and standards for the  
 1096 establishment and modification of school concurrency service  
 1097 areas. The agreement shall also establish a process and schedule  
 1098 for the mandatory incorporation of the school concurrency  
 1099 service areas and the criteria and standards for establishment  
 1100 of the service areas into the local government comprehensive  
 1101 plans. The agreement shall ensure maximum utilization of school  
 1102 capacity, taking into account transportation costs and court-  
 1103 approved desegregation plans, as well as other applicable  
 1104 factors.

1105        (f) Establish a uniform districtwide procedure for  
 1106 implementing school concurrency which provides for:



1107        1. Informing the local government regarding the effect of  
 1108 comprehensive plan amendments and rezonings on school capacity.  
 1109 The capacity reporting must be consistent with laws and rules  
 1110 relating to measurement of school facility capacity and must  
 1111 also identify how the district school board will meet the public  
 1112 school demand based on the facilities work program adopted  
 1113 pursuant to s. 1013.35.

1114        2. The evaluation of development applications for  
 1115 compliance with school concurrency requirements, including  
 1116 information provided by the school board on affected schools.

1117        3. An opportunity for the school board to review and  
 1118 comment on the effect of comprehensive plan amendments and  
 1119 rezonings on the public school facilities plan.

1120        4. The monitoring and evaluation of the school concurrency  
 1121 system.

1122        (g) A process and uniform methodology for determining  
 1123 proportionate-share mitigation pursuant to s. 380.06.

1124        (h)(a) A process by which each local government and the  
 1125 district school board agree and base their plans on consistent  
 1126 projections of the amount, type, and distribution of population  
 1127 growth and student enrollment. The geographic distribution of  
 1128 jurisdiction-wide growth forecasts is a major objective of the  
 1129 process.

1130        (i)(b) A process to coordinate and share information  
 1131 relating to existing and planned public school facilities,  
 1132 including school renovations and closures, and local government  
 1133 plans for development and redevelopment.

1134        (j)~~(e)~~ Participation by affected local governments with  
 1135 the district school board in the process of evaluating potential  
 1136 school closures, significant renovations to existing schools,  
 1137 and new school site selection before land acquisition. Local  
 1138 governments shall advise the district school board as to the  
 1139 consistency of the proposed closure, renovation, or new site  
 1140 with the local comprehensive plan, including appropriate  
 1141 circumstances and criteria under which a district school board  
 1142 may request an amendment to the comprehensive plan for school  
 1143 siting.

1144        (k)~~(d)~~ A process for determining the need for and timing  
 1145 of onsite and offsite improvements to support new, proposed  
 1146 expansion, or redevelopment of existing schools. The process  
 1147 must address identification of the party or parties responsible  
 1148 for the improvements.

1149        ~~(e) A process for the school board to inform the local  
 1150 government regarding school capacity. The capacity reporting  
 1151 must be consistent with laws and rules relating to measurement  
 1152 of school facility capacity and must also identify how the  
 1153 district school board will meet the public school demand based  
 1154 on the facilities work program adopted pursuant to s. 1013.35.~~

1155        (l)~~(f)~~ Participation of the local governments in the  
 1156 preparation of the annual update to the district school board's  
 1157 5-year district facilities work program and educational plant  
 1158 survey prepared pursuant to s. 1013.35.

1159        (m)~~(g)~~ A process for determining where and how joint use  
 1160 of either school board or local government facilities can be  
 1161 shared for mutual benefit and efficiency.

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1162        ~~(n)(h)~~ A procedure for the resolution of disputes between  
 1163 the district school board and local governments, which may  
 1164 include the dispute resolution processes contained in chapters  
 1165 164 and 186.

1166        ~~(o)(i)~~ An oversight process, including an opportunity for  
 1167 public participation, for the implementation of the interlocal  
 1168 agreement.

1169        (p) A process for development of a public school  
 1170 facilities element pursuant to 163.3177(12).

1171        (q) Provisions for siting and modification or enhancements  
 1172 to existing school facilities so as to encourage urban infill  
 1173 and redevelopment.

1174        (r) A process for the use and conversion of historic  
 1175 school facilities that are no longer suitable for educational  
 1176 purposes as determined by the district school board.

1177  
 1178 For those local governments that receive a waiver pursuant to s.  
 1179 163.3177(2)(a), the interlocal agreement shall not include the  
 1180 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),  
 1181 and (p). For counties or municipalities that do not have a  
 1182 public schools interlocal agreement or public school facility  
 1183 element, the assessment shall determine whether the local  
 1184 government continues to meet the criteria of s. 163.3177(12). If  
 1185 the county or municipality determines that it no longer meets  
 1186 the criteria, the county or municipality must adopt appropriate  
 1187 school concurrency goals, objectives, and policies in its plan  
 1188 amendments pursuant to the requirements of the public school  
 1189 facility element and enter into the existing interlocal

1190 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
 1191 order to fully participate in the school concurrency system. A  
 1192 ~~signatory to the interlocal agreement may elect not to include a~~  
 1193 ~~provision meeting the requirements of paragraph (e); however,~~  
 1194 ~~such a decision may be made only after a public hearing on such~~  
 1195 ~~election, which may include the public hearing in which a~~  
 1196 ~~district school board or a local government adopts the~~  
 1197 ~~interlocal agreement. An interlocal agreement entered into~~  
 1198 ~~pursuant to this section must be consistent with the adopted~~  
 1199 ~~comprehensive plan and land development regulations of any local~~  
 1200 ~~government that is a signatory.~~

1201 (3)(a) The updated interlocal agreement, adopted pursuant  
 1202 to the schedule adopted in accordance with s. 163.3177(12)(h),  
 1203 and any subsequent amendments must be submitted to the state  
 1204 land planning agency and the Office of Educational Facilities  
 1205 within 30 days after execution by the parties for review  
 1206 consistent with this section. The office and SMART Schools  
 1207 Clearinghouse shall submit any comments or concerns regarding  
 1208 the executed interlocal agreement or amendments to the state  
 1209 land planning agency within 30 days after receipt of the  
 1210 executed interlocal agreement or amendments. The state land  
 1211 planning agency shall review the updated executed interlocal  
 1212 agreement to determine whether it is consistent with the  
 1213 requirements of subsection (2), the adopted local government  
 1214 comprehensive plan, and other requirements of law. Within 60  
 1215 days after receipt of an updated executed interlocal agreement  
 1216 or amendment, the state land planning agency shall publish a  
 1217 notice on the agency's Internet website that states of intent in

1218 ~~the Florida Administrative Weekly and shall post a copy of the~~  
 1219 ~~notice on the agency's Internet site. The notice of intent must~~  
 1220 ~~state whether the interlocal agreement is consistent or~~  
 1221 ~~inconsistent with the requirements of subsection (2) and this~~  
 1222 ~~subsection, as appropriate.~~

1223 ~~(b) The state land planning agency's notice is subject to~~  
 1224 ~~challenge under chapter 120; however, an affected person, as~~  
 1225 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~  
 1226 ~~administrative proceeding, and this proceeding is the sole means~~  
 1227 ~~available to challenge the consistency of an interlocal~~  
 1228 ~~agreement required by this section with the criteria contained~~  
 1229 ~~in subsection (2) and this subsection. In order to have~~  
 1230 ~~standing, each person must have submitted oral or written~~  
 1231 ~~comments, recommendations, or objections to the local government~~  
 1232 ~~or the school board before the adoption of the interlocal~~  
 1233 ~~agreement by the school board and local government. The district~~  
 1234 ~~school board and local governments are parties to any such~~  
 1235 ~~proceeding. In this proceeding, when the state land planning~~  
 1236 ~~agency finds the interlocal agreement to be consistent with the~~  
 1237 ~~criteria in subsection (2) and this subsection, the interlocal~~  
 1238 ~~agreement shall be determined to be consistent with subsection~~  
 1239 ~~(2) and this subsection if the local government's and school~~  
 1240 ~~board's determination of consistency is fairly debatable. When~~  
 1241 ~~the state planning agency finds the interlocal agreement to be~~  
 1242 ~~inconsistent with the requirements of subsection (2) and this~~  
 1243 ~~subsection, the local government's and school board's~~  
 1244 ~~determination of consistency shall be sustained unless it is~~

1245 ~~shown by a preponderance of the evidence that the interlocal~~  
 1246 ~~agreement is inconsistent.~~

1247 ~~(c) If the state land planning agency enters a final order~~  
 1248 ~~that finds that the interlocal agreement is inconsistent with~~  
 1249 ~~the requirements of subsection (2) or this subsection, it shall~~  
 1250 ~~forward it to the Administration Commission, which may impose~~  
 1251 ~~sanctions against the local government pursuant to s.~~  
 1252 ~~163.3184(11) and may impose sanctions against the district~~  
 1253 ~~school board by directing the Department of Education to~~  
 1254 ~~withhold from the district school board an equivalent amount of~~  
 1255 ~~funds for school construction available pursuant to ss. 1013.65,~~  
 1256 ~~1013.68, 1013.70, and 1013.72.~~

1257 (4) If an updated executed interlocal agreement is not  
 1258 timely submitted to the state land planning agency for review,  
 1259 the state land planning agency shall, within 15 working days  
 1260 after the deadline for submittal, issue to the local government  
 1261 and the district school board a Notice to Show Cause why  
 1262 sanctions should not be imposed for failure to submit an  
 1263 executed interlocal agreement by the deadline established by the  
 1264 agency. The agency shall forward the notice and the responses to  
 1265 the Administration Commission, which may enter a final order  
 1266 citing the failure to comply and imposing sanctions against the  
 1267 local government and district school board by directing the  
 1268 appropriate agencies to withhold at least 5 percent of state  
 1269 funds pursuant to s. 163.3184(11) and by directing the  
 1270 Department of Education to withhold from the district school  
 1271 board at least 5 percent of funds for school construction

1272 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
1273 1013.72.

1274 (5) Any local government transmitting a public school  
1275 element to implement school concurrency pursuant to the  
1276 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~  
1277 ~~date of this section~~ is not required to amend the element or any  
1278 interlocal agreement to conform with the provisions of this  
1279 section ~~if the element is adopted prior to or within 1 year~~  
1280 ~~after the effective date of this section and remains in effect.~~

1281 (6) Except as provided in subsection (7), municipalities  
1282 meeting the exemption criteria in s. 163.3177(12) ~~having no~~  
1283 ~~established need for a new school facility and meeting the~~  
1284 ~~following criteria~~ are exempt from the requirements of  
1285 subsections (1), (2), and (3).~~÷~~

1286 ~~(a) The municipality has no public schools located within~~  
1287 ~~its boundaries.~~

1288 ~~(b) The district school board's 5-year facilities work~~  
1289 ~~program and the long-term 10-year and 20-year work programs, as~~  
1290 ~~provided in s. 1013.35, demonstrate that no new school facility~~  
1291 ~~is needed in the municipality. In addition, the district school~~  
1292 ~~board must verify in writing that no new school facility will be~~  
1293 ~~needed in the municipality within the 5-year and 10-year~~  
1294 ~~timeframes.~~

1295 (7) At the time of the evaluation and appraisal report,  
1296 each exempt municipality shall assess the extent to which it  
1297 continues to meet the criteria for exemption under s.  
1298 163.3177(12) subsection (6). If the municipality continues to  
1299 meet these criteria ~~and the district school board verifies in~~

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1300 ~~writing that no new school facilities will be needed within the~~  
 1301 ~~5-year and 10-year timeframes,~~ the municipality shall continue  
 1302 to be exempt from the interlocal-agreement requirement. Each  
 1303 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must  
 1304 comply with the provisions of this section within 1 year after  
 1305 the district school board proposes, in its 5-year district  
 1306 facilities work program, a new school within the municipality's  
 1307 jurisdiction.

1308 Section 7. Paragraph (a) of subsection (1), paragraphs (a)  
 1309 and (c) of subsection (2), paragraph (c) of subsection (4),  
 1310 subsections (5), (6), (7), (9), (10), and (13), and paragraph  
 1311 (c) of subsection (15) of section 163.3180, Florida Statutes,  
 1312 are amended, and subsections (16) and (17) are added to said  
 1313 section, to read:

1314 163.3180 Concurrency.--

1315 (1)(a) Sanitary sewer, solid waste, drainage, potable  
 1316 water, parks and recreation, schools, and transportation  
 1317 facilities, including mass transit, where applicable, are the  
 1318 only public facilities and services subject to the concurrency  
 1319 requirement on a statewide basis. Additional public facilities  
 1320 and services may not be made subject to concurrency on a  
 1321 statewide basis without appropriate study and approval by the  
 1322 Legislature; however, any local government may extend the  
 1323 concurrency requirement so that it applies to additional public  
 1324 facilities within its jurisdiction.

1325 (2)(a) Consistent with public health and safety, sanitary  
 1326 sewer, solid waste, drainage, adequate water supplies, and  
 1327 potable water facilities shall be in place and available to



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1328 | serve new development no later than the issuance by the local  
1329 | government of a certificate of occupancy or its functional  
1330 | equivalent.

1331 |       (c) Consistent with the public welfare, and except as  
1332 | otherwise provided in this section, transportation facilities  
1333 | ~~designated as part of the Florida Intrastate Highway System~~  
1334 | needed to serve new development shall be in place or under  
1335 | actual construction within 3 ~~not more than 5~~ years after  
1336 | issuance by the local government of a certificate of occupancy  
1337 | or its functional equivalent. ~~Other transportation facilities~~  
1338 | ~~needed to serve new development shall be in place or under~~  
1339 | ~~actual construction no more than 3 years after issuance by the~~  
1340 | ~~local government of a certificate of occupancy or its functional~~  
1341 | ~~equivalent.~~

1342 |       (4)

1343 |       (c) The concurrency requirement, except as it relates to  
1344 | transportation facilities, as implemented in local government  
1345 | comprehensive plans, may be waived by a local government for  
1346 | urban infill and redevelopment areas designated pursuant to s.  
1347 | 163.2517 if such a waiver does not endanger public health or  
1348 | safety as defined by the local government in its local  
1349 | government comprehensive plan. The waiver shall be adopted as a  
1350 | plan amendment pursuant to the process set forth in s.  
1351 | 163.3187(3)(a). A local government may grant a concurrency  
1352 | exception pursuant to subsection (5) for transportation  
1353 | facilities located within these urban infill and redevelopment  
1354 | areas. Within designated urban infill and redevelopment areas,  
1355 | the local government and Department of Transportation shall

1356 cooperatively establish a plan for maintaining the adopted  
 1357 level-of-service standards established by the Department of  
 1358 Transportation for Strategic Intermodal System facilities, as  
 1359 defined in s. 339.64.

1360 (5)(a) The Legislature finds that under limited  
 1361 circumstances dealing with transportation facilities,  
 1362 countervailing planning and public policy goals may come into  
 1363 conflict with the requirement that adequate public facilities  
 1364 and services be available concurrent with the impacts of such  
 1365 development. The Legislature further finds that often the  
 1366 unintended result of the concurrency requirement for  
 1367 transportation facilities is the discouragement of urban infill  
 1368 development and redevelopment. Such unintended results directly  
 1369 conflict with the goals and policies of the ~~state comprehensive~~  
 1370 ~~plan~~ and the intent of this part. Therefore, exceptions from the  
 1371 concurrency requirement for transportation facilities may be  
 1372 granted as provided by this subsection.

1373 (b) A local government may grant an exception from the  
 1374 concurrency requirement for transportation facilities if the  
 1375 proposed development is otherwise consistent with the adopted  
 1376 local government comprehensive plan and is a project that  
 1377 promotes public transportation or is located within an area  
 1378 designated in the comprehensive plan for:

- 1379 1. Urban infill development,
- 1380 2. Urban redevelopment,
- 1381 3. Downtown revitalization, or
- 1382 4. Urban infill and redevelopment under s. 163.2517.

1383 (c) The Legislature also finds that developments located  
 1384 within urban infill, urban redevelopment, existing urban  
 1385 service, or downtown revitalization areas or areas designated as  
 1386 urban infill and redevelopment areas under s. 163.2517 which  
 1387 pose only special part-time demands on the transportation system  
 1388 should be excepted from the concurrency requirement for  
 1389 transportation facilities. A special part-time demand is one  
 1390 that does not have more than 200 scheduled events during any  
 1391 calendar year and does not affect the 100 highest traffic volume  
 1392 hours.

1393 (d) A local government shall establish guidelines for  
 1394 granting the exceptions authorized in paragraphs (b) and (c) in  
 1395 the comprehensive plan. These guidelines must include  
 1396 consideration of the Strategic Intermodal System ~~impacts on the~~  
 1397 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The  
 1398 exceptions may be available only within the specific geographic  
 1399 area of the jurisdiction designated in the plan. Pursuant to s.  
 1400 163.3184, any affected person may challenge a plan amendment  
 1401 establishing these guidelines and the areas within which an  
 1402 exception could be granted.

1403 (e) It is a high state priority that urban infill and  
 1404 redevelopment be promoted and provided incentives. By promoting  
 1405 the revitalization of existing communities of this state, a more  
 1406 efficient maximization of space and facilities may be achieved  
 1407 and urban sprawl will be discouraged. If a local government  
 1408 creates a long-term vision for its community that includes  
 1409 adequate funding and services, the transportation facilities  
 1410 concurrency requirement of paragraph (2)(c) are waived for:

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- 1411           1. Urban infill development as designated in the
- 1412 comprehensive plan;
- 1413           2. Urban redevelopment as designated in the comprehensive
- 1414 plan;
- 1415           3. Downtown revitalization as designated in the
- 1416 comprehensive plan;
- 1417           4. Urban infill and redevelopment under s. 163.2517 as
- 1418 designated in the comprehensive plan; or
- 1419           5. Municipalities that are at least 90 percent built-out.
- 1420 "Built-out" means 90 percent of a local government's developable
- 1421 land is currently developed. However, any newly annexed property
- 1422 shall not be exempt from transportation facilities concurrency
- 1423 requirements unless the annexed property is at least 90 percent
- 1424 built out.

1425

1426 The local government and Department of Transportation shall

1427 cooperatively establish a plan for maintaining the adopted

1428 level-of-service standards established by the Department of

1429 Transportation for Strategic Intermodal System facilities, as

1430 defined in s. 339.64.

1431           (6) The Legislature finds that a de minimis impact is

1432 consistent with this part. A de minimis impact is an impact that

1433 would not affect more than 1 percent of the maximum volume at

1434 the adopted level of service of the affected transportation

1435 facility as determined by the local government. No impact will

1436 be de minimis if the sum of existing roadway volumes and the

1437 projected volumes from approved projects on a transportation

1438 facility would exceed 110 percent of the maximum volume at the

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1439 adopted level of service of the affected transportation  
 1440 facility; provided however, that an impact of a single family  
 1441 home on an existing lot will constitute a de minimis impact on  
 1442 all roadways regardless of the level of the deficiency of the  
 1443 roadway. ~~Local governments are encouraged to adopt methodologies~~  
 1444 ~~to encourage de minimis impacts on transportation facilities~~  
 1445 ~~within an existing urban service area.~~ Further, no impact will  
 1446 be de minimis if it would exceed the adopted level-of-service  
 1447 standard of any affected designated hurricane evacuation routes.  
 1448 Each local government shall annually adjust its concurrency  
 1449 management system calculation of existing background traffic to  
 1450 reflect projects permitted under the de minimis exemption.

1451 (7) In order to promote infill development and  
 1452 redevelopment, one or more transportation concurrency management  
 1453 areas may be designated in a local government comprehensive  
 1454 plan. A transportation concurrency management area must be a  
 1455 compact geographic area with an existing network of roads where  
 1456 multiple, viable alternative travel paths or modes are available  
 1457 for common trips. A local government may establish an areawide  
 1458 level-of-service standard for such a transportation concurrency  
 1459 management area based upon an analysis that provides for a  
 1460 justification for the areawide level of service, how urban  
 1461 infill development or redevelopment will be promoted, and how  
 1462 mobility will be accomplished within the transportation  
 1463 concurrency management area. Within designated urban infill and  
 1464 redevelopment areas, the local government and Department of  
 1465 Transportation shall cooperatively establish a plan for  
 1466 maintaining the adopted level-of-service standards established

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1467 | by the Department of Transportation for Strategic Intermodal  
 1468 | System facilities pursuant to s. 339.64. The state land planning  
 1469 | agency shall amend chapter 9J-5, Florida Administrative Code, to  
 1470 | be consistent with this subsection.

1471 | (9)(a) Each local government may adopt as a part of its  
 1472 | plan a long-term transportation and school concurrency  
 1473 | management systems ~~system~~ with a planning period of up to 10  
 1474 | years for specially designated districts or areas where  
 1475 | significant backlogs exist. The plan may include interim level-  
 1476 | of-service standards on certain facilities and shall ~~may~~ rely on  
 1477 | the local government's schedule of capital improvements for up  
 1478 | to 10 years as a basis for issuing development orders that  
 1479 | authorize commencement of construction ~~permits~~ in these  
 1480 | designated districts or areas. The concurrency management  
 1481 | system. ~~It~~ must be designed to correct existing deficiencies and  
 1482 | set priorities for addressing backlogged facilities. The  
 1483 | concurrency management system ~~It~~ must be financially feasible  
 1484 | and consistent with other portions of the adopted local plan,  
 1485 | including the future land use map.

1486 | (b) If a local government has a transportation or school  
 1487 | facility backlog for existing development which cannot be  
 1488 | adequately addressed in a 10-year plan, the state land planning  
 1489 | agency may allow it to develop a plan and long-term schedule of  
 1490 | capital improvements covering ~~of~~ up to 15 years for good and  
 1491 | sufficient cause, based on a general comparison between that  
 1492 | local government and all other similarly situated local  
 1493 | jurisdictions, using the following factors:

1494 | 1. The extent of the backlog.

1495           2. For roads, whether the backlog is on local or state  
1496 roads.

1497           3. The cost of eliminating the backlog.

1498           4. The local government's tax and other revenue-raising  
1499 efforts.

1500           (c) The local government may issue approvals to commence  
1501 construction, notwithstanding s. 163.3180, consistent with and  
1502 in areas that are subject to a long-term concurrency management  
1503 system.

1504           (d) If the local government adopts a long-term concurrency  
1505 management system, the government must evaluate the system  
1506 periodically. At a minimum, the local government must assess its  
1507 progress toward improving levels of service within the long-term  
1508 concurrency management district or area in the evaluation and  
1509 appraisal report and determine any changes that are necessary to  
1510 accelerate progress in meeting acceptable levels of service or  
1511 providing other methods of transportation.

1512           (10) With regard to facilities on the Florida Intrastate  
1513 Highway System as defined in s. 338.001, with concurrence from  
1514 the Department of Transportation, the level-of-service standard  
1515 for general lanes in urbanized areas, as defined in s.  
1516 334.03(36), may be established by the local government in the  
1517 comprehensive plan. For the Strategic Intermodal System and all  
1518 other facilities on the Florida Intrastate Highway System, local  
1519 governments shall adopt the level-of-service standard that has  
1520 been established by the Department of Transportation by rule.  
1521 For all other roads on the State Highway System, local  
1522 governments shall establish an adequate level-of-service

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1523 standard that need not be consistent with any level-of-service  
 1524 standard established by the Department of Transportation. In  
 1525 establishing adequate level-of-service standards for any  
 1526 arterial roads or collector roads, as appropriate, which  
 1527 traverse multiple jurisdictions, local governments shall  
 1528 consider compatibility with the roadway facility's adopted  
 1529 level-of-service standards in adjacent jurisdictions. Each local  
 1530 government within a county shall use a professionally accepted  
 1531 methodology for measuring impacts on transportation facilities  
 1532 for the purposes of implementing its concurrency management  
 1533 system. Counties are encouraged to coordinate with adjacent  
 1534 counties and municipalities in such counties for the purpose of  
 1535 using common methodologies for implementing their concurrency  
 1536 management systems.

1537 (13) In accordance with the schedule adopted in accordance  
 1538 with s. 163.3177(12)(h), school concurrency, ~~if imposed by local~~  
 1539 option, shall be established on a districtwide basis and shall  
 1540 include all public schools in the district and all portions of  
 1541 the district, whether located in a municipality or an  
 1542 unincorporated area unless exempt from the public school  
 1543 facilities element pursuant to s. 163.3177(12), except that this  
 1544 subsection shall not apply to the Florida School for the Deaf  
 1545 and the Blind. The development of school concurrency shall be  
 1546 accomplished through a coordinated process including the local  
 1547 school district, the county, and all non-exempt municipalities  
 1548 within the county and shall be reflected in the public school  
 1549 facilities element adopted pursuant to the schedule provided for  
 1550 in s. 163.3177(12)(h). The school concurrency requirement shall



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1551 | not be effective until the adoption of the public school  
 1552 | facilities element. The application of school concurrency to  
 1553 | development shall be based upon the adopted comprehensive plan,  
 1554 | as amended. All local governments within a county, except as  
 1555 | provided in paragraph (f), shall adopt and transmit to the state  
 1556 | land planning agency the necessary plan amendments, along with  
 1557 | the interlocal agreement, for a compliance review pursuant to s.  
 1558 | 163.3184(7) and (8). ~~School concurrency shall not become~~  
 1559 | ~~effective in a county until all local governments, except as~~  
 1560 | ~~provided in paragraph (f), have adopted the necessary plan~~  
 1561 | ~~amendments, which together with the interlocal agreement, are~~  
 1562 | ~~determined to be in compliance with the requirements of this~~  
 1563 | ~~part.~~ The minimum requirements for school concurrency are the  
 1564 | following:

1565 |       (a) Public school facilities element.--A local government  
 1566 | shall adopt and transmit to the state land planning agency a  
 1567 | plan or plan amendment which includes a public school facilities  
 1568 | element which is consistent with the requirements of s.  
 1569 | 163.3177(12) and which is determined to be in compliance as  
 1570 | defined in s. 163.3184(1)(b). All local government public school  
 1571 | facilities plan elements within a county must be consistent with  
 1572 | each other as well as the requirements of this part.

1573 |       (b) Level-of-service standards.--The Legislature  
 1574 | recognizes that an essential requirement for a concurrency  
 1575 | management system is the level of service at which a public  
 1576 | facility is expected to operate.

1577 |       1. Local governments and school boards imposing school  
 1578 | concurrency shall exercise authority in conjunction with each

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1579 other to establish jointly adequate level-of-service standards,  
 1580 as defined in chapter 9J-5, Florida Administrative Code,  
 1581 necessary to implement the adopted local government  
 1582 comprehensive plan, based on data and analysis.

1583         2. Public school level-of-service standards shall be  
 1584 included and adopted into the capital improvements element of  
 1585 the local comprehensive plan and shall apply districtwide to all  
 1586 schools of the same type. Types of schools may include charter,  
 1587 elementary, middle, and high schools as well as special purpose  
 1588 facilities such as magnet schools.

1589         3. Local governments and school boards shall have the  
 1590 option to utilize tiered level-of-service standards to allow  
 1591 time to achieve an adequate and desirable level of service as  
 1592 circumstances warrant.

1593         (c) Service areas.--The Legislature recognizes that an  
 1594 essential requirement for a concurrency system is a designation  
 1595 of the area within which the level of service will be measured  
 1596 when an application for a residential development permit is  
 1597 reviewed for school concurrency purposes. This delineation is  
 1598 also important for purposes of determining whether the local  
 1599 government has a financially feasible public school capital  
 1600 facilities program that will provide schools which will achieve  
 1601 and maintain the adopted level-of-service standards.

1602         1. In order to balance competing interests, preserve the  
 1603 constitutional concept of uniformity, and avoid disruption of  
 1604 existing educational and growth management processes, local  
 1605 governments are encouraged to initially apply school concurrency  
 1606 to development only on a districtwide basis so that a

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1607 concurrency determination for a specific development will be  
 1608 based upon the availability of school capacity districtwide. To  
 1609 ensure that development is coordinated with schools having  
 1610 available capacity, within 5 years after adoption of school  
 1611 concurrency local governments shall apply school concurrency on  
 1612 a less than districtwide basis, such as using school attendance  
 1613 zones or concurrency service areas, as provided in subparagraph  
 1614 2.

1615 2. For local governments applying school concurrency on a  
 1616 less than districtwide basis, such as utilizing school  
 1617 attendance zones or larger school concurrency service areas,  
 1618 local governments and school boards shall have the burden to  
 1619 demonstrate that the utilization of school capacity is maximized  
 1620 to the greatest extent possible in the comprehensive plan and  
 1621 amendment, taking into account transportation costs and court-  
 1622 approved desegregation plans, as well as other factors. In  
 1623 addition, in order to achieve concurrency within the service  
 1624 area boundaries selected by local governments and school boards,  
 1625 the service area boundaries, together with the standards for  
 1626 establishing those boundaries, shall be identified and, included  
 1627 as supporting data and analysis for, ~~and adopted as part of the~~  
 1628 ~~comprehensive plan. Any subsequent change to the service area~~  
 1629 ~~boundaries for purposes of a school concurrency system shall be~~  
 1630 ~~by plan amendment and shall be exempt from the limitation on the~~  
 1631 ~~frequency of plan amendments in s. 163.3187(1).~~

1632 3. Where school capacity is available on a districtwide  
 1633 basis but school concurrency is applied on a less than  
 1634 districtwide basis in the form of concurrency service areas, if

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1635 | the adopted level-of-service standard cannot be met in a  
 1636 | particular service area as applied to an application for a  
 1637 | development permit through mitigation or other measures and if  
 1638 | the needed capacity for the particular service area is available  
 1639 | in one or more contiguous service areas, as adopted by the local  
 1640 | government, ~~then~~ the development order may not ~~shall~~ be denied  
 1641 | on the basis of school concurrency, and if issued, development  
 1642 | impacts shall be shifted to contiguous service areas with  
 1643 | schools having available capacity and mitigation measures shall  
 1644 | ~~not be exacted.~~

1645 | (d) Financial feasibility.--The Legislature recognizes  
 1646 | that financial feasibility is an important issue because the  
 1647 | premise of concurrency is that the public facilities will be  
 1648 | provided in order to achieve and maintain the adopted level-of-  
 1649 | service standard. This part and chapter 9J-5, Florida  
 1650 | Administrative Code, contain specific standards to determine the  
 1651 | financial feasibility of capital programs. These standards were  
 1652 | adopted to make concurrency more predictable and local  
 1653 | governments more accountable.

1654 | 1. A comprehensive plan amendment seeking to impose school  
 1655 | concurrency shall contain appropriate amendments to the capital  
 1656 | improvements element of the comprehensive plan, consistent with  
 1657 | the requirements of s. 163.3177(3) and rule 9J-5.016, Florida  
 1658 | Administrative Code. The capital improvements element shall set  
 1659 | forth a financially feasible public school capital facilities  
 1660 | program, established in conjunction with the school board, that  
 1661 | demonstrates that the adopted level-of-service standards will be  
 1662 | achieved and maintained.

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1663           2. Such amendments shall demonstrate that the public  
1664 school capital facilities program meets all of the financial  
1665 feasibility standards of this part and chapter 9J-5, Florida  
1666 Administrative Code, that apply to capital programs which  
1667 provide the basis for mandatory concurrency on other public  
1668 facilities and services.

1669           3. When the financial feasibility of a public school  
1670 capital facilities program is evaluated by the state land  
1671 planning agency for purposes of a compliance determination, the  
1672 evaluation shall be based upon the service areas selected by the  
1673 local governments and school board.

1674           (e) Availability standard.--Consistent with the public  
1675 welfare, a local government may not deny an application for site  
1676 plan or final subdivision approval, or a functional equivalent  
1677 for a development or phase of a development, ~~permit~~ authorizing  
1678 residential development for failure to achieve and maintain the  
1679 level-of-service standard for public school capacity in a local  
1680 ~~option~~ school concurrency management system where adequate  
1681 school facilities will be in place or under actual construction  
1682 within 3 years after ~~the permit~~ issuance by the local government  
1683 of site plan or final subdivision approval or its functional  
1684 equivalent. School concurrency shall be satisfied if the  
1685 developer executes a legally binding commitment to provide  
1686 mitigation proportionate to the demand for public school  
1687 facilities to be created by actual development of the property,  
1688 including, but not limited to, the options described in  
1689 subparagraph 1. Approval of a funding agreement shall not be  
1690 unreasonably withheld. Any dispute shall be mediated pursuant to

1691 s. 120.573. Options for proportionate-share mitigation of  
 1692 impacts on public school facilities shall be established in the  
 1693 interlocal agreement pursuant to s. 163.31777.

1694 1. Appropriate mitigation options include the contribution  
 1695 of land; the construction, expansion, or payment for land  
 1696 acquisition or construction of a public school facility; or the  
 1697 creation of mitigation banking based on the construction of a  
 1698 public school facility in exchange for the right to sell  
 1699 capacity credits. Such options must include execution by the  
 1700 applicant and the local government of a binding development  
 1701 agreement that constitutes a legally binding commitment to pay  
 1702 proportionate-share mitigation for the additional residential  
 1703 units approved by the local government in a development order  
 1704 and actually developed on the property, taking into account  
 1705 residential density allowed on the property prior to the plan  
 1706 amendment that increased overall residential density. Mitigation  
 1707 for development impacts to public schools requires the  
 1708 concurrence of the local school board. As a condition of its  
 1709 entry into such a development agreement, the local government  
 1710 may require the landowner to agree to continuing renewal of the  
 1711 agreement upon its expiration.

1712 2. If the education facilities plan and the public  
 1713 educational facilities element authorize a contribution of land;  
 1714 the construction, expansion, or payment for land acquisition; or  
 1715 the construction or expansion of a public school facility, or a  
 1716 portion of such facility, as proportionate-share mitigation, the  
 1717 local government shall credit such a contribution, construction,  
 1718 expansion, or payment toward any other impact fee or exaction

1719 imposed by local ordinance for the same need, on a dollar-for-  
 1720 dollar basis at fair market value.

1721 3. Any proportionate-share mitigation must be directed by  
 1722 the school board toward a school capacity improvement that is  
 1723 identified in the financially feasible 5-year district work plan  
 1724 and that will be provided in accordance with a legally binding  
 1725 agreement.

1726 (f) Intergovernmental coordination.--

1727 1. When establishing concurrency requirements for public  
 1728 schools, a local government shall satisfy the requirements for  
 1729 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
 1730 and 2., except that a municipality is not required to be a  
 1731 signatory to the interlocal agreement required by ss. s.  
 1732 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
 1733 imposition of school concurrency, and as a nonsignatory, shall  
 1734 not participate in the adopted local school concurrency system,  
 1735 if the municipality meets all of the following criteria for  
 1736 having no significant impact on school attendance:

1737 a. The municipality has issued development orders for  
 1738 fewer than 50 residential dwelling units during the preceding 5  
 1739 years, or the municipality has generated fewer than 25  
 1740 additional public school students during the preceding 5 years.

1741 b. The municipality has not annexed new land during the  
 1742 preceding 5 years in land use categories which permit  
 1743 residential uses that will affect school attendance rates.

1744 c. The municipality has no public schools located within  
 1745 its boundaries.

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1746 d. At least 80 percent of the developable land within the  
1747 boundaries of the municipality has been built upon.

1748 2. A municipality which qualifies as having no significant  
1749 impact on school attendance pursuant to the criteria of  
1750 subparagraph 1. must review and determine at the time of its  
1751 evaluation and appraisal report pursuant to s. 163.3191 whether  
1752 it continues to meet the criteria pursuant to s. 163.3177(6).  
1753 If the municipality determines that it no longer meets the  
1754 criteria, it must adopt appropriate school concurrency goals,  
1755 objectives, and policies in its plan amendments based on the  
1756 evaluation and appraisal report, and enter into the existing  
1757 interlocal agreement required by ss. s. 163.3177(6)(h)2. and  
1758 163.31777, in order to fully participate in the school  
1759 concurrency system. If such a municipality fails to do so, it  
1760 will be subject to the enforcement provisions of s. 163.3191.

1761 ~~(g) Interlocal agreement for school concurrency. When~~  
1762 ~~establishing concurrency requirements for public schools, a~~  
1763 ~~local government must enter into an interlocal agreement which~~  
1764 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~  
1765 ~~requirements of this subsection. The interlocal agreement shall~~  
1766 ~~acknowledge both the school board's constitutional and statutory~~  
1767 ~~obligations to provide a uniform system of free public schools~~  
1768 ~~on a countywide basis, and the land use authority of local~~  
1769 ~~governments, including their authority to approve or deny~~  
1770 ~~comprehensive plan amendments and development orders. The~~  
1771 ~~interlocal agreement shall be submitted to the state land~~  
1772 ~~planning agency by the local government as a part of the~~  
1773 ~~compliance review, along with the other necessary amendments to~~



1774 ~~the comprehensive plan required by this part. In addition to the~~  
 1775 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~  
 1776 ~~shall meet the following requirements:~~

1777 ~~1. Establish the mechanisms for coordinating the~~  
 1778 ~~development, adoption, and amendment of each local government's~~  
 1779 ~~public school facilities element with each other and the plans~~  
 1780 ~~of the school board to ensure a uniform districtwide school~~  
 1781 ~~concurrency system.~~

1782 ~~2. Establish a process by which each local government and~~  
 1783 ~~the school board shall agree and base their plans on consistent~~  
 1784 ~~projections of the amount, type, and distribution of population~~  
 1785 ~~growth and coordinate and share information relating to existing~~  
 1786 ~~and planned public school facilities projections and proposals~~  
 1787 ~~for development and redevelopment, and infrastructure required~~  
 1788 ~~to support public school facilities.~~

1789 ~~3. Establish a process for the development of siting~~  
 1790 ~~criteria which encourages the location of public schools~~  
 1791 ~~proximate to urban residential areas to the extent possible and~~  
 1792 ~~seeks to collocate schools with other public facilities such as~~  
 1793 ~~parks, libraries, and community centers to the extent possible.~~

1794 ~~4. Specify uniform, districtwide level of service~~  
 1795 ~~standards for public schools of the same type and the process~~  
 1796 ~~for modifying the adopted levels of service standards.~~

1797 ~~5. Establish a process for the preparation, amendment, and~~  
 1798 ~~joint approval by each local government and the school board of~~  
 1799 ~~a public school capital facilities program which is financially~~  
 1800 ~~feasible, and a process and schedule for incorporation of the~~

1801 ~~public school capital facilities program into the local~~  
 1802 ~~government comprehensive plans on an annual basis.~~

1803 ~~6. Define the geographic application of school~~  
 1804 ~~concurrency. If school concurrency is to be applied on a less~~  
 1805 ~~than districtwide basis in the form of concurrency service~~  
 1806 ~~areas, the agreement shall establish criteria and standards for~~  
 1807 ~~the establishment and modification of school concurrency service~~  
 1808 ~~areas. The agreement shall also establish a process and schedule~~  
 1809 ~~for the mandatory incorporation of the school concurrency~~  
 1810 ~~service areas and the criteria and standards for establishment~~  
 1811 ~~of the service areas into the local government comprehensive~~  
 1812 ~~plans. The agreement shall ensure maximum utilization of school~~  
 1813 ~~capacity, taking into account transportation costs and court-~~  
 1814 ~~approved desegregation plans, as well as other factors. The~~  
 1815 ~~agreement shall also ensure the achievement and maintenance of~~  
 1816 ~~the adopted level of service standards for the geographic area~~  
 1817 ~~of application throughout the 5 years covered by the public~~  
 1818 ~~school capital facilities plan and thereafter by adding a new~~  
 1819 ~~fifth year during the annual update.~~

1820 ~~7. Establish a uniform districtwide procedure for~~  
 1821 ~~implementing school concurrency which provides for:~~

1822 ~~a. The evaluation of development applications for~~  
 1823 ~~compliance with school concurrency requirements;~~

1824 ~~b. An opportunity for the school board to review and~~  
 1825 ~~comment on the effect of comprehensive plan amendments and~~  
 1826 ~~rezonings on the public school facilities plan; and~~

1827 ~~e. The monitoring and evaluation of the school concurrency~~  
 1828 ~~system.~~

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1829 ~~8. Include provisions relating to termination, suspension,~~  
 1830 ~~and amendment of the agreement. The agreement shall provide that~~  
 1831 ~~if the agreement is terminated or suspended, the application of~~  
 1832 ~~school concurrency shall be terminated or suspended.~~

1833 (15)

1834 (c) Local governments may establish multimodal level-of-  
 1835 service standards that rely primarily on nonvehicular modes of  
 1836 transportation within the district, when justified by an  
 1837 analysis demonstrating that the existing and planned community  
 1838 design will provide an adequate level of mobility within the  
 1839 district based upon professionally accepted multimodal level-of-  
 1840 service methodologies. Within designated urban infill and  
 1841 redevelopment areas, the local government and Department of  
 1842 Transportation shall cooperatively establish a plan for  
 1843 maintaining the adopted level-of-service standards established  
 1844 by the Department of Transportation for Strategic Intermodal  
 1845 System facilities, as defined in s. 339.64. The analysis must  
 1846 take into consideration the impact on the Florida Intrastate  
 1847 Highway System. The analysis must also demonstrate that the  
 1848 capital improvements required to promote community design are  
 1849 financially feasible over the development or redevelopment  
 1850 timeframe for the district and that community design features  
 1851 within the district provide convenient interconnection for a  
 1852 multimodal transportation system. Local governments may issue  
 1853 development permits in reliance upon all planned community  
 1854 design capital improvements that are financially feasible over  
 1855 the development or redevelopment timeframe for the district,  
 1856 without regard to the period of time between development or

1857 redevelopment and the scheduled construction of the capital  
 1858 improvements. A determination of financial feasibility shall be  
 1859 based upon currently available funding or funding sources that  
 1860 could reasonably be expected to become available over the  
 1861 planning period.

1862 (16)(a) It is the intent of the Legislature to provide a  
 1863 method by which the impacts of development on transportation  
 1864 facilities can be mitigated by the cooperative efforts of the  
 1865 public and private sectors.

1866 (b) When authorized in a local government comprehensive  
 1867 plan, local governments may create mitigation banks for  
 1868 transportation facilities to satisfy the concurrency provisions  
 1869 of this section, using the process and methodology developed in  
 1870 accordance with s. 163.3177(6)(b).

1871 (c) Mitigation contributions shall be used to satisfy the  
 1872 transportation concurrency requirements of this section and may  
 1873 be applied as a credit against impact fees. Mitigation for  
 1874 development impacts to facilities on the Strategic Intermodal  
 1875 System made pursuant to this subsection requires the concurrence  
 1876 of the Department of Transportation. However, this does not  
 1877 authorize the Department of Transportation to arbitrarily charge  
 1878 a fee or require additional mitigation. Concurrence by the  
 1879 Department of Transportation may not be withheld unduly.

1880 (d) Transportation facilities concurrency shall be  
 1881 satisfied if the developer executes a legally binding commitment  
 1882 to provide mitigation proportionate to the demand for  
 1883 transportation facilities to be created by actual development of  
 1884 the property, including, but not limited to, the options for

1885 mitigation established in the transportation element or traffic  
 1886 circulation element. Approval of a funding agreement shall not  
 1887 be unreasonably withheld. Any dispute shall be mediated pursuant  
 1888 to s. 120.573. Appropriate transportation mitigation  
 1889 contributions may include public or private funds; the  
 1890 contribution of right-of-way; the construction of a  
 1891 transportation facility or payment for the right-of-way or  
 1892 construction of a transportation facility or service; or the  
 1893 provision of transit service. Such options shall include  
 1894 execution of an enforceable development agreement for projects  
 1895 to be funded by a developer.

1896 (17) A development may satisfy the concurrency  
 1897 requirements of the local comprehensive plan, the local  
 1898 government's land development regulations, and s. 380.06 by  
 1899 entering into a legally binding commitment to provide mitigation  
 1900 proportionate to the direct impact of the development. A local  
 1901 government may not require a development to pay more than its  
 1902 proportionate-share contribution regardless of the method  
 1903 mitigation.

1904 Section 8. Paragraph (b) of subsection (1), subsection  
 1905 (4), and paragraph (a) of subsection (6) of section 163.3184,  
 1906 Florida Statutes, are amended to read:

1907 163.3184 Process for adoption of comprehensive plan or  
 1908 plan amendment.--

1909 (1) DEFINITIONS.--As used in this section, the term:

1910 (b) "In compliance" means consistent with the requirements  
 1911 of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an  
 1912 educational facilities element, 163.3178, 163.3180, 163.3191,

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1913 | and 163.3245, with the state comprehensive plan, with the  
 1914 | appropriate strategic regional policy plan, and with chapter 9J-  
 1915 | 5, Florida Administrative Code, where such rule is not  
 1916 | inconsistent with this part and with the principles for guiding  
 1917 | development in designated areas of critical state concern and  
 1918 | with part III of chapter 369, where applicable.

1919 |       (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies  
 1920 | specified in paragraph (3)(a) shall provide comments to the  
 1921 | state land planning agency within 30 days after receipt by the  
 1922 | state land planning agency of the complete proposed plan  
 1923 | amendment. If the plan or plan amendment includes or relates to  
 1924 | the public school facilities element pursuant to s. 163.3177  
 1925 | ~~163.31776~~, the state land planning agency shall submit a copy to  
 1926 | the Office of Educational Facilities of the Commissioner of  
 1927 | Education for review and comment. The appropriate regional  
 1928 | planning council shall also provide its written comments to the  
 1929 | state land planning agency within 30 days after receipt by the  
 1930 | state land planning agency of the complete proposed plan  
 1931 | amendment and shall specify any objections, recommendations for  
 1932 | modifications, and comments of any other regional agencies to  
 1933 | which the regional planning council may have referred the  
 1934 | proposed plan amendment. Written comments submitted by the  
 1935 | public within 30 days after notice of transmittal by the local  
 1936 | government of the proposed plan amendment will be considered as  
 1937 | if submitted by governmental agencies. All written agency and  
 1938 | public comments must be made part of the file maintained under  
 1939 | subsection (2).

1940 |       (6) STATE LAND PLANNING AGENCY REVIEW.--

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1941           (a) The state land planning agency may ~~shall~~ review a  
 1942 proposed plan amendment upon request of a regional planning  
 1943 council, affected person, or local government transmitting the  
 1944 plan amendment. The request from the regional planning council  
 1945 or affected person must be received within 30 days after  
 1946 transmittal of the proposed plan amendment pursuant to  
 1947 subsection (3). A regional planning council or affected person  
 1948 requesting a review shall do so by submitting a written request  
 1949 to the agency with a notice of the request to the local  
 1950 government and any other person who has requested notice.

1951           Section 9. Paragraphs (c) and (l) of subsection (1) of  
 1952 section 163.3187, Florida Statutes, are amended, and paragraph  
 1953 (o) is added to said subsection, to read:

1954           163.3187 Amendment of adopted comprehensive plan.--

1955           (1) Amendments to comprehensive plans adopted pursuant to  
 1956 this part may be made not more than two times during any  
 1957 calendar year, except:

1958           (c) Any local government comprehensive plan amendments  
 1959 directly related to proposed small scale development activities  
 1960 may be approved without regard to statutory limits on the  
 1961 frequency of consideration of amendments to the local  
 1962 comprehensive plan. A small scale development amendment may be  
 1963 adopted only under the following conditions:

1964           1. The proposed amendment involves a use of 10 acres or  
 1965 fewer and:

1966           a. The cumulative annual effect of the acreage for all  
 1967 small scale development amendments adopted by the local  
 1968 government shall not exceed:

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1969 (I) A maximum of 120 acres in a local government that  
 1970 contains areas specifically designated in the local  
 1971 comprehensive plan for urban infill, urban redevelopment, or  
 1972 downtown revitalization as defined in s. 163.3164, urban infill  
 1973 and redevelopment areas designated under s. 163.2517,  
 1974 transportation concurrency exception areas approved pursuant to  
 1975 s. 163.3180(5), or regional activity centers and urban central  
 1976 business districts approved pursuant to s. 380.06(2)(e);  
 1977 however, amendments under this paragraph may be applied to no  
 1978 more than 60 acres annually of property outside the designated  
 1979 areas listed in this sub-sub-subparagraph. Amendments adopted  
 1980 pursuant to paragraph (k) shall not be counted toward the  
 1981 acreage limitations for small scale amendments under this  
 1982 paragraph.

1983 (II) A maximum of 80 acres in a local government that does  
 1984 not contain any of the designated areas set forth in sub-sub-  
 1985 subparagraph (I).

1986 (III) A maximum of 120 acres in a county established  
 1987 pursuant to s. 9, Art. VIII of the State Constitution.

1988 b. The proposed amendment does not involve the same  
 1989 property granted a change within the prior 12 months.

1990 c. The proposed amendment does not involve the same  
 1991 owner's property within 200 feet of property granted a change  
 1992 within the prior 12 months.

1993 d. The proposed amendment does not involve a text change  
 1994 to the goals, policies, and objectives of the local government's  
 1995 comprehensive plan, but only proposes a land use change to the



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1996 future land use map for a site-specific small scale development  
1997 activity.

1998 e. The property that is the subject of the proposed  
1999 amendment is not located within an area of critical state  
2000 concern, unless the project subject to the proposed amendment  
2001 involves the construction of affordable housing units meeting  
2002 the criteria of s. 420.0004(3), and is located within an area of  
2003 critical state concern designated by s. 380.0552 or by the  
2004 Administration Commission pursuant to s. 380.05(1). Such  
2005 amendment is not subject to the density limitations of sub-  
2006 subparagraph f., and shall be reviewed by the state land  
2007 planning agency for consistency with the principles for guiding  
2008 development applicable to the area of critical state concern  
2009 where the amendment is located and shall not become effective  
2010 until a final order is issued under s. 380.05(6).

2011 f. If the proposed amendment involves a residential land  
2012 use, the residential land use has a density of 10 units or less  
2013 per acre, except that this limitation does not apply to small  
2014 scale amendments involving the construction of affordable  
2015 housing units meeting the criteria of s. 420.0004(3) on property  
2016 which will be the subject of a land use restriction agreement or  
2017 extended use agreement recorded in conjunction with the issuance  
2018 of tax exempt bond financing or an allocation of federal tax  
2019 credits issued through the Florida Housing Finance Corporation  
2020 or a local housing finance authority authorized by the Division  
2021 of Bond Finance of the State Board of Administration, or small  
2022 scale amendments described in sub-sub-subparagraph a.(I) that  
2023 are designated in the local comprehensive plan for urban infill,

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2024 urban redevelopment, or downtown revitalization as defined in s.  
 2025 163.3164, urban infill and redevelopment areas designated under  
 2026 s. 163.2517, transportation concurrency exception areas approved  
 2027 pursuant to s. 163.3180(5), or regional activity centers and  
 2028 urban central business districts approved pursuant to s.  
 2029 380.06(2)(e).

2030 2.a. A local government that proposes to consider a plan  
 2031 amendment pursuant to this paragraph is not required to comply  
 2032 with the procedures and public notice requirements of s.  
 2033 163.3184(15)(c) for such plan amendments if the local government  
 2034 complies with the provisions in s. 125.66(4)(a) for a county or  
 2035 in s. 166.041(3)(c) for a municipality. If a request for a plan  
 2036 amendment under this paragraph is initiated by other than the  
 2037 local government, public notice is required.

2038 b. The local government shall send copies of the notice  
 2039 and amendment to the state land planning agency, the regional  
 2040 planning council, and any other person or entity requesting a  
 2041 copy. This information shall also include a statement  
 2042 identifying any property subject to the amendment that is  
 2043 located within a coastal high hazard area as identified in the  
 2044 local comprehensive plan.

2045 3. Small scale development amendments adopted pursuant to  
 2046 this paragraph require only one public hearing before the  
 2047 governing board, which shall be an adoption hearing as described  
 2048 in s. 163.3184(7), and are not subject to the requirements of s.  
 2049 163.3184(3)-(6) unless the local government elects to have them  
 2050 subject to those requirements.

2051 (1) A comprehensive plan amendment to adopt a public  
 2052 educational facilities element pursuant to s. 163.3177 ~~163.31776~~  
 2053 and future land-use-map amendments for school siting may be  
 2054 approved notwithstanding statutory limits on the frequency of  
 2055 adopting plan amendments.

2056 (o)1. For local governments that are more than 90 percent  
 2057 built-out, which for purposes of this paragraph means 90 percent  
 2058 of a local government's developable land is currently developed,  
 2059 any local government comprehensive plan amendments may be  
 2060 approved without regard to statutory limits on the frequency of  
 2061 consideration of amendments to the local comprehensive plan only  
 2062 if the proposed amendment involves a use of 100 acres or fewer  
 2063 and:

2064 a. The cumulative annual effect of the acreage for all  
 2065 amendments adopted pursuant to this paragraph does not exceed  
 2066 500 acres.

2067 b. The proposed amendment does not involve the same  
 2068 property granted a change within the prior 12 months.

2069 c. The proposed amendment does not involve the same  
 2070 owner's property within 200 feet of property granted a change  
 2071 within the prior 12 months.

2072 d. The proposed amendment does not involve a text change  
 2073 to the goals, policies, and objectives of the local government's  
 2074 comprehensive plan but only proposes a land use change to the  
 2075 future land use map for a site-specific small scale development  
 2076 activity.

2077 e. The property that is the subject of the proposed  
 2078 amendment is not located within an area of critical state  
 2079 concern.

2080 2.a. A local government that proposes to consider a plan  
 2081 amendment pursuant to this paragraph is not required to comply  
 2082 with the procedures and public notice requirements of s.  
 2083 163.3184(15)(c) for such plan amendments if the local government  
 2084 complies with the provisions of s. 125.66(4)(a) for a county or  
 2085 of s. 166.041(3)(c) for a municipality. If a request for a plan  
 2086 amendment under this paragraph is initiated by other than the  
 2087 local government, public notice is required.

2088 b. The local government shall send copies of the notice  
 2089 and amendment to the state land planning agency, the regional  
 2090 planning council, and any other person or entity requesting a  
 2091 copy. This information shall also include a statement  
 2092 identifying any property subject to the amendment that is  
 2093 located within a coastal high hazard area as identified in the  
 2094 local comprehensive plan.

2095 3. Amendments adopted pursuant to this paragraph require  
 2096 only one public hearing before the governing board, which shall  
 2097 be an adoption hearing as described in s. 163.3184(7), and are  
 2098 not subject to the requirements of s. 163.3184(3)-(6) unless the  
 2099 local government elects to have them subject to those  
 2100 requirements.

2101 4. This paragraph shall not apply if a municipality  
 2102 annexes unincorporated property that decreases the percentage of  
 2103 build-out to an amount below 90 percent.

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2104 Section 10. Paragraphs (k) and (l) of subsection (2) and  
 2105 subsection (10) of section 163.3191, Florida Statutes, are  
 2106 amended, and paragraph (o) is added to subsection (2) of said  
 2107 section, to read:

2108 163.3191 Evaluation and appraisal of comprehensive plan.--

2109 (2) The report shall present an evaluation and assessment  
 2110 of the comprehensive plan and shall contain appropriate  
 2111 statements to update the comprehensive plan, including, but not  
 2112 limited to, words, maps, illustrations, or other media, related  
 2113 to:

2114 (k) The coordination of the comprehensive plan with  
 2115 existing public schools and those identified in the applicable  
 2116 educational facilities plan adopted pursuant to s. 1013.35. The  
 2117 assessment shall address, where relevant, the success or failure  
 2118 of the coordination of the future land use map and associated  
 2119 planned residential development with public schools and their  
 2120 capacities, as well as the joint decisionmaking processes  
 2121 engaged in by the local government and the school board in  
 2122 regard to establishing appropriate population projections and  
 2123 the planning and siting of public school facilities. For  
 2124 counties or municipalities that do not have a public schools  
 2125 interlocal agreement or public school facility element, the  
 2126 assessment shall determine whether the local government  
 2127 continues to meet the criteria of s. 163.3177(12). If the county  
 2128 or municipality determines that it no longer meets the criteria,  
 2129 the county or municipality must adopt appropriate school  
 2130 concurrency goals, objectives, and policies in its plan  
 2131 amendments pursuant to the requirements of the public school

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2132 facility element and enter into the existing interlocal  
 2133 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
 2134 order to fully participate in the school concurrency system ~~if~~  
 2135 ~~the issues are not relevant, the local government shall~~  
 2136 ~~demonstrate that they are not relevant.~~

2137 (1) The extent to which the report evaluates whether the  
 2138 local government has been successful in identifying water supply  
 2139 sources, including conservation and reuse, necessary to meet  
 2140 existing and projected water use demand for the comprehensive  
 2141 plan's water supply work plan. The water supply sources  
 2142 evaluated in the report must be consistent with ~~evaluation must~~  
 2143 ~~consider~~ the appropriate water management district's regional  
 2144 water supply plan approved pursuant to s. 373.0361. The report  
 2145 must evaluate the degree to which the local government has  
 2146 implemented the work plan for water supply facilities included  
 2147 in the potable water element. The potable water element must be  
 2148 ~~revised to include a work plan, covering at least a 10-year~~  
 2149 ~~planning period, for building any water supply facilities that~~  
 2150 ~~are identified in the element as necessary to serve existing and~~  
 2151 ~~new development and for which the local government is~~  
 2152 ~~responsible.~~

2153 (o) The extent to which a concurrency exception area over  
 2154 20,000 acres that has been designated pursuant to s.  
 2155 163.3180(5)(a)-(d), s. 163.3180(7), or s. 163.3180(15) or a  
 2156 special act, has achieved the purpose for which it was created  
 2157 and otherwise complies with the provisions of s. 163.3180.

2158 (10) The governing body shall amend its comprehensive plan  
 2159 based on the recommendations in the report and shall update the

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2160 comprehensive plan based on the components of subsection (2),  
 2161 pursuant to the provisions of ss. 163.3184, 163.3187, and  
 2162 163.3189. Amendments to update a comprehensive plan based on the  
 2163 evaluation and appraisal report shall be adopted within 18  
 2164 months after the report is determined to be sufficient by the  
 2165 state land planning agency, except the state land planning  
 2166 agency may grant an extension for adoption of a portion of such  
 2167 amendments. The state land planning agency may grant a 6-month  
 2168 extension for the adoption of such amendments if the request is  
 2169 justified by good and sufficient cause as determined by the  
 2170 agency. An additional extension may also be granted if the  
 2171 request will result in greater coordination between  
 2172 transportation and land use, for the purposes of improving  
 2173 Florida's transportation system, as determined by the agency in  
 2174 coordination with the Metropolitan Planning Organization  
 2175 program. Failure to timely adopt updating amendments to the  
 2176 comprehensive plan based on the evaluation and appraisal report  
 2177 shall result in a local government being prohibited from  
 2178 adopting amendments to the comprehensive plan until the  
 2179 evaluation and appraisal report updating amendments have been  
 2180 adopted and transmitted to the state land planning agency. The  
 2181 prohibition on plan amendments shall commence when the updating  
 2182 amendments to the comprehensive plan are past due. The  
 2183 comprehensive plan as amended shall be in compliance as defined  
 2184 in s. 163.3184(1)(b). Within 6 months after the effective date  
 2185 of the updating amendments to the comprehensive plan, the local  
 2186 government shall provide to the state land planning agency and

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2187 | to all agencies designated by rule a complete copy of the  
 2188 | updated comprehensive plan.

2189 |       Section 11. Section 163.3247, Florida Statutes, is created  
 2190 | to read:

2191 |       163.3247 Century Commission for a Sustainable Florida.--

2192 |       (1) POPULAR NAME.--This section may be cited as the  
 2193 | "Century Commission for a Sustainable Florida Act."

2194 |       (2) FINDINGS AND INTENT.--The Legislature finds and  
 2195 | declares that the population of this state is expected to more  
 2196 | than double over the next 100 years, with commensurate impacts  
 2197 | to the state's natural resources and public infrastructure.  
 2198 | Consequently, it is in the best interests of the people of the  
 2199 | state to ensure sound planning for the proper placement of this  
 2200 | growth and protection of the state's land, water, and other  
 2201 | natural resources since such resources are essential to our  
 2202 | collective quality of life and a strong economy. The state's  
 2203 | growth management system should foster economic stability  
 2204 | through regional solutions and strategies, urban renewal and  
 2205 | infill, and the continued viability of agricultural economies,  
 2206 | while allowing for rural economic development and protecting the  
 2207 | unique characteristics of rural areas, and should reduce the  
 2208 | complexity of the regulatory process while carrying out the  
 2209 | intent of the laws and encouraging greater citizen  
 2210 | participation.

2211 |       (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;  
 2212 | CREATION; ORGANIZATION.--The Century Commission for a  
 2213 | Sustainable Florida is created as a standing body to help the



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2214 citizens of this state envision and plan their collective future  
2215 with an eye towards both 20-year and 50-year horizons.

2216 (a) The commission shall consist of nine members, three  
2217 appointed by the Governor, three appointed by the President of  
2218 the Senate, and three appointed by the Speaker of the House of  
2219 Representatives. Appointments shall be made no later than  
2220 October 1, 2005. One member shall be designated by the Governor  
2221 as chair of the commission. Any vacancy that occurs on the  
2222 commission must be filled in the same manner as the original  
2223 appointment and shall be for the unexpired term of that  
2224 commission seat. Members shall serve 4-year terms, except that,  
2225 initially, to provide for staggered terms, three of the  
2226 appointees, one each by the Governor, the President of the  
2227 Senate, and the Speaker of the House of Representatives, shall  
2228 serve 2-year terms, three shall serve 3-year terms, and three  
2229 shall serve 4-year terms. All subsequent appointments shall be  
2230 for 4-year terms. An appointee may not serve more than 6 years.

2231 (b) The first meeting of the commission shall be held no  
2232 later than December 1, 2005, and shall meet at the call of the  
2233 chair but not less frequently than three times per year in  
2234 different regions of the state to solicit input from the public  
2235 or any other individuals offering testimony relevant to the  
2236 issues to be considered.

2237 (c) Each member of the commission is entitled to one vote  
2238 and actions of the commission are not binding unless taken by a  
2239 three-fifths vote of the members present. A majority of the  
2240 members is required to constitute a quorum, and the affirmative  
2241 vote of a quorum is required for a binding vote.

2242        (d) Members of the commission shall serve without  
 2243 compensation but shall be entitled to receive per diem and  
 2244 travel expenses in accordance with s. 112.061 while in  
 2245 performance of their duties.

2246        (4) POWERS AND DUTIES.--The commission shall:

2247        (a) Annually conduct a process through which the  
 2248 commission envisions the future for the state and then develops  
 2249 and recommends policies, plans, action steps, or strategies to  
 2250 assist in achieving the vision.

2251        (b) Continuously review and consider statutory and  
 2252 regulatory provisions, governmental processes, and societal and  
 2253 economic trends in its inquiry of how state, regional, and local  
 2254 governments and entities and citizens of this state can best  
 2255 accommodate projected increased populations while maintaining  
 2256 the natural, historical, cultural, and manmade life qualities  
 2257 that best represent the state.

2258        (c) Bring together people representing varied interests to  
 2259 develop a shared image of the state and its developed and  
 2260 natural areas. The process should involve exploring the impact  
 2261 of the estimated population increase and other emerging trends  
 2262 and issues; creating a vision for the future; and developing a  
 2263 strategic action plan to achieve that vision using 20-year and  
 2264 50-year intermediate planning timeframes.

2265        (d) Focus on essential state interests, defined as those  
 2266 interests that transcend local or regional boundaries and are  
 2267 most appropriately conserved, protected, and promoted at the  
 2268 state level.

2269       (e) Serve as an objective, nonpartisan repository of  
 2270 exemplary community-building ideas and as a source to recommend  
 2271 strategies and practices to assist others in working  
 2272 collaboratively to problem solve on issues relating to growth  
 2273 management.

2274       (f) Annually, beginning January 16, 2007, and every year  
 2275 thereafter on the same date, provide to the Governor, the  
 2276 President of the Senate, and the Speaker of the House of  
 2277 Representatives a written report containing specific  
 2278 recommendations for addressing growth management in the state,  
 2279 including executive and legislative recommendations. Further,  
 2280 the report shall contain discussions regarding the need for  
 2281 intergovernmental cooperation and the balancing of environmental  
 2282 protection and future development and recommendations on issues,  
 2283 including, but not limited to, recommendations regarding  
 2284 dedicated sources of funding for sewer facilities, water supply  
 2285 and quality, transportation facilities that are not adequately  
 2286 addressed by the Strategic Intermodal System, and educational  
 2287 infrastructure to support existing development and projected  
 2288 population growth. This report shall be verbally presented to a  
 2289 joint session of both houses annually as scheduled by the  
 2290 President of the Senate and the Speaker of the House of  
 2291 Representatives.

2292       (g) Beginning with the 2007 Regular Session of the  
 2293 Legislature, the President of the Senate and Speaker of the  
 2294 House of Representatives shall create a joint select committee,  
 2295 the task of which shall be to review the findings and

2296 | recommendations of the Century Commission for a Sustainable  
 2297 | Florida for potential action.

2298 | (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2299 | (a) The Secretary of Community Assistance shall select an  
 2300 | executive director of the commission, and the executive director  
 2301 | shall serve at the pleasure of the secretary under the  
 2302 | supervision and control of the commission.

2303 | (b) The Department of Community Assistance shall provide  
 2304 | staff and other resources necessary to accomplish the goals of  
 2305 | the commission based upon recommendations of the Governor.

2306 | (c) All agencies under the control of the Governor are  
 2307 | directed, and all other agencies are requested, to render  
 2308 | assistance to, and cooperate with, the commission.

2309 | Section 12. Paragraph (b) of subsection (4) of section  
 2310 | 339.135, Florida Statutes, is amended to read:

2311 | 339.135 Work program; legislative budget request;  
 2312 | definitions; preparation, adoption, execution, and amendment.--

2313 | (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2314 | (b)1. A tentative work program, including the ensuing  
 2315 | fiscal year and the successive 4 fiscal years, shall be prepared  
 2316 | for the State Transportation Trust Fund and other funds managed  
 2317 | by the department, unless otherwise provided by law. The  
 2318 | tentative work program shall be based on the district work  
 2319 | programs and shall set forth all projects by phase to be  
 2320 | undertaken during the ensuing fiscal year and planned for the  
 2321 | successive 4 fiscal years. The total amount of the liabilities  
 2322 | accruing in each fiscal year of the tentative work program may  
 2323 | not exceed the revenues available for expenditure during the

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2324 | respective fiscal year based on the cash forecast for that  
2325 | respective fiscal year.

2326 |         2. The tentative work program shall be developed in  
2327 | accordance with the Florida Transportation Plan required in s.  
2328 | 339.155 and must comply with the program funding levels  
2329 | contained in the program and resource plan.

2330 |         3. The department may include in the tentative work  
2331 | program proposed changes to the programs contained in the  
2332 | previous work program adopted pursuant to subsection (5);  
2333 | however, the department shall minimize changes and adjustments  
2334 | that affect the scheduling of project phases in the 4 common  
2335 | fiscal years contained in the previous adopted work program and  
2336 | the tentative work program. The department, in the development  
2337 | of the tentative work program, shall advance by 1 fiscal year  
2338 | all projects included in the second year of the previous year's  
2339 | adopted work program, unless the secretary specifically  
2340 | determines that it is necessary, for specific reasons, to  
2341 | reschedule or delete one or more projects from that year. Such  
2342 | changes and adjustments shall be clearly identified, and the  
2343 | effect on the 4 common fiscal years contained in the previous  
2344 | adopted work program and the tentative work program shall be  
2345 | shown. It is the intent of the Legislature that ~~the first 5~~  
2346 | ~~years of the adopted work program for facilities designated as~~  
2347 | ~~part of the Florida Intrastate Highway System and the first 3~~  
2348 | years of the adopted work program stand as the commitment of the  
2349 | state to undertake transportation projects that local  
2350 | governments may rely on for planning and concurrency purposes

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2351 and in the development and amendment of the capital improvements  
2352 elements of their local government comprehensive plans.

2353 4. The tentative work program must include a balanced 36-  
2354 month forecast of cash and expenditures and a 5-year finance  
2355 plan supporting the tentative work program.

2356 Section 13. Section 339.28171, Florida Statutes, is  
2357 created to read:

2358 339.28171 Local Government Concurrency Program for  
2359 Sustainable Transportation.--

2360 (1) There is created within the Department of  
2361 Transportation a Local Government Concurrency Program for  
2362 Sustainable Transportation for the purpose of providing grants  
2363 to local governments, to improve a transportation facility or  
2364 system which addresses identified concurrency management system  
2365 backlog and relieves traffic congestion in urban infill and  
2366 redevelopment areas.

2367 (2) To be eligible for consideration, projects must be  
2368 consistent, to the maximum extent feasible, with local  
2369 government comprehensive plans and the Strategic Intermodal  
2370 System.

2371 (3) The department shall develop criteria to fund local  
2372 government projects addressing any concurrency management system  
2373 backlog. The funds shall be distributed by the department to  
2374 each district, exclusive of the Turnpike District, consistent  
2375 with the statutory formula pursuant to s. 339.135(4). The  
2376 district secretary shall use the following criteria to evaluate  
2377 the project applications:

2378 (a) The level of local government funding efforts.

2379        (b) The level of local funding provided for the proposed  
 2380 project.

2381        (c) The ability of local government to rapidly address  
 2382 project construction.

2383        (d) The level of municipal and county cooperation on the  
 2384 proposed project.

2385        (e) The project location within an urban infill area, a  
 2386 community redevelopment area or a concurrency management area.

2387        (f) The extent to which the project would foster public-  
 2388 private partnerships and investment.

2389        (g) The extent to which the project provides or protects  
 2390 environmentally sensitive areas.

2391        (h) The extent to which new technologies are used to  
 2392 support urban mobility, a mass transit system, bicycle  
 2393 facilities, or pedestrian pathways.

2394        (4) As part of the project application, the local  
 2395 government shall demonstrate a long-term transportation  
 2396 concurrency system to address the existing capital improvement  
 2397 program backlog and how this project implements that plan.

2398        (5) The percentage of matching funds available to  
 2399 applicants shall be based on the following:

2400        (a) For projects that provide capacity on the Strategic  
 2401 Intermodal System shall be 35 percent.

2402        (b) For projects that provide capacity on the Florida  
 2403 Intrastate Highway System, the percentage shall be 45 percent.

2404        (c) For local projects that demonstrate capacity  
 2405 improvements in the urban service boundary, or urban infill or  
 2406 redevelopment are, or provide such capacity replacement to the

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2407 Florida Intrastate Highway System, the percentage shall be 65  
2408 percent.

2409 (6) The department may adopt rules to administer the  
2410 program.

2411 Section 14. Section 339.2820, Florida Statutes, is created  
2412 to read:

2413 339.2820 Off-System Bridge Program for Sustainable  
2414 Transportation.--

2415 (1) There is created within the Department of  
2416 Transportation an Off-System Bridge Program for Sustainable  
2417 Transportation for the purpose of providing funds to improve the  
2418 sufficiency rating of local bridges.

2419 (2) The percentage of matching funds provided from the  
2420 Off-System Bridge Program for Sustainable Transportation may  
2421 fund up to 50 percent of project costs.

2422 (3) The department shall allocate funding available for  
2423 the Off-System Bridge Program for Sustainable Transportation for  
2424 projects to replace, rehabilitate, paint, or install scour  
2425 countermeasures to highway bridges located on public roads,  
2426 other than those on a federal-aid highway.

2427 (4) Projects to be funded from the Off-System Bridge  
2428 Program for Sustainable Transportation shall, at a minimum:

2429 (a) Be classified as a structurally deficient bridge with  
2430 a poor condition rating for either the deck, superstructure, or  
2431 substructure component, or culvert.

2432 (b) Have a sufficiency rating of 35 or below.

2433 (c) Have average daily traffic of at least 500 vehicles.

2434



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2435 Special consideration shall be given to bridges that are closed  
 2436 to all traffic or that have a load restriction of less than 10  
 2437 tons.

2438 Section 15. Paragraphs (l) and (m) are added to subsection  
 2439 (24) of section 380.06, Florida Statutes, to read:

2440 380.06 Developments of regional impact.--

2441 (24) STATUTORY EXEMPTIONS.--

2442 (1) Any proposed development or redevelopment within an  
 2443 area designated in the comprehensive plan for:

2444 1. Urban infill development;

2445 2. Urban redevelopment;

2446 3. Downtown revitalization; or

2447 4. Urban infill and redevelopment under s. 163.2517,

2448

2449 is exempt from the provisions of this section.

2450 (m) Any proposed development within a rural land  
 2451 stewardship area created pursuant to s. 163.3177(11)(d) is  
 2452 exempt from the provisions of this section.

2453 Section 16. Section 380.115, Florida Statutes, is amended  
 2454 to read:

2455 380.115 Vested rights and duties; effect of size  
 2456 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~  
 2457 ~~2002-296.~~--

2458 (1) A change in a development of regional impact guideline  
 2459 or standard does not abridge or modify ~~Nothing contained in this~~  
 2460 ~~act abridges or modifies~~ any vested or other right or any duty  
 2461 or obligation pursuant to any development order or agreement  
 2462 that is applicable to a development of regional impact ~~on the~~

2463 ~~effective date of this act.~~ A development that has received a  
 2464 development-of-regional-impact development order pursuant to s.  
 2465 380.06, but would ~~is~~ no longer be required to undergo  
 2466 development-of-regional-impact review by operation of a change  
 2467 in the guidelines and standards or has reduced its size below  
 2468 the thresholds in s. 380.0651 ~~this act~~, shall be governed by the  
 2469 following procedures:

2470 (a) The development shall continue to be governed by the  
 2471 development-of-regional-impact development order and may be  
 2472 completed in reliance upon and pursuant to the development order  
 2473 unless the developer or landowner has followed the procedures  
 2474 for rescission in paragraph (b). The development-of-regional-  
 2475 impact development order may be enforced by the local government  
 2476 as provided by ss. 380.06(17) and 380.11.

2477 (b) If requested by the developer or landowner, the  
 2478 development-of-regional-impact development order shall ~~may~~ be  
 2479 rescinded by the local government with jurisdiction upon a  
 2480 showing by clear and convincing evidence that all required  
 2481 mitigation relating to the amount of development existing on the  
 2482 date of rescission has been completed ~~abandoned pursuant to the~~  
 2483 ~~process in s. 380.06(26)~~.

2484 (2) A development with an application for development  
 2485 approval pending, and determined sufficient pursuant to s.  
 2486 380.06(10), on the effective date of a change to the guidelines  
 2487 and standards ~~this act~~, or a notification of proposed change  
 2488 pending on the effective date of a change to the guidelines and  
 2489 standards ~~this act~~, may elect to continue such review pursuant  
 2490 to s. 380.06. At the conclusion of the pending review, including

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2491 any appeals pursuant to s. 380.07, the resulting development  
2492 order shall be governed by the provisions of subsection (1).

2493 Section 17. The Office of Program Policy Analysis and  
2494 Government Accountability shall conduct a study on adjustments  
2495 to the boundaries of regional planning councils, water  
2496 management districts, and transportation districts. The purpose  
2497 of the study is to organize these regional boundaries, without  
2498 eliminating any regional agency, to be more coterminous with one  
2499 another, creating a more unified system of regional boundaries.  
2500 The study must be completed by December 31, 2005, and a study  
2501 report submitted to the President of the Senate, the Speaker of  
2502 the House of Representatives, and the Governor and the Century  
2503 Commission for a Sustainable Florida by January 15, 2006.

2504 Section 18. Subsections (2), (3), (6), and (12) of section  
2505 1013.33, Florida Statutes, are amended to read:

2506 1013.33 Coordination of planning with local governing  
2507 bodies.--

2508 (2)(a) The school board, county, and nonexempt  
2509 municipalities located within the geographic area of a school  
2510 district shall enter into an interlocal agreement that jointly  
2511 establishes the specific ways in which the plans and processes  
2512 of the district school board and the local governments are to be  
2513 coordinated. Any updated ~~The~~ interlocal agreements and  
2514 amendments to such agreements shall be submitted to the state  
2515 land planning agency and the Office of Educational Facilities  
2516 ~~and the SMART Schools Clearinghouse~~ in accordance with a  
2517 schedule published by the state land planning agency pursuant to  
2518 s. 163.3177(12)(h).

2519 ~~(b) The schedule must establish staggered due dates for~~  
 2520 ~~submission of interlocal agreements that are executed by both~~  
 2521 ~~the local government and district school board, commencing on~~  
 2522 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~  
 2523 ~~the same date for all governmental entities within a school~~  
 2524 ~~district. However, if the county where the school district is~~  
 2525 ~~located contains more than 20 municipalities, the state land~~  
 2526 ~~planning agency may establish staggered due dates for the~~  
 2527 ~~submission of interlocal agreements by these municipalities. The~~  
 2528 ~~schedule must begin with those areas where both the number of~~  
 2529 ~~districtwide capital outlay full-time equivalent students equals~~  
 2530 ~~80 percent or more of the current year's school capacity and the~~  
 2531 ~~projected 5-year student growth rate is 1,000 or greater, or~~  
 2532 ~~where the projected 5-year student growth rate is 10 percent or~~  
 2533 ~~greater.~~

2534 (b)(e) If the student population has declined over the 5-  
 2535 year period preceding the due date for submittal of an  
 2536 interlocal agreement by the local government and the district  
 2537 school board, the local government and district school board may  
 2538 petition the state land planning agency for a waiver of one or  
 2539 more of the requirements of subsection (3). The waiver must be  
 2540 granted if the procedures called for in subsection (3) are  
 2541 unnecessary because of the school district's declining school  
 2542 age population, considering the district's 5-year work program  
 2543 prepared pursuant to s. 1013.35. The state land planning agency  
 2544 may modify or revoke the waiver upon a finding that the  
 2545 conditions upon which the waiver was granted no longer exist.  
 2546 The district school board and local governments must submit an

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2547 interlocal agreement within 1 year after notification by the  
2548 state land planning agency that the conditions for a waiver no  
2549 longer exist.

2550 ~~(c)(d) Interlocal agreements between local governments and~~  
2551 ~~district school boards adopted pursuant to s. 163.3177 before~~  
2552 ~~the effective date of subsections (2)-(9) must be updated and~~  
2553 ~~executed pursuant to the requirements of subsections (2)-(9), if~~  
2554 ~~necessary. Amendments to interlocal agreements adopted pursuant~~  
2555 ~~to subsections (2)-(9) must be submitted to the state land~~  
2556 ~~planning agency within 30 days after execution by the parties~~  
2557 ~~for review consistent with subsections (3) and (4).~~ Local  
2558 governments and the district school board in each school  
2559 district are encouraged to adopt a single updated interlocal  
2560 agreement in which all join as parties. The state land planning  
2561 agency shall assemble and make available model interlocal  
2562 agreements meeting the requirements of subsections (2)-(9) and  
2563 shall notify local governments and, jointly with the Department  
2564 of Education, the district school boards of the requirements of  
2565 subsections (2)-(9), the dates for compliance, and the sanctions  
2566 for noncompliance. The state land planning agency shall be  
2567 available to informally review proposed interlocal agreements.  
2568 If the state land planning agency has not received a proposed  
2569 interlocal agreement for informal review, the state land  
2570 planning agency shall, at least 60 days before the deadline for  
2571 submission of the executed agreement, renotify the local  
2572 government and the district school board of the upcoming  
2573 deadline and the potential for sanctions.

2574           (3) ~~At a minimum,~~ The interlocal agreement must address  
2575 the ~~following~~ issues required in s. 163.31777.;

2576           ~~(a) A process by which each local government and the~~  
2577 ~~district school board agree and base their plans on consistent~~  
2578 ~~projections of the amount, type, and distribution of population~~  
2579 ~~growth and student enrollment. The geographic distribution of~~  
2580 ~~jurisdiction-wide growth forecasts is a major objective of the~~  
2581 ~~process.~~

2582           ~~(b) A process to coordinate and share information relating~~  
2583 ~~to existing and planned public school facilities, including~~  
2584 ~~school renovations and closures, and local government plans for~~  
2585 ~~development and redevelopment.~~

2586           ~~(c) Participation by affected local governments with the~~  
2587 ~~district school board in the process of evaluating potential~~  
2588 ~~school closures, significant renovations to existing schools,~~  
2589 ~~and new school site selection before land acquisition. Local~~  
2590 ~~governments shall advise the district school board as to the~~  
2591 ~~consistency of the proposed closure, renovation, or new site~~  
2592 ~~with the local comprehensive plan, including appropriate~~  
2593 ~~circumstances and criteria under which a district school board~~  
2594 ~~may request an amendment to the comprehensive plan for school~~  
2595 ~~siting.~~

2596           ~~(d) A process for determining the need for and timing of~~  
2597 ~~onsite and offsite improvements to support new construction,~~  
2598 ~~proposed expansion, or redevelopment of existing schools. The~~  
2599 ~~process shall address identification of the party or parties~~  
2600 ~~responsible for the improvements.~~

2601           ~~(e) A process for the school board to inform the local~~  
 2602 ~~government regarding school capacity. The capacity reporting~~  
 2603 ~~must be consistent with laws and rules regarding measurement of~~  
 2604 ~~school facility capacity and must also identify how the district~~  
 2605 ~~school board will meet the public school demand based on the~~  
 2606 ~~facilities work program adopted pursuant to s. 1013.35.~~

2607           ~~(f) Participation of the local governments in the~~  
 2608 ~~preparation of the annual update to the school board's 5-year~~  
 2609 ~~district facilities work program and educational plant survey~~  
 2610 ~~prepared pursuant to s. 1013.35.~~

2611           ~~(g) A process for determining where and how joint use of~~  
 2612 ~~either school board or local government facilities can be shared~~  
 2613 ~~for mutual benefit and efficiency.~~

2614           ~~(h) A procedure for the resolution of disputes between the~~  
 2615 ~~district school board and local governments, which may include~~  
 2616 ~~the dispute resolution processes contained in chapters 164 and~~  
 2617 ~~186.~~

2618           ~~(i) An oversight process, including an opportunity for~~  
 2619 ~~public participation, for the implementation of the interlocal~~  
 2620 ~~agreement.~~

2621  
 2622 ~~A signatory to the interlocal agreement may elect not to include~~  
 2623 ~~a provision meeting the requirements of paragraph (e); however,~~  
 2624 ~~such a decision may be made only after a public hearing on such~~  
 2625 ~~election, which may include the public hearing in which a~~  
 2626 ~~district school board or a local government adopts the~~  
 2627 ~~interlocal agreement. An interlocal agreement entered into~~  
 2628 ~~pursuant to this section must be consistent with the adopted~~

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2629 ~~comprehensive plan and land development regulations of any local~~  
 2630 ~~government that is a signatory.~~

2631 (6) Any local government transmitting a public school  
 2632 element to implement school concurrency pursuant to the  
 2633 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~  
 2634 ~~date of this section~~ is not required to amend the element or any  
 2635 interlocal agreement to conform with the provisions of  
 2636 subsections (2)-(8) if the element is adopted prior to or within  
 2637 1 year after the effective date of subsections (2)-(8) ~~and~~  
 2638 ~~remains in effect.~~

2639 (12) As early in the design phase as feasible and  
 2640 consistent with an interlocal agreement entered pursuant to  
 2641 subsections (2)-(8), but no later than 120 ~~90~~ days before  
 2642 commencing construction, the district school board shall in  
 2643 writing request a determination of consistency with the local  
 2644 government's comprehensive plan. The local governing body that  
 2645 regulates the use of land shall determine, in writing within 45  
 2646 days after receiving the necessary information and a school  
 2647 board's request for a determination, whether a proposed  
 2648 educational facility is consistent with the local comprehensive  
 2649 plan and consistent with local land development regulations. If  
 2650 the determination is affirmative, school construction may  
 2651 commence and further local government approvals are not  
 2652 required, except as provided in this section. Failure of the  
 2653 local governing body to make a determination in writing within  
 2654 90 days after a district school board's request for a  
 2655 determination of consistency shall be considered an approval of  
 2656 the district school board's application. Campus master plans and



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2657 development agreements must comply with the provisions of ss.  
2658 1013.30 and 1013.63.

2659 Section 19. Section 1013.352, Florida Statutes, is created  
2660 to read:

2661 1013.352 Charter School Incentive Program for Sustainable  
2662 Schools.--

2663 (1) There is hereby created the "Charter School Incentive  
2664 Program for Sustainable Schools." Recognizing that there is an  
2665 increasing deficit in educational facilities in this state, the  
2666 Legislature believes that there is a need for creativeness in  
2667 planning and development of additional educational facilities.  
2668 To assist with the development of educational facilities, those  
2669 charter schools whose charters are approved within 18 months  
2670 after the effective date of this act shall be eligible for state  
2671 funds under the following conditions:

2672 (a) The charter school is created to address school over-  
2673 capacity issues or growth demands within the county.

2674 (b) A joint letter from the district school board and the  
2675 charter school has been submitted with the proposed charter  
2676 school charter that provides that the school board authorized  
2677 the charter school as a result of school overcrowding or growth  
2678 demands within the county and the school board requests that the  
2679 requirement of s. 1013.62(1)(a)1. are waived.

2680 (c) The charter school has received an in-kind  
2681 contribution or equivalent from an outside source other than the  
2682 district school board that has been, at a minimum, equally  
2683 matched by the district school board.

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2685 Notwithstanding s. 1013.62(7), if the above conditions apply,  
 2686 the Commissioner of Education, in consultation with the  
 2687 Department of Community Assistance shall distribute up to \$3  
 2688 million per charter school based upon the amount of the in-kind  
 2689 contribution or equivalent from an outside source that has been  
 2690 matched by the district school board, or contribution or  
 2691 equivalent by the district school board, whichever amount is  
 2692 greater, up to \$3 million. Under no conditions may the  
 2693 Commissioner of Education distribute funds to a newly chartered  
 2694 charter school that has not received an in-kind contribution or  
 2695 equivalent from an outside source other than the district school  
 2696 board and which has not been, at a minimum, equally matched by  
 2697 the district school board.

2698 (2) A newly created charter school that receives  
 2699 distribution of funds under this program shall not be eligible  
 2700 for charter schools outlay funding under s. 1013.62.

2701 Section 20. Section 163.31776, Florida Statutes, is  
 2702 repealed.

2703 Section 21. Effective July 1, 2005, the sum of \$500  
 2704 million is appropriated from the General Revenue Fund to the  
 2705 Department of Transportation to be used as follows:

2706 (1) The sum of \$450 million shall be used for the Local  
 2707 Government Concurrency Program for Sustainable Transportation  
 2708 created pursuant to s. 339.28171, Florida Statutes.

2709 (2) The sum of \$50 million shall be used for the Off-  
 2710 System Bridge Program for Sustainable Transportation created  
 2711 pursuant to s. 339.2820, Florida Statutes.

2712 Section 22. Funding for Sustainable Water Supplies.--

2713        (1) Effective July 1, 2005, the sum of \$100 million is  
 2714 appropriated to the Department of Environmental Protection to  
 2715 provide funding for the development of alternative water  
 2716 supplies. The department shall deposit such revenues into the  
 2717 alternative water supply trust fund accounts created by each  
 2718 district for the purpose of alternative supply development under  
 2719 the following funding formula:

2720        (a) Forty percent to the South Florida Water Management  
 2721 District.

2722        (b) Twenty-five percent to the Southwest Florida Water  
 2723 Management District.

2724        (c) Twenty-five percent to the St. Johns River Water  
 2725 Management District.

2726        (d) Five percent to the Suwannee River Water Management  
 2727 District.

2728        (e) Five percent to the Northwest Florida Water Management  
 2729 District.

2730        (2) The financial assistance for alternative water supply  
 2731 development contained in each district's economic incentives  
 2732 plan as required in s. 373.196(3), Florida Statutes, shall be  
 2733 deposited along with the state funds into an alternative water  
 2734 supply trust account created by each district and used to fund  
 2735 the local capital costs of alternative water supply projects  
 2736 approved pursuant to this section. For purposes of this section,  
 2737 the term "alternative water supplies" means saltwater; brackish,  
 2738 surface, and ground water; surface water captured predominantly  
 2739 during wet weather flows; sources made available through  
 2740 addition of new storage capacity for surface or ground water;

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2741 water that has been reclaimed after one or more public supply,  
 2742 municipal, industrial, commercial, or agricultural uses; the  
 2743 downstream augmentation of water bodies with reclaimed water;  
 2744 stormwater; and any other water supply source that is designated  
 2745 as nontraditional for a water supply planning region in the  
 2746 applicable regional water supply plan. The term "capital costs"  
 2747 means planning, design, engineering, and project construction  
 2748 costs. Any use of bond proceeds to pay such costs that would  
 2749 cause all or any portion of the interest of such bonds to lose  
 2750 the exclusion from gross income for federal income tax purpose  
 2751 is prohibited.

2752 (3) All funds provided by the state for the purpose of  
 2753 funding alternative water supply grants, shall, at a minimum,  
 2754 require a 50-percent match by the water management districts and  
 2755 grant applicant.

2756 Section 23. Funding for Sustainable Schools.--In order to  
 2757 provide for innovative approaches to meet school capacity  
 2758 demands, effective July 1, 2005, the sum of \$50 million is  
 2759 appropriated from the General Revenue Fund to the Department of  
 2760 Education to be used as follows:

2761 (1) The sum of \$35 million shall be used for the Charter  
 2762 School Incentive Program for Sustainable Schools created  
 2763 pursuant to section 1013.352, Florida Statutes.

2764 (2) The sum of \$15 million shall be used for educational  
 2765 facilities benefit districts as provided in s. 1013.356(3),  
 2766 Florida Statutes, as follows: for construction and capital  
 2767 maintenance costs not covered by the funds provided under s.  
 2768 1013.356(1), Florida Statutes, in fiscal year 2005-2006, an

2769 amount contributed by the state equal to 25 percent of the  
 2770 remaining costs of construction and capital maintenance of the  
 2771 educational facilities, up to \$2 million. Any construction costs  
 2772 above the cost-per-student criteria established for the SIT  
 2773 Program in s. 1013.72(2), Florida Statutes, shall be funded  
 2774 exclusively by the educational facilities benefit district or  
 2775 the community development district. Funds contributed by a  
 2776 district school board shall not be used to fund operational  
 2777 costs. Funds not committed by March 31, 2006, revert to the  
 2778 Charter School Incentive Program for Sustainable Schools created  
 2779 pursuant to s. 1013.352, Florida Statutes.

2780       Section 24. Statewide Technical Assistance for a  
 2781 Sustainable Florida.--In order to assist local governments and  
 2782 school boards to implement the provisions of this act, effective  
 2783 July 1, 2005, the sum of \$3 million is appropriated from the  
 2784 General Revenue Fund to the Department of Community Assistance.  
 2785 The department shall provide a report to the Governor, the  
 2786 President of the Senate, and the Speaker of the House of  
 2787 Representatives by February 1, 2006, on the progress made toward  
 2788 implementing this act and a recommendation of whether additional  
 2789 funds should be appropriated to provide additional technical  
 2790 assistance to implement this act.

2791       Section 25. Effective July 1, 2005, the sum of \$250,000 is  
 2792 appropriated from the General Revenue Fund to the Department of  
 2793 Community Assistance to provide the necessary staff and other  
 2794 assistance to the Century Commission for a Sustainable Florida  
 2795 required by section 11.

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2796 |           Section 26. The Division of Statutory Revision of the  
2797 | Office of Legislative Services shall prepare proposed  
2798 | legislation for introduction in the 2006 Regular Session to  
2799 | amend provisions of the Florida Statutes to change references to  
2800 | the Department of Community Affairs to the Department of  
2801 | Community Assistance in conformance with the provisions of this  
2802 | act.

2803 |           Section 27. This act shall take effect July 1, 2005.