

1 A bill to be entitled
2 An act relating to growth management incentives; providing
3 a popular name; amending s. 163.3164, F.S.; revising a
4 definition to conform; defining the term "financial
5 feasibility"; creating s. 163.3172, F.S.; providing
6 legislative determinations; limiting the effect of certain
7 charter county charter provisions, ordinances, or land
8 development regulations relating to urban infill and
9 redevelopment under certain circumstances; requiring a
10 referendum; providing referendum requirements; amending s.
11 163.3177, F.S.; revising criteria for the capital
12 improvements element of comprehensive plans; providing for
13 subjecting certain local governments to sanctions by the
14 Administration Commission under certain circumstances;
15 deleting obsolete provisions; requiring local governments
16 to adopt a transportation concurrency management system by
17 ordinance; requiring inclusion of alternative water supply
18 projects; providing a methodology requirement; requiring
19 the Department of Transportation to develop a model
20 transportation concurrency management ordinance;
21 specifying ordinance assessment authority; providing
22 additional requirements for a general water element of
23 comprehensive plans; revising public educational
24 facilities element requirements; revising requirements for
25 rural land stewardship areas; exempting rural land
26 stewardship areas from developments of regional impact
27 provisions; requiring counties and municipalities to adopt
28 consistent public school facilities and enter into certain

29 | interlocal agreements; authorizing the state land planning
30 | agency to grant waivers under certain circumstances;
31 | providing additional requirements for public school
32 | facilities elements of comprehensive plans; requiring the
33 | state land planning agency to adopt phased schedules for
34 | adopting a public school facilities element; providing
35 | requirements; providing requirements; providing conditions
36 | for prohibiting local governments from certain adopting
37 | amendments to the comprehensive plan; authorizing the
38 | state land planning agency to issue schools certain show
39 | cause notices for certain purposes; providing for imposing
40 | sanctions on a school board under certain circumstances;
41 | providing requirements; encouraging local governments to
42 | develop a community vision for certain purposes; providing
43 | for assistance by regional planning councils; providing
44 | for local government designation of urban service
45 | boundaries; providing requirements; amending s. 163.31777,
46 | F.S.; applying public schools interlocal agreement
47 | provisions to school boards and nonexempt municipalities;
48 | deleting a scheduling requirement for public schools
49 | interlocal agreements; providing additional requirements
50 | for updates and amendments to such interlocal agreements;
51 | revising procedures for public school elements
52 | implementing school concurrency; revising exemption
53 | criteria for certain municipalities; amending s. 163.3180,
54 | F.S.; including schools and water supplies under
55 | concurrency provisions; revising a transportation
56 | facilities scheduling requirement; requiring local

57 governments and the Department of Transportation to
58 cooperatively establish a plan for maintaining certain
59 level-of-service standards for certain facilities within
60 certain areas; requiring local governments to consult with
61 the department to make certain impact assessments relating
62 to concurrency management areas and multimodal
63 transportation districts; revising criteria for local
64 government authorization to grant exceptions from
65 concurrency requirements for transportation facilities;
66 providing for waiving certain transportation facilities
67 concurrency requirements for certain projects under
68 certain circumstances; providing criteria and
69 requirements; revising provisions authorizing local
70 governments to adopt long-term transportation management
71 systems to include long-term school concurrency management
72 systems; revising requirements; requiring periodic
73 evaluation of long-term concurrency systems; providing
74 criteria; revising requirements for roadway facilities on
75 the Strategic Intermodal System; providing additional
76 level-of-service standards requirements; revising
77 requirements for developing school concurrency; requiring
78 adoption of a public school facilities element for
79 effectiveness of a school concurrency requirement;
80 providing an exception; revising service area requirements
81 for concurrency systems; requiring local governments to
82 apply school concurrency on a less than districtwide basis
83 under certain circumstances for certain purposes; revising
84 provisions prohibiting a local government from denying a

85 | development order or a functional equivalent authorizing
86 | residential developments under certain circumstances;
87 | specifying conditions for satisfaction of school
88 | concurrency requirements by a developer; providing for
89 | mediation of disputes; specifying options for
90 | proportionate-share mitigation of impacts on public school
91 | facilities; providing criteria and requirements; providing
92 | legislative intent relating to mitigation of impacts of
93 | development on transportation facilities; authorizing
94 | local governments to create mitigation banks for
95 | transportation facilities for certain purposes; providing
96 | requirements; specifying conditions for satisfaction of
97 | transportation facilities concurrency by a developer;
98 | providing for mitigation; providing for mediation of
99 | disputes; providing criteria for transportation mitigation
100 | contributions; providing for enforceable development
101 | agreements for certain projects; specifying conditions for
102 | satisfaction of concurrency requirements of a local
103 | comprehensive plan by a development; amending s. 163.3184,
104 | F.S.; correcting cross references; authorizing instead of
105 | requiring the state land planning agency to review plan
106 | amendments; amending s. 163.3187, F.S.; providing
107 | additional criteria for small scale amendments to adopted
108 | comprehensive plans; providing an additional exception to
109 | a limitation on amending an adopted comprehensive plan by
110 | certain municipalities; providing procedures and
111 | requirements; providing for notice and public hearings;
112 | correcting a cross reference; providing for

113 nonapplication; amending s. 163.3191, F.S.; revising
114 requirements for evaluation and assessment of the
115 coordination of a comprehensive plan with certain schools;
116 providing additional assessment criteria for certain
117 counties and municipalities; requiring certain counties
118 and municipalities to adopt appropriate concurrency goals,
119 objectives, and policies in plan amendments under certain
120 circumstances; revising reporting requirements for
121 evaluation and assessment of water supply sources;
122 providing for a prohibition on plan amendments for failure
123 to timely adopt updating comprehensive plan amendments;
124 creating s. 163.3247, F.S.; providing a popular name;
125 providing legislative findings and intent; creating the
126 Century Commission for a Sustainable Florida for certain
127 purposes; providing for appointment of commission members;
128 providing for terms; providing for meetings and votes of
129 members; requiring members to serve without compensation;
130 providing for per diem and travel expenses; providing
131 powers and duties of the commission; requiring the
132 creation of a joint select committee of the Legislature;
133 providing purposes; requiring the Secretary of Community
134 Affairs to select an executive director of the commission;
135 requiring the Department of Community Affairs to provide
136 staff for the commission; providing for other agency staff
137 support for the commission; amending s. 201.15, F.S. ;
138 providing for an alternative distribution to the State
139 Transportation Trust Fund of certain revenues from the
140 excise tax on documents remaining after certain prior

141 | distributions; amending s. 215.211, F.S.; providing for
142 | deposit of certain service charge revenues into the State
143 | Transportation Trust Fund to be used for certain purposes;
144 | amending ss. 337.107 and 337.11, F.S.; revising
145 | authorization for the Department of Transportation to
146 | contract for right-of-way services; providing additional
147 | requirements; amending s. 339.08, F.S.; specifying an
148 | additional use for moneys in the State Transportation
149 | Trust Fund; amending s. 339.135, F.S.; revising provisions
150 | relating to funding and developing a tentative work
151 | program; amending s. 339.155, F.S.; providing additional
152 | requirements for development of regional transportation
153 | plans in certain areas pursuant to interlocal agreements;
154 | requiring the department to develop a model interlocal
155 | agreement; providing requirements; amending s. 339.175,
156 | F.S.; revising requirements for metropolitan planning
157 | organizations and transportation improvement programs;
158 | creating s. 339.28171, F.S.; creating the Transportation
159 | Incentive Program for a Sustainable Florida; providing
160 | program requirements; requiring the Department of
161 | Transportation to develop criteria to assist local
162 | governments in evaluating concurrency management system
163 | backlogs; specifying criteria requirements; providing
164 | requirements for local governments; specifying percentages
165 | and requirements for apportioning matching funds among
166 | grant applicants; authorizing the department to administer
167 | contracts as requested by local governments; amending s.
168 | 339.2818, F.S.; revising criteria and requirement for the

169 Small County Outreach Program to conform; creating s.
170 339.2820, F.S.; creating the Off-System Bridge Program for
171 Sustainable Transportation within the Department of
172 Transportation for certain purposes; providing for funding
173 certain project costs; requiring the department to
174 allocate funding for the program for certain projects;
175 specifying criteria for projects to be funded from the
176 program; amending s. 339.55, F.S.; revising funding
177 authorization for the state-funded infrastructure bank ;
178 creating s. 373.19615, F.S.; creating the Florida's
179 Sustainable Water Supplies Program; providing funding
180 requirements for local government development of
181 alternative water supply projects; providing for
182 allocation of funds to water management districts;
183 providing definitions; specifying factors to consider in
184 funding certain projects; providing funding requirements;
185 requiring the Department of Environmental Protection to
186 establish factors for granting financial assistance to
187 eligible projects; creating s. 373.19616, F.S.; creating
188 the Water Transition Assistance Program to establish a
189 low-interest revolving loan program for infrastructure
190 financing for alternative water supplies; providing
191 legislative declarations; providing definitions;
192 authorizing the Department of Environmental Protection to
193 make loans to local governments for certain purposes;
194 authorizing local governments to borrow funds and pledge
195 revenues for repayment; providing loan limitations;
196 authorizing the department to adopt certain rules;

197 requiring the department to prepare an annual report on
198 such financial assistance; providing loan approval
199 requirements for local governments; authorizing the
200 department to conduct or require audits; authorizing the
201 department to require reasonable loan service fees;
202 providing limitations; providing requirements for
203 financial assistance funding; providing for enforcement of
204 loan defaults; authorizing the department to impose
205 penalties for delinquent loan payments; authoriaing the
206 department to terminate financial assistance agreements
207 under certain circumstances; amending s. 373.223, F.S.;
208 providing a presumption of consistency for certain
209 alternative water supply uses; amending s. 380.06, F.S.;
210 providing additional exemptions from development of
211 regional impact provisions for certain projects in
212 proposed developments or redevelopments within an area
213 designated in a comprehensive plan and for proposed
214 developments within certain rural land stewardship areas;
215 amending s. 380.115, F.S.; revising provisions relating to
216 preserving vested rights and duties under development of
217 regional impact guidelines and standards; revising
218 procedures and requirements for governance and rescission
219 of development-of-regional-impact development orders under
220 changing guidelines and standards; requiring the Office of
221 Program Policy Analysis and Government Accountability to
222 conduct a study on adjustments to boundaries of regional
223 planning councils, water management districts, and
224 transportation districts; providing purposes; requiring a

225 study report to the Governor and Legislature; amending s.
226 1013.33, F.S.; revising provisions relating to
227 coordination of educational facilities planning pursuant
228 to certain interlocal agreements; revising procedures and
229 requirements for updated agreements and agreement
230 amendments; creating s. 1013.352, F.S.; creating a Charter
231 School Incentive Program for Sustainable Schools;
232 providing purposes; specifying conditions for eligibility
233 for state funds; authorizing the Commissioner of Education
234 to waive certain requirements and distribute certain funds
235 to charter schools under certain circumstances;
236 prohibiting the commissioner from distributing funds to
237 certain schools under certain circumstances; providing for
238 ineligibility of certain schools for charter school outlay
239 funding under certain circumstances; amending s. 1013.64,
240 F.S.; requiring the Department of Education to establish a
241 the High Growth County Facility Construction Account as a
242 separate account within the Public Education Capital
243 Outlay and Debt Service Trust Fund for certain purposes;
244 specifying requirements for funding from the account;
245 creating the School Concurrency Task Force; providing
246 purposes; providing for membership; requiring a report to
247 the Governor and Legislature; repealing s. 163.31776,
248 F.S., relating to the public educational facilities
249 element; requiring the Department of Transportation to
250 allocate sufficient funds so implement the transportation
251 provisions of the act; requiring the department to develop
252 a plan to expend revenues and amend the current work

253 program; requiring the department to submit a budget
254 amendment for certain purposes; requiring a report to the
255 Legislature; providing for funding for sustainable water
256 supplies; providing an appropriation; providing for
257 allocation of the appropriation; specifying uses of
258 appropriations; providing for funding for sustainable
259 schools; providing an appropriation; providing for
260 allocation of the appropriation; specifying uses of the
261 appropriation; providing for Statewide Technical
262 Assistance for a Sustainable Florida; providing an
263 appropriation; specifying uses; requiring the Department
264 of Community Affairs to report to the Governor and
265 Legislature; specifying report requirements; providing an
266 appropriation to the Department of Community Affairs for
267 certain staffing purposes; providing an effective date.

268
269 WHEREAS, the Legislature finds and declares that the
270 state's population has increased by approximately 3 million
271 individuals each decade since 1970 to nearly 16 million
272 individuals in 2000, and

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

278 WHEREAS, development patterns throughout areas of the
279 state, in conjunction with the implementation of growth
280 management policies, have increasingly caused urban flight which

281 | has resulted in urban sprawl and cause capacity issues related
 282 | to transportation facilities, public educational facilities, and
 283 | water supply facilities, and

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

286 | WHEREAS, consequently, the Legislature determines it in the
 287 | best interests of the people of the state to undertake action to
 288 | address these issues and work towards a sustainable Florida
 289 | where facilities are planned and available concurrent with
 290 | existing and projected demands while protecting Florida's
 291 | natural and environmental resources, rural and agricultural
 292 | resources, and maintaining a viable and sustainable economy, and

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

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

303 |

304 | Be It Enacted by the Legislature of the State of Florida:

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

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

309 163.3164 Local Government Comprehensive Planning and Land
 310 Development Regulation Act; definitions.--As used in this act:
 311 (32) "Financial feasibility" means sufficient revenues are
 312 currently available or will be available from committed or
 313 planned funding sources available for financing capital
 314 improvements, such as ad valorem taxes, bonds, state and federal
 315 funds, tax revenues, impact fees, and developer contributions,
 316 which are adequate to fund the projected costs of the capital
 317 improvements and as otherwise identified within this act
 318 necessary to ensure that adopted level-of-service standards are
 319 achieved and maintained within the 5-year schedule of capital
 320 improvements.

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

323 163.3172 Urban infill and redevelopment.--In recognition
 324 that urban infill and redevelopment is a high state priority,
 325 the Legislature determines that local governments should not
 326 adopt charter provisions, ordinances, or land development
 327 regulations that discourage this state priority, unless the
 328 charter provisions, ordinances, or land development regulations
 329 are to limit impacts to coastal high-hazard areas, historic
 330 districts, or aviation operations. Higher density urban
 331 development is appropriate in urban core areas and should be
 332 encouraged in such areas. Conversely, it is appropriate to
 333 discourage greater height and density as a development form in
 334 areas outside the urban core where such development forms are
 335 incompatible with existing land uses. Notwithstanding chapters
 336 125 and 163, any existing or future charter county charter

337 provision, ordinance, land development regulation, or countywide
338 special act that governs the use, development, or redevelopment
339 of land shall not be effective within any municipality of the
340 county unless the charter provision, ordinance, land development
341 regulation, or countywide special act is approved by a majority
342 vote of the municipality's governing board or is approved by a
343 majority vote of the county's governing board for placement on
344 the ballot as a countywide referendum and:

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

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

357
358 Existing charter provisions and countywide special acts that
359 have been approved by referendum prior to the effective date of
360 this act must be readopted in accordance with this section in
361 order to apply within a municipality. However, any existing
362 charter county charter provision that has established a rural
363 boundary as delineated on a rural boundary map shall not be
364 required to have the charter provision readopted in accordance

365 with this section and shall continue to apply within
 366 municipalities of the charter county. In the event of a conflict
 367 between a countywide ordinance and a municipal ordinance within
 368 a charter county that regulates expressive conduct, the more
 369 restrictive ordinance shall govern. In addition, the
 370 requirements of this section restricting charter county charter
 371 provisions, ordinances, or land development regulations
 372 concerning building height restrictions shall not apply within
 373 any areas of critical state concern designated pursuant to s.
 374 380.05-380.0555.

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

379 163.3177 Required and optional elements of comprehensive
 380 plan; studies and surveys.--

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

385 1. A component which outlines principles for construction,
 386 extension, or increase in capacity of public facilities, as well
 387 as a component which outlines principles for correcting existing
 388 public facility deficiencies, which are necessary to implement
 389 the comprehensive plan. The components shall cover at least a 5-
 390 year period.

391 2. Estimated public facility costs, including a
 392 delineation of when facilities will be needed, the general

393 location of the facilities, and projected revenue sources to
 394 fund the facilities.

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

398 4. Standards for the management of debt.

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

402 6. The schedule of transportation improvements included in
 403 the applicable metropolitan planning organization's
 404 transportation improvement program adopted pursuant to s.
 405 339.175(7) to the extent that such improvements are relied upon
 406 to ensure concurrency and financial feasibility. The schedule
 407 must also be coordinated with the applicable metropolitan
 408 planning organization's long-range transportation plan adopted
 409 pursuant to s. 339.175(6).

410 (b)1. The capital improvements element shall be reviewed
 411 on an annual basis and modified as necessary in accordance with
 412 s. 163.3187 or s. 163.3189 in order to maintain a financially
 413 feasible 5-year schedule of capital improvements. ~~except that~~
 414 ~~Corrections, updates, and modifications concerning costs, r~~
 415 ~~revenue sources, or, acceptance of facilities pursuant to~~
 416 ~~dedications which are consistent with the plan, or the date of~~
 417 ~~construction~~ of any facility enumerated in the capital
 418 improvements schedule element may be accomplished by ordinance
 419 and shall not be deemed to be amendments to the local
 420 comprehensive plan. A copy of the ordinance shall be transmitted

421 to the state land planning agency. All public facilities shall
422 be consistent with the capital improvements element. Amendments
423 to implement this section must be adopted and transmitted no
424 later than December 1, 2007. Thereafter, a local government may
425 not amend its future land use map, except for plan amendments to
426 meet new requirements under this part and emergency amendments
427 pursuant to s. 163.3187(1)(a), after December 1, 2007, and every
428 year thereafter until the local government has adopted the
429 annual update and the annual update has been transmitted to the
430 state land planning agency.

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

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

445 (a) A future land use plan element designating proposed
446 future general distribution, location, and extent of the uses of
447 land for residential uses, commercial uses, industry,
448 agriculture, recreation, conservation, education, public

449 buildings and grounds, other public facilities, and other
450 categories of the public and private uses of land. Counties are
451 encouraged to designate rural land stewardship areas, pursuant
452 to the provisions of paragraph (11)(d), as overlays on the
453 future land use map. Each future land use category must be
454 defined in terms of uses included, and must include standards to
455 be followed in the control and distribution of population
456 densities and building and structure intensities. The proposed
457 distribution, location, and extent of the various categories of
458 land use shall be shown on a land use map or map series which
459 shall be supplemented by goals, policies, and measurable
460 objectives. The future land use plan shall be based upon
461 surveys, studies, and data regarding the area, including the
462 amount of land required to accommodate anticipated growth; the
463 projected population of the area; the character of undeveloped
464 land; the availability of water supplies, public facilities, and
465 services; the need for redevelopment, including the renewal of
466 blighted areas and the elimination of nonconforming uses which
467 are inconsistent with the character of the community; the
468 compatibility of uses on lands adjacent to or closely proximate
469 to military installations; and, in rural communities, the need
470 for job creation, capital investment, and economic development
471 that will strengthen and diversify the community's economy. The
472 future land use plan may designate areas for future planned
473 development use involving combinations of types of uses for
474 which special regulations may be necessary to ensure development
475 in accord with the principles and standards of the comprehensive
476 plan and this act. The future land use plan element shall

477 include criteria to be used to achieve the compatibility of
478 adjacent or closely proximate lands with military installations.
479 In addition, for rural communities, the amount of land
480 designated for future planned industrial use shall be based upon
481 surveys and studies that reflect the need for job creation,
482 capital investment, and the necessity to strengthen and
483 diversify the local economies, and shall not be limited solely
484 by the projected population of the rural community. The future
485 land use plan of a county may also designate areas for possible
486 future municipal incorporation. The land use maps or map series
487 shall generally identify and depict historic district boundaries
488 and shall designate historically significant properties meriting
489 protection. The future land use element must clearly identify
490 the land use categories in which public schools are an allowable
491 use. When delineating the land use categories in which public
492 schools are an allowable use, a local government shall include
493 in the categories sufficient land proximate to residential
494 development to meet the projected needs for schools in
495 coordination with public school boards and may establish
496 differing criteria for schools of different type or size. Each
497 local government shall include lands contiguous to existing
498 school sites, to the maximum extent possible, within the land
499 use categories in which public schools are an allowable use. ~~All~~
500 ~~comprehensive plans must comply with the school siting~~
501 ~~requirements of this paragraph no later than October 1, 1999.~~
502 ~~The failure by a local government to comply with these school~~
503 ~~siting requirements by October 1, 1999, will result in the~~
504 ~~prohibition of the local government's ability to amend the local~~

505 ~~comprehensive plan, except for plan amendments described in s.~~
506 ~~163.3187(1)(b), until the school siting requirements are met.~~
507 Amendments proposed by a local government for purposes of
508 identifying the land use categories in which public schools are
509 an allowable use ~~or for adopting or amending the school siting~~
510 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation
511 on the frequency of plan amendments contained in s. 163.3187.
512 The future land use element shall include criteria that
513 encourage the location of schools proximate to urban residential
514 areas to the extent possible and shall require that the local
515 government seek to collocate public facilities, such as parks,
516 libraries, and community centers, with schools to the extent
517 possible and to encourage the use of elementary schools as focal
518 points for neighborhoods. For schools serving predominantly
519 rural counties, defined as a county with a population of 100,000
520 or fewer, an agricultural land use category shall be eligible
521 for the location of public school facilities if the local
522 comprehensive plan contains school siting criteria and the
523 location is consistent with such criteria. Local governments
524 required to update or amend their comprehensive plan to include
525 criteria and address compatibility of adjacent or closely
526 proximate lands with existing military installations in their
527 future land use plan element shall transmit the update or
528 amendment to the department by June 30, 2006.

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

533 | 334.03, may be designated in the traffic circulation element
534 | pursuant to s. 337.273. If the transportation corridors are
535 | designated, the local government may adopt a transportation
536 | corridor management ordinance. By December 1, 2006, each local
537 | government shall adopt by ordinance a transportation concurrency
538 | management system which shall include a methodology for
539 | assessing proportionate share mitigation options. By December 1,
540 | 2005, the Department of Transportation shall develop a model
541 | transportation concurrency management ordinance with
542 | methodologies for assessing proportionate share options. The
543 | transportation concurrency management ordinance may assess a
544 | concurrency impact area by districts or systemwide.

545 | (c) A general sanitary sewer, solid waste, drainage,
546 | potable water, and natural groundwater aquifer recharge element
547 | correlated to principles and guidelines for future land use,
548 | indicating ways to provide for future potable water, drainage,
549 | sanitary sewer, solid waste, and aquifer recharge protection
550 | requirements for the area. The element may be a detailed
551 | engineering plan including a topographic map depicting areas of
552 | prime groundwater recharge. The element shall describe the
553 | problems and needs and the general facilities that will be
554 | required for solution of the problems and needs. The element
555 | shall also include a topographic map depicting any areas adopted
556 | by a regional water management district as prime groundwater
557 | recharge areas for the Floridan or Biscayne aquifers, pursuant
558 | to s. 373.0395. These areas shall be given special consideration
559 | when the local government is engaged in zoning or considering
560 | future land use for said designated areas. For areas served by

561 septic tanks, soil surveys shall be provided which indicate the
562 suitability of soils for septic tanks. Within 18 months after
563 the governing board approves an updated regional water supply
564 plan, the local government shall submit a comprehensive plan
565 amendment that incorporates the alternative water supply
566 projects selected by the local government from those identified
567 in the regional supply plan pursuant to s. 373.0361(2)(a) or
568 proposed by the local government under s. 373.0361, into the
569 element. If a local government is located within two water
570 management districts, the local government shall adopt its
571 comprehensive plan amendment within 18 months after the later
572 updated ~~By December 1, 2006, The element must consider the~~
573 ~~appropriate water management district's regional water supply~~
574 ~~plan approved pursuant to s. 373.0361.~~ The element must identify
575 such alternative water supply projects and traditional water
576 supply projects and conservation and reuse necessary to meet the
577 water needs identified in s. 373.0361(2)(a) within the local
578 government's jurisdiction and include a work plan, covering at
579 least a 10-year planning period, for building public water
580 supply facilities, including development of alternative water
581 supplies that are necessary to meet existing and projected water
582 use demand over the work planning period. The work plan shall
583 also describe how the water supply needs will be met over the
584 course of the planning period from any other providers of water,
585 if applicable ~~that are identified in the element as necessary to~~
586 ~~serve existing and new development and for which the local~~
587 ~~government is responsible.~~ The work plan shall be updated, at a
588 minimum, every 5 years within 18 ~~12~~ months after the governing

589 board of a water management district approves an updated
590 regional water supply plan. Local governments, public and
591 private utilities, regional water supply authorities, special
592 districts, and water management districts are encouraged to
593 cooperatively plan for the development of multijurisdictional
594 water supply facilities that are sufficient to meet projected
595 demands for established planning periods, including the
596 development of alternative water sources to supplement
597 traditional sources of ground and surface water supplies.

598 Amendments to incorporate the work plan do not count toward the
599 limitation on the frequency of adoption of amendments to the
600 comprehensive plan.

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

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

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

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

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

631 2. The intergovernmental coordination element shall
632 further state principles and guidelines to be used in the
633 accomplishment of coordination of the adopted comprehensive plan
634 with the plans of school boards and other units of local
635 government providing facilities and services but not having
636 regulatory authority over the use of land. In addition, the
637 intergovernmental coordination element shall describe joint
638 processes for collaborative planning and decisionmaking on
639 population projections and public school siting, the location
640 and extension of public facilities subject to concurrency, and
641 siting facilities with countywide significance, including
642 locally unwanted land uses whose nature and identity are
643 established in an agreement. Within 1 year of adopting their

644 intergovernmental coordination elements, each county, all the
645 municipalities within that county, the district school board,
646 and any unit of local government service providers in that
647 county shall establish by interlocal or other formal agreement
648 executed by all affected entities, the joint processes described
649 in this subparagraph consistent with their adopted
650 intergovernmental coordination elements.

651 3. To foster coordination between special districts and
652 local general-purpose governments as local general-purpose
653 governments implement local comprehensive plans, each
654 independent special district must submit a public facilities
655 report to the appropriate local government as required by s.
656 189.415.

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

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

669 5. The state land planning agency shall establish a
670 schedule for phased completion and transmittal of plan
671 amendments to implement subparagraphs 1., 2., and 3. from all

672 | jurisdictions so as to accomplish their adoption by December 31,
673 | 1999. A local government may complete and transmit its plan
674 | amendments to carry out these provisions prior to the scheduled
675 | date established by the state land planning agency. The plan
676 | amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

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

696 | 8. Each local government shall update its
697 | intergovernmental coordination element based upon the findings
698 | in the report submitted pursuant to subparagraph 6. The report

699 | may be used as supporting data and analysis for the
700 | intergovernmental coordination element.

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

706 | (11)

707 | (d)1. The department, in cooperation with the Department
708 | of Agriculture and Consumer Services, the Department of
709 | Environmental Protection, water management districts, and
710 | regional planning councils, shall provide assistance to local
711 | governments in the implementation of this paragraph and rule 9J-
712 | 5.006(5)(1), Florida Administrative Code. Implementation of
713 | those provisions shall include a process by which the department
714 | may authorize local governments to designate all or portions of
715 | lands classified in the future land use element as predominantly
716 | agricultural, rural, open, open-rural, or a substantively
717 | equivalent land use, as a rural land stewardship area within
718 | which planning and economic incentives are applied to encourage
719 | the implementation of innovative and flexible planning and
720 | development strategies and creative land use planning
721 | techniques, including those contained herein and in rule 9J-
722 | 5.006(5)(1), Florida Administrative Code. Assistance may
723 | include, but is not limited to:

724 | a. Assistance from the Department of Environmental
725 | Protection and water management districts in creating the
726 | geographic information systems land cover database and aerial

727 | photogrammetry needed to prepare for a rural land stewardship
728 | area;

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

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

740 | 2. The state land planning agency ~~department~~ shall
741 | encourage participation by local governments of different sizes
742 | and rural characteristics in establishing and implementing rural
743 | land stewardship areas. It is the intent of the Legislature that
744 | rural land stewardship areas be used to further the following
745 | broad principles of rural sustainability: restoration and
746 | maintenance of the economic value of rural land; control of
747 | urban sprawl; identification and protection of ecosystems,
748 | habitats, and natural resources; promotion of rural economic
749 | activity; maintenance of the viability of Florida's agricultural
750 | economy; and protection of the character of rural areas of
751 | Florida. Rural land stewardship areas may be multicounty in
752 | order to encourage coordinated regional stewardship planning.

753 | 3. A local government, in conjunction with a regional
754 | planning council, a stakeholder organization of private land

755 owners, or another local government, shall notify the department
756 in writing of its intent to designate a rural land stewardship
757 area. The written notification shall describe the basis for the
758 designation, including the extent to which the rural land
759 stewardship area enhances rural land values, controls urban
760 sprawl, provides necessary open space for agriculture and
761 protection of the natural environment, promotes rural economic
762 activity, and maintains rural character and the economic
763 viability of agriculture.

764 4. A rural land stewardship area shall be not less than
765 10,000 acres and shall be located outside of municipalities and
766 established urban growth boundaries, and shall be designated by
767 plan amendment. The plan amendment designating a rural land
768 stewardship area shall be subject to review by the Department of
769 Community Affairs pursuant to s. 163.3184 and shall provide for
770 the following:

771 a. Criteria for the designation of receiving areas within
772 rural land stewardship areas in which innovative planning and
773 development strategies may be applied. Criteria shall at a
774 minimum provide for the following: adequacy of suitable land to
775 accommodate development so as to avoid conflict with
776 environmentally sensitive areas, resources, and habitats;
777 compatibility between and transition from higher density uses to
778 lower intensity rural uses; the establishment of receiving area
779 service boundaries which provide for a separation between
780 receiving areas and other land uses within the rural land
781 stewardship area through limitations on the extension of
782 services; and connection of receiving areas with the rest of the

783 rural land stewardship area using rural design and rural road
784 corridors.

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

789 c. A process for the implementation of innovative planning
790 and development strategies within the rural land stewardship
791 area, including those described in this subsection and rule 9J-
792 5.006(5)(1), Florida Administrative Code, which provide for a
793 functional mix of land uses and which are applied through the
794 adoption by the local government of zoning and land development
795 regulations applicable to the rural land stewardship area.

796 d. A process which encourages visioning pursuant to s.
797 163.3167(11) to ensure that innovative planning and development
798 strategies comply with the provisions of this section.

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

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

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

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

826 b. Transferable rural land use credits may only be used on
827 lands designated as receiving areas and then solely for the
828 purpose of implementing innovative planning and development
829 strategies and creative land use planning techniques adopted by
830 the local government pursuant to this section.

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

835 d. Neither the creation of the rural land stewardship area
836 by plan amendment nor the assignment of transferable rural land
837 use credits by the local government shall operate to displace

838 the underlying density of land uses assigned to a parcel of land
 839 within the rural land stewardship area; however, if transferable
 840 rural land use credits are transferred from a parcel for use
 841 within a designated receiving area, the underlying density
 842 assigned to the parcel of land shall cease to exist.

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

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

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

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

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

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

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

881 7. Owners of land within rural land stewardship areas
882 should be provided incentives to enter into rural land
883 stewardship agreements, pursuant to existing law and rules
884 adopted thereto, with state agencies, water management
885 districts, and local governments to achieve mutually agreed upon
886 conservation objectives. Such incentives may include, but not be
887 limited to, the following:

- 888 a. Opportunity to accumulate transferable mitigation
889 credits.
- 890 b. Extended permit agreements.
- 891 c. Opportunities for recreational leases and ecotourism.

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

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

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

903 9. In recognition of the benefits of conceptual long-range
 904 planning, restoration and maintenance of the economic value of
 905 rural land; control of urban sprawl; identification and
 906 protection of ecosystems, habitats, and natural resources;
 907 promotion of rural economic activity; maintenance of the
 908 viability of the agricultural economy of this state; and
 909 protection of the character of rural areas of this state that
 910 will result from a rural land stewardship area, and to further
 911 encourage the innovative planning and development strategies in
 912 a rural land stewardship area, development within a rural land
 913 stewardship area is exempt from the requirements of s. 380.06.

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

917 (a) Each county and each municipality within the county
 918 must adopt a consistent public school facilities element and
 919 enter an interlocal agreement pursuant to s. 163.31777. The

920 state land planning agency may provide a waiver to a county and
921 to the municipalities within the county if the utilization rate
922 for all schools within the district is less than 100 percent and
923 the projected 5-year capital outlay full-time equivalent student
924 growth rate is less than 10 percent. At its discretion, the
925 state land planning agency may grant a waiver to a county or
926 municipality for a single school to exceed the 100 percent
927 limitation if it can be demonstrated that the capacity for that
928 single school is not greater than 105 percent. A municipality in
929 a nonexempt county is exempt if the municipality meets all of
930 the following criteria for having no significant impact on
931 school attendance:

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

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

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

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

943 (b)(a) A public school facilities element shall be based
944 upon data and analyses that address, among other items, how
945 level-of-service standards will be achieved and maintained. Such
946 data and analyses must include, at a minimum, such items as: the
947 interlocal agreement adopted pursuant to s. 163.31777 and the 5-

948 | year school district facilities work program adopted pursuant to
 949 | s. 1013.35; the educational plant survey prepared pursuant to s.
 950 | 1013.31 and an existing educational and ancillary plant map or
 951 | map series; information on existing development and development
 952 | anticipated for the next 5 years and the long-term planning
 953 | period; an analysis of problems and opportunities for existing
 954 | schools and schools anticipated in the future; an analysis of
 955 | opportunities to collocate future schools with other public
 956 | facilities such as parks, libraries, and community centers; an
 957 | analysis of the need for supporting public facilities for
 958 | existing and future schools; an analysis of opportunities to
 959 | locate schools to serve as community focal points; projected
 960 | future population and associated demographics, including
 961 | development patterns year by year for the upcoming 5-year and
 962 | long-term planning periods; and anticipated educational and
 963 | ancillary plants with land area requirements.

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

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

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

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

975 | 1. The procedure for an annual update process;

- 976 2. The procedure for school site selection;
- 977 3. The procedure for school permitting;
- 978 4. Provision of ~~supporting~~ infrastructure necessary to
 979 support proposed schools, including potable water, wastewater,
 980 drainage, solid waste, transportation, and means by which to
 981 ensure safe access to schools, including sidewalks, bicycle
 982 paths, turn lanes, and signalization;
- 983 5. Provision of colocation of other public facilities,
 984 such as parks, libraries, and community centers, in proximity to
 985 public schools;
- 986 6. Provision of location of schools proximate to
 987 residential areas and to complement patterns of development,
 988 including the location of future school sites so they serve as
 989 community focal points;
- 990 7. Measures to ensure compatibility of school sites and
 991 surrounding land uses;
- 992 8. Coordination with adjacent local governments and the
 993 school district on emergency preparedness issues, including the
 994 use of public schools to serve as emergency shelters; and
- 995 9. Coordination with the future land use element.
- 996 (g)~~(f)~~ The element shall include one or more future
 997 conditions maps which depict the anticipated location of
 998 educational and ancillary plants, including the general location
 999 of improvements to existing schools or new schools anticipated
 1000 over the 5-year or long-term planning period. The maps will of
 1001 necessity be general for the long-term planning period and more
 1002 specific for the 5-year period. Maps indicating general

1003 locations of future schools or school improvements may not
 1004 prescribe a land use on a particular parcel of land.

1005 (h) The state land planning agency shall establish phased
 1006 schedules for adoption of the public school facilities element
 1007 and the required updates to the public schools interlocal
 1008 agreement pursuant to s. 163.31777. The schedule for the updated
 1009 public schools interlocal agreement shall provide for each
 1010 county and municipality within the county to submit the
 1011 agreement no later than December 1, 2006. The schedule for the
 1012 public schools facilities element must provide for each county
 1013 and municipality to submit the adopted element to the state land
 1014 planning agency by December 1, 2008. The state land planning
 1015 agency may grant a 1-year extension for the adoption of the
 1016 element if a request is justified by good and sufficient cause
 1017 as determined by the agency. The state land planning agency
 1018 shall set the same date for all governmental entities within a
 1019 school district. However, if the county where the school
 1020 district is located contains more than 20 municipalities, the
 1021 state land planning agency may establish staggered due dates for
 1022 the submission of interlocal agreements by these municipalities.
 1023 Plan amendments to adopt a public school facilities element are
 1024 exempt from the provisions of s. 163.3187(1).

1025 (i) Failure to timely adopt updating amendments to the
 1026 comprehensive plan that are necessary to implement school
 1027 concurrency prior to December 1, 2008, unless a one-year
 1028 extension has been granted, shall result in a local government
 1029 being prohibited from adopting amendments to the comprehensive
 1030 plan that increase residential density until the necessary

1031 | amendments have been adopted and the adopted amendments have
 1032 | been transmitted to the state land planning agency.

1033 | (j) The state land planning agency may issue the school
 1034 | board a notice to show cause why sanctions should not be
 1035 | enforced for failure to enter into an approved interlocal
 1036 | agreement as required by s. 163.31777 or for failure to
 1037 | implement the provisions of this act relating to public school
 1038 | concurrency. The school board may be subject to sanctions
 1039 | imposed by the Administration Commission directing the
 1040 | Department of Education to withhold from the district school
 1041 | board an equivalent amount of funds for school construction
 1042 | available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

1043 | (13) Local governments are encouraged to develop a
 1044 | community vision that provides for sustainable growth,
 1045 | recognizes the local government's fiscal constraints, and
 1046 | protects the local government's natural resources pursuant to s.
 1047 | 163.167(11). At the request of a local government, the
 1048 | applicable regional planning council shall provide assistance in
 1049 | the development of a community vision.

1050 | Section 5. Section 163.31777, Florida Statutes, is amended
 1051 | to read:

1052 | 163.31777 Public schools interlocal agreement.--

1053 | (1)(a) The school board, county, and nonexempt
 1054 | municipalities located within the geographic area of a school
 1055 | district shall enter into an interlocal agreement ~~with the~~
 1056 | ~~district school board~~ which jointly establishes the specific
 1057 | ways in which the plans and processes of the district school
 1058 | board and the local governments are to be coordinated. ~~The~~

1059 ~~interlocal agreements shall be submitted to the state land~~
 1060 ~~planning agency and the Office of Educational Facilities and the~~
 1061 ~~SMART Schools Clearinghouse in accordance with a schedule~~
 1062 ~~published by the state land planning agency.~~

1063 ~~(b) The schedule must establish staggered due dates for~~
 1064 ~~submission of interlocal agreements that are executed by both~~
 1065 ~~the local government and the district school board, commencing~~
 1066 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
 1067 ~~set the same date for all governmental entities within a school~~
 1068 ~~district. However, if the county where the school district is~~
 1069 ~~located contains more than 20 municipalities, the state land~~
 1070 ~~planning agency may establish staggered due dates for the~~
 1071 ~~submission of interlocal agreements by these municipalities. The~~
 1072 ~~schedule must begin with those areas where both the number of~~
 1073 ~~districtwide capital outlay full time equivalent students equals~~
 1074 ~~80 percent or more of the current year's school capacity and the~~
 1075 ~~projected 5 year student growth is 1,000 or greater, or where~~
 1076 ~~the projected 5 year student growth rate is 10 percent or~~
 1077 ~~greater.~~

1078 ~~(b)(e)~~ If the student population has declined over the 5-
 1079 year period preceding the due date for submittal of an
 1080 interlocal agreement by the local government and the district
 1081 school board, the local government and the district school board
 1082 may petition the state land planning agency for a waiver of one
 1083 or more requirements of subsection (2). The waiver must be
 1084 granted if the procedures called for in subsection (2) are
 1085 unnecessary because of the school district's declining school
 1086 age population, considering the district's 5-year facilities

1087 | work program prepared pursuant to s. 1013.35. The state land
 1088 | planning agency may modify or revoke the waiver upon a finding
 1089 | that the conditions upon which the waiver was granted no longer
 1090 | exist. The district school board and local governments must
 1091 | submit an interlocal agreement within 1 year after notification
 1092 | by the state land planning agency that the conditions for a
 1093 | waiver no longer exist.

1094 | ~~(c)(d) Interlocal agreements between local governments and~~
 1095 | ~~district school boards adopted pursuant to s. 163.3177 before~~
 1096 | ~~the effective date of this section must be updated and executed~~
 1097 | ~~pursuant to the requirements of this section, if necessary.~~
 1098 | ~~Amendments to interlocal agreements adopted pursuant to this~~
 1099 | ~~section must be submitted to the state land planning agency~~
 1100 | ~~within 30 days after execution by the parties for review~~
 1101 | ~~consistent with this section.~~ Local governments and the district
 1102 | school board in each school district are encouraged to adopt a
 1103 | single updated interlocal agreement to which all join as
 1104 | parties. The state land planning agency shall assemble and make
 1105 | available model interlocal agreements meeting the requirements
 1106 | of this section and notify local governments and, jointly with
 1107 | the Department of Education, the district school boards of the
 1108 | requirements of this section, the dates for compliance, and the
 1109 | sanctions for noncompliance. The state land planning agency
 1110 | shall be available to informally review proposed interlocal
 1111 | agreements. If the state land planning agency has not received a
 1112 | proposed interlocal agreement for informal review, the state
 1113 | land planning agency shall, at least 60 days before the deadline
 1114 | for submission of the executed agreement, renotify the local

1115 government and the district school board of the upcoming
1116 deadline and the potential for sanctions.

1117 (2) ~~At a minimum,~~ The interlocal agreement shall
1118 acknowledge the school board's constitutional and statutory
1119 obligations to provide a uniform system of free public schools
1120 on a countywide basis and the land use authority of local
1121 governments, including their authority to approve or deny
1122 comprehensive plan amendments and development orders. The
1123 interlocal agreement must address the following issues:

1124 (a) Establish the mechanisms for coordinating the
1125 development, adoption, and amendment of each local government's
1126 public school facilities element with each other and the plans
1127 of the school board to ensure a uniform districtwide school
1128 concurrency system.

1129 (b) Establish a process for the development of siting
1130 criteria which encourages the location of public schools
1131 proximate to urban residential areas to the extent possible and
1132 seeks to collocate schools with other public facilities such as
1133 parks, libraries, and community centers to the extent possible.

1134 (c) Specify uniform, districtwide level-of-service
1135 standards for public schools of the same type and the process
1136 for modifying the adopted levels-of-service standards.

1137 (d) A process for establishing a financially feasible
1138 public school capital facilities program and a process and
1139 schedule for incorporation of the public school capital
1140 facilities program into the local government comprehensive plans
1141 on an annual basis.

1142 (e) If school concurrency is to be applied on a less than
1143 districtwide basis in the form of concurrency service areas, the
1144 agreement shall establish criteria and standards for the
1145 establishment and modification of school concurrency service
1146 areas. The agreement shall also establish a process and schedule
1147 for the mandatory incorporation of the school concurrency
1148 service areas and the criteria and standards for establishment
1149 of the service areas into the local government comprehensive
1150 plans. The agreement shall ensure maximum utilization of school
1151 capacity, taking into account transportation costs and court-
1152 approved desegregation plans, as well as other applicable
1153 factors.

1154 (f) Establish a uniform districtwide procedure for
1155 implementing school concurrency which provides for:

1156 1. The evaluation of development applications for
1157 compliance with school concurrency requirements, including
1158 information provided by the school board on affected schools.

1159 2. The monitoring and evaluation of the school concurrency
1160 system.

1161 (g) A process and uniform methodology for determining
1162 proportionate-share mitigation pursuant to s. 380.06.

1163 (h) ~~(a)~~ A process by which each local government and the
1164 district school board agree and base their plans on consistent
1165 projections of the amount, type, and distribution of population
1166 growth and student enrollment. The geographic distribution of
1167 jurisdiction-wide growth forecasts is a major objective of the
1168 process.

1169 (i)~~(b)~~ A process to coordinate and share information
1170 relating to existing and planned public school facilities,
1171 including school renovations and closures, and local government
1172 plans for development and redevelopment.

1173 (j)~~(e)~~ Participation by affected local governments with
1174 the district school board in the process of evaluating potential
1175 school closures, significant renovations to existing schools,
1176 and new school site selection before land acquisition. Local
1177 governments shall advise the district school board as to the
1178 consistency of the proposed closure, renovation, or new site
1179 with the local comprehensive plan, including appropriate
1180 circumstances and criteria under which a district school board
1181 may request an amendment to the comprehensive plan for school
1182 siting.

1183 (k)~~(d)~~ A process for determining the need for and timing
1184 of onsite and offsite improvements to support new, proposed
1185 expansion, or redevelopment of existing schools. The process
1186 must address identification of the party or parties responsible
1187 for the improvements.

1188 ~~(e) A process for the school board to inform the local
1189 government regarding school capacity. The capacity reporting
1190 must be consistent with laws and rules relating to measurement
1191 of school facility capacity and must also identify how the
1192 district school board will meet the public school demand based
1193 on the facilities work program adopted pursuant to s. 1013.35.~~

1194 (l)~~(f)~~ Participation of the local governments in the
1195 preparation of the annual update to the district school board's

1196 5-year district facilities work program and educational plant
 1197 survey prepared pursuant to s. 1013.35.

1198 (m)~~(g)~~ A process for determining where and how joint use
 1199 of either school board or local government facilities can be
 1200 shared for mutual benefit and efficiency.

1201 (n)~~(h)~~ A procedure for the resolution of disputes between
 1202 the district school board and local governments, which may
 1203 include the dispute resolution processes contained in chapters
 1204 164 and 186.

1205 (o)~~(i)~~ An oversight process, including an opportunity for
 1206 public participation, for the implementation of the interlocal
 1207 agreement.

1208 (p) A process for development of a public school
 1209 facilities element pursuant to 163.3177(12).

1210 (q) Provisions for siting and modification or enhancements
 1211 to existing school facilities so as to encourage urban infill
 1212 and redevelopment.

1213 (r) A process for the use and conversion of historic
 1214 school facilities that are no longer suitable for educational
 1215 purposes as determined by the district school board.

1216 (s) A process for informing the local government regarding
 1217 the effect of comprehensive plan amendments and rezonings on
 1218 school capacity. The capacity reporting must be consistent with
 1219 laws and rules relating to measurement of school facility
 1220 capacity and must also identify how the district school board
 1221 will meet the public school demand based on the facilities work
 1222 program adopted pursuant to s. 1013.35.

1223 (t) A process to ensure an opportunity for the school
 1224 board to review and comment on the effect of comprehensive plan
 1225 amendments and rezonings on the public school facilities plan.
 1226
 1227 For those local governments that receive a waiver pursuant to s.
 1228 163.3177(2)(a), the interlocal agreement shall not include the
 1229 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),
 1230 and (p). For counties or municipalities that do not have a
 1231 public schools interlocal agreement or public school facility
 1232 element, the assessment shall determine whether the local
 1233 government continues to meet the criteria of s. 163.3177(12). If
 1234 the county or municipality determines that it no longer meets
 1235 the criteria, the county or municipality must adopt appropriate
 1236 school concurrency goals, objectives, and policies in its plan
 1237 amendments pursuant to the requirements of the public school
 1238 facility element and enter into the existing interlocal
 1239 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
 1240 order to fully participate in the school concurrency system. A
 1241 ~~signatory to the interlocal agreement may elect not to include a~~
 1242 ~~provision meeting the requirements of paragraph (e); however,~~
 1243 ~~such a decision may be made only after a public hearing on such~~
 1244 ~~election, which may include the public hearing in which a~~
 1245 ~~district school board or a local government adopts the~~
 1246 ~~interlocal agreement. An interlocal agreement entered into~~
 1247 ~~pursuant to this section must be consistent with the adopted~~
 1248 ~~comprehensive plan and land development regulations of any local~~
 1249 ~~government that is a signatory.~~

1250 (3)~~(a)~~ The updated interlocal agreement, adopted pursuant
 1251 to the schedule adopted in accordance with s. 163.3177(12)(h),
 1252 and any subsequent amendments must be submitted to the state
 1253 land planning agency and the Office of Educational Facilities
 1254 within 30 days after execution by the parties for review
 1255 consistent with this section. The office and SMART Schools
 1256 ~~Clearinghouse~~ shall submit any comments or concerns regarding
 1257 the executed interlocal agreement or amendments to the state
 1258 land planning agency within 30 days after receipt of the
 1259 executed interlocal agreement or amendments. The state land
 1260 planning agency shall review the updated executed interlocal
 1261 agreement to determine whether it is consistent with the
 1262 requirements of subsection (2), the adopted local government
 1263 comprehensive plan, and other requirements of law. Within 60
 1264 days after receipt of an updated executed interlocal agreement
 1265 or amendment, the state land planning agency shall publish a
 1266 notice on the agency's Internet website that states of intent in
 1267 ~~the Florida Administrative Weekly and shall post a copy of the~~
 1268 ~~notice on the agency's Internet site. The notice of intent must~~
 1269 ~~state~~ whether the interlocal agreement is consistent or
 1270 inconsistent with the requirements of subsection (2) and this
 1271 subsection, as appropriate.

1272 ~~(b) The state land planning agency's notice is subject to~~
 1273 ~~challenge under chapter 120; however, an affected person, as~~
 1274 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
 1275 ~~administrative proceeding, and this proceeding is the sole means~~
 1276 ~~available to challenge the consistency of an interlocal~~
 1277 ~~agreement required by this section with the criteria contained~~

1278 ~~in subsection (2) and this subsection. In order to have~~
 1279 ~~standing, each person must have submitted oral or written~~
 1280 ~~comments, recommendations, or objections to the local government~~
 1281 ~~or the school board before the adoption of the interlocal~~
 1282 ~~agreement by the school board and local government. The district~~
 1283 ~~school board and local governments are parties to any such~~
 1284 ~~proceeding. In this proceeding, when the state land planning~~
 1285 ~~agency finds the interlocal agreement to be consistent with the~~
 1286 ~~criteria in subsection (2) and this subsection, the interlocal~~
 1287 ~~agreement shall be determined to be consistent with subsection~~
 1288 ~~(2) and this subsection if the local government's and school~~
 1289 ~~board's determination of consistency is fairly debatable. When~~
 1290 ~~the state planning agency finds the interlocal agreement to be~~
 1291 ~~inconsistent with the requirements of subsection (2) and this~~
 1292 ~~subsection, the local government's and school board's~~
 1293 ~~determination of consistency shall be sustained unless it is~~
 1294 ~~shown by a preponderance of the evidence that the interlocal~~
 1295 ~~agreement is inconsistent.~~

1296 ~~(c) If the state land planning agency enters a final order~~
 1297 ~~that finds that the interlocal agreement is inconsistent with~~
 1298 ~~the requirements of subsection (2) or this subsection, it shall~~
 1299 ~~forward it to the Administration Commission, which may impose~~
 1300 ~~sanctions against the local government pursuant to s.~~
 1301 ~~163.3184(11) and may impose sanctions against the district~~
 1302 ~~school board by directing the Department of Education to~~
 1303 ~~withhold from the district school board an equivalent amount of~~
 1304 ~~funds for school construction available pursuant to ss. 1013.65,~~
 1305 ~~1013.68, 1013.70, and 1013.72.~~

1306 (4) If an updated executed interlocal agreement is not
 1307 timely submitted to the state land planning agency for review,
 1308 the state land planning agency shall, within 15 working days
 1309 after the deadline for submittal, issue to the local government
 1310 and the district school board a Notice to Show Cause why
 1311 sanctions should not be imposed for failure to submit an
 1312 executed interlocal agreement by the deadline established by the
 1313 agency. The agency shall forward the notice and the responses to
 1314 the Administration Commission, which may enter a final order
 1315 citing the failure to comply and imposing sanctions against the
 1316 local government and district school board by directing the
 1317 appropriate agencies to withhold at least 5 percent of state
 1318 funds pursuant to s. 163.3184(11) and by directing the
 1319 Department of Education to withhold from the district school
 1320 board at least 5 percent of funds for school construction
 1321 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 1322 1013.72.

1323 (5) Any local government transmitting a public school
 1324 element to implement school concurrency pursuant to the
 1325 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~
 1326 ~~date of this section~~ is not required to amend the element or any
 1327 interlocal agreement to conform with the provisions of this
 1328 section ~~if the element is adopted prior to or within 1 year~~
 1329 ~~after the effective date of this section and remains in effect.~~

1330 (6) Except as provided in subsection (7), municipalities
 1331 meeting the exemption criteria in s. 163.3177(12) ~~having no~~
 1332 ~~established need for a new school facility and meeting the~~

1333 ~~following criteria~~ are exempt from the requirements of
1334 subsections (1), (2), and (3).~~+~~

1335 ~~(a) The municipality has no public schools located within~~
1336 ~~its boundaries.~~

1337 ~~(b) The district school board's 5 year facilities work~~
1338 ~~program and the long term 10 year and 20 year work programs, as~~
1339 ~~provided in s. 1013.35, demonstrate that no new school facility~~
1340 ~~is needed in the municipality. In addition, the district school~~
1341 ~~board must verify in writing that no new school facility will be~~
1342 ~~needed in the municipality within the 5 year and 10 year~~
1343 ~~timeframes.~~

1344 (7) At the time of the evaluation and appraisal report,
1345 each exempt municipality shall assess the extent to which it
1346 continues to meet the criteria for exemption under s.
1347 163.3177(12) ~~subsection (6)~~. If the municipality continues to
1348 meet these criteria ~~and the district school board verifies in~~
1349 ~~writing that no new school facilities will be needed within the~~
1350 ~~5 year and 10 year timeframes~~, the municipality shall continue
1351 to be exempt from the interlocal-agreement requirement. Each
1352 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must
1353 comply with the provisions of this section within 1 year after
1354 the district school board proposes, in its 5-year district
1355 facilities work program, a new school within the municipality's
1356 jurisdiction.

1357 Section 6. Paragraph (a) of subsection (1), paragraphs (a)
1358 and (c) of subsection (2), paragraph (c) of subsection (4),
1359 subsections (5), (6), (7), (9), (10), and (13), and paragraph
1360 (a) of subsection (15) of section 163.3180, Florida Statutes,

1361 are amended, and subsections (16) and (17) are added to said
 1362 section, to read:

1363 163.3180 Concurrency.--

1364 (1) (a) Sanitary sewer, solid waste, drainage, potable
 1365 water, parks and recreation, schools, and transportation
 1366 facilities, including mass transit, where applicable, are the
 1367 only public facilities and services subject to the concurrency
 1368 requirement on a statewide basis. Additional public facilities
 1369 and services may not be made subject to concurrency on a
 1370 statewide basis without appropriate study and approval by the
 1371 Legislature; however, any local government may extend the
 1372 concurrency requirement so that it applies to additional public
 1373 facilities within its jurisdiction.

1374 (2) (a) Consistent with public health and safety, sanitary
 1375 sewer, solid waste, drainage, adequate water supplies, and
 1376 potable water facilities shall be in place and available to
 1377 serve new development no later than the issuance by the local
 1378 government of a certificate of occupancy or its functional
 1379 equivalent.

1380 (c) Consistent with the public welfare, and except as
 1381 otherwise provided in this section, transportation facilities
 1382 ~~designated as part of the Florida Intrastate Highway System~~
 1383 needed to serve new development shall be in place or under
 1384 actual construction within 3 ~~not more than 5~~ years after
 1385 issuance by the local government of a building permit
 1386 ~~certificate of occupancy~~ or its functional equivalent for
 1387 construction of a facility that results in actual traffic
 1388 generation. This provision shall not apply to developments of

1389 regional impact for which a development order has been issued or
 1390 for which a development of regional impact application has been
 1391 found sufficient prior to the effective date of this act. ~~Other~~
 1392 ~~transportation facilities needed to serve new development shall~~
 1393 ~~be in place or under actual construction no more than 3 years~~
 1394 ~~after issuance by the local government of a certificate of~~
 1395 ~~occupancy or its functional equivalent.~~

1396 (4)

1397 (c) The concurrency requirement, except as it relates to
 1398 transportation and public school facilities, as implemented in
 1399 local government comprehensive plans, may be waived by a local
 1400 government for urban infill and redevelopment areas designated
 1401 pursuant to s. 163.2517 if such a waiver does not endanger
 1402 public health or safety as defined by the local government in
 1403 its local government comprehensive plan. The waiver shall be
 1404 adopted as a plan amendment pursuant to the process set forth in
 1405 s. 163.3187(3)(a). A local government may grant a concurrency
 1406 exception pursuant to subsection (5) for transportation
 1407 facilities located within these urban infill and redevelopment
 1408 areas. Within designated urban infill and redevelopment areas,
 1409 the local government and Department of Transportation shall
 1410 cooperatively establish a plan for maintaining the adopted
 1411 level-of-service standards established by the Department of
 1412 Transportation for Strategic Intermodal System facilities, as
 1413 defined in s. 339.64.

1414 (5)(a) The Legislature finds that under limited
 1415 circumstances dealing with transportation facilities,
 1416 countervailing planning and public policy goals may come into

1417 conflict with the requirement that adequate public facilities
1418 and services be available concurrent with the impacts of such
1419 development. The Legislature further finds that often the
1420 unintended result of the concurrency requirement for
1421 transportation facilities is the discouragement of urban infill
1422 development and redevelopment. Such unintended results directly
1423 conflict with the goals and policies of the ~~state comprehensive~~
1424 ~~plan~~ and the intent of this part. Therefore, exceptions from the
1425 concurrency requirement for transportation facilities may be
1426 granted as provided by this subsection.

1427 (b) A local government may grant an exception from the
1428 concurrency requirement for transportation facilities if the
1429 proposed development is otherwise consistent with the adopted
1430 local government comprehensive plan and is a project that
1431 promotes public transportation or is located within an area
1432 designated in the comprehensive plan for:

- 1433 1. Urban infill development,
- 1434 2. Urban redevelopment,
- 1435 3. Downtown revitalization, or
- 1436 4. Urban infill and redevelopment under s. 163.2517.

1437 (c) The Legislature also finds that developments located
1438 within urban infill, urban redevelopment, existing urban
1439 service, or downtown revitalization areas or areas designated as
1440 urban infill and redevelopment areas under s. 163.2517 which
1441 pose only special part-time demands on the transportation system
1442 should be excepted from the concurrency requirement for
1443 transportation facilities. A special part-time demand is one
1444 that does not have more than 200 scheduled events during any

1445 calendar year and does not affect the 100 highest traffic volume
1446 hours.

1447 (d) A local government shall establish guidelines for
1448 granting the exceptions authorized in paragraphs (b) and (c) in
1449 the comprehensive plan. These guidelines must include
1450 consideration of the Strategic Intermodal System ~~impacts on the~~
1451 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The
1452 exceptions may be available only within the specific geographic
1453 area of the jurisdiction designated in the plan. Pursuant to s.
1454 163.3184, any affected person may challenge a plan amendment
1455 establishing these guidelines and the areas within which an
1456 exception could be granted. Prior to the designation of a
1457 concurrency management area, the Department of Transportation
1458 shall be consulted by the local government to assess the impact
1459 that the proposed concurrency management area is expected to
1460 have on the adopted level-of-service standards established for
1461 Strategic Intermodal System facilities, as defined in s. 339.64.
1462 Within designated urban infill and redevelopment areas, the
1463 local government and Department of Transportation shall
1464 cooperatively establish a plan for maintaining the adopted
1465 level-of-service standards established by the Department of
1466 Transportation for Strategic Intermodal System facilities
1467 pursuant to s. 339.64.

1468 (e) It is a high state priority that urban infill and
1469 redevelopment be promoted and provide incentives. By promoting
1470 the revitalization of existing communities of this state, a more
1471 efficient maximization of space and facilities may be achieved
1472 and urban sprawl will be discouraged. If a local government

1473 creates a long-term vision for its community that includes
1474 adequate funding and services and multimodal transportation
1475 options, the transportation facilities concurrency requirements
1476 of paragraph (2)(c) are waived for:

1477 1.a. Urban infill development as designated in the
1478 comprehensive plan;

1479 b. Urban redevelopment as designated in the comprehensive
1480 plan;

1481 c. Downtown revitalization as designated in the
1482 comprehensive plan; or

1483 d. Urban infill and redevelopment under s. 163.2517 as
1484 designated in the comprehensive plan.

1485

1486 The local government and Department of Transportation shall
1487 cooperatively establish a plan for maintaining the adopted
1488 level-of-service standards established by the Department of
1489 Transportation for Strategic Intermodal System facilities, as
1490 defined in s. 339.64.

1491 2. Municipalities that are at least 90 percent built-out.
1492 For purposes of this exemption:

1493 a. The term "built-out" means that 90 percent of the
1494 property within the municipality's boundaries, excluding lands
1495 that are designated as conservation, preservation, recreation,
1496 or public facilities categories, have been developed, or are the
1497 subject of an approved development order that has received a
1498 building permit and the municipality has an average density of 5
1499 units per acre for residential developments.

1500 b. The municipality must have adopted an ordinance that
1501 provides the methodology for determining its built-out
1502 percentage, declares that transportation concurrency
1503 requirements are waived within its municipal boundary or within
1504 a designated area of the municipality, and addresses multimodal
1505 options and strategies, including alternative modes of
1506 transportation within the municipality. Prior to the adoption of
1507 the ordinance, the Department of Transportation shall be
1508 consulted by the local government to assess the impact that the
1509 waiver of the transportation concurrency requirements is
1510 expected to have on the adopted level-of-service standards
1511 established for Strategic Intermodal System facilities, as
1512 defined in s. 339.64. Further, the local government shall
1513 cooperatively establish a plan for maintaining the adopted
1514 level-of-service standards established by the department for
1515 Strategic Intermodal System facilities, as defined in s. 339.64.

1516 c. If a municipality annexes any property, the
1517 municipality must recalculate its built-out percentage pursuant
1518 to the methodology set forth in its ordinance to verify whether
1519 the annexed property may be included within this exemption.

1520 d. If transportation concurrency requirements are waived
1521 under this subparagraph, the municipality must adopt a
1522 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which
1523 updates its transportation element to reflect the transportation
1524 concurrency requirements waiver and must submit a copy of its
1525 ordinance adopted in subparagraph b. to the state land planning
1526 agency.

1527 (6) The Legislature finds that a de minimis impact is
1528 consistent with this part. A de minimis impact is an impact that
1529 would not affect more than 1 percent of the maximum volume at
1530 the adopted level of service of the affected transportation
1531 facility as determined by the local government. No impact will
1532 be de minimis if the sum of existing roadway volumes and the
1533 projected volumes from approved projects on a transportation
1534 facility would exceed 110 percent of the maximum volume at the
1535 adopted level of service of the affected transportation
1536 facility; provided however, that an impact of a single family
1537 home on an existing lot will constitute a de minimis impact on
1538 all roadways regardless of the level of the deficiency of the
1539 roadway. ~~Local governments are encouraged to adopt methodologies~~
1540 ~~to encourage de minimis impacts on transportation facilities~~
1541 ~~within an existing urban service area.~~ Further, no impact will
1542 be de minimis if it would exceed the adopted level-of-service
1543 standard of any affected designated hurricane evacuation routes.
1544 Each local government shall annually adjust its concurrency
1545 management system calculation of existing background traffic to
1546 reflect projects permitted under the de minimis exemption.

1547 (7) In order to promote infill development and
1548 redevelopment, one or more transportation concurrency management
1549 areas may be designated in a local government comprehensive
1550 plan. A transportation concurrency management area must be a
1551 compact geographic area with an existing network of roads where
1552 multiple, viable alternative travel paths or modes are available
1553 for common trips. A local government may establish an areawide
1554 level-of-service standard for such a transportation concurrency

1555 management area based upon an analysis that provides for a
 1556 justification for the areawide level of service, how urban
 1557 infill development or redevelopment will be promoted, and how
 1558 mobility will be accomplished within the transportation
 1559 concurrency management area. The state land planning agency
 1560 shall amend chapter 9J-5, Florida Administrative Code, to be
 1561 consistent with this subsection.

1562 (9) (a) Each local government may adopt as a part of its
 1563 plan a long-term transportation and school concurrency
 1564 management systems ~~system~~ with a planning period of up to 10
 1565 years for specially designated districts or areas where
 1566 significant backlogs exist. The plan may include interim level-
 1567 of-service standards on certain facilities and shall ~~may~~ rely on
 1568 the local government's schedule of capital improvements for up
 1569 to 10 years as a basis for issuing development orders that
 1570 authorize commencement of construction ~~permits~~ in these
 1571 designated districts or areas. The concurrency management
 1572 system. ~~It~~ must be designed to correct existing deficiencies and
 1573 set priorities for addressing backlogged facilities. The
 1574 concurrency management system ~~It~~ must be financially feasible
 1575 and consistent with other portions of the adopted local plan,
 1576 including the future land use map.

1577 (b) If a local government has a transportation or school
 1578 facility backlog for existing development which cannot be
 1579 adequately addressed in a 10-year plan, the state land planning
 1580 agency may allow it to develop a plan and long-term schedule of
 1581 capital improvements covering ~~of~~ up to 15 years for good and
 1582 sufficient cause, based on a general comparison between that

1583 local government and all other similarly situated local
 1584 jurisdictions, using the following factors:

- 1585 1. The extent of the backlog.
- 1586 2. For roads, whether the backlog is on local or state
 1587 roads.
- 1588 3. The cost of eliminating the backlog.
- 1589 4. The local government's tax and other revenue-raising
 1590 efforts.

1591 (c) The local government may issue approvals to commence
 1592 construction, notwithstanding s. 163.3180, consistent with and
 1593 in areas that are subject to a long-term concurrency management
 1594 system.

1595 (d) If the local government adopts a long-term concurrency
 1596 management system, the government must evaluate the system
 1597 periodically. At a minimum, the local government must assess its
 1598 progress toward improving levels of service within the long-term
 1599 concurrency management district or area in the evaluation and
 1600 appraisal report and determine any changes that are necessary to
 1601 accelerate progress in meeting acceptable levels of service or
 1602 providing other methods of transportation.

1603 (10) With regard to roadway facilities on the Strategic
 1604 Intermodal System designated in accordance with ss. 339.61,
 1605 339.62, 339.63, and 339.64 Florida Intrastate Highway System as
 1606 defined in s. 338.001, with concurrence from the Department of
 1607 Transportation, the level of service standard for general lanes
 1608 in urbanized areas, as defined in s. 334.03(36), may be
 1609 established by the local government in the comprehensive plan.
 1610 ~~For all other facilities on the Florida Intrastate Highway~~

1611 ~~System~~, local governments shall adopt the level-of-service
 1612 standard established by the Department of Transportation by
 1613 rule. For all other roads on the State Highway System, local
 1614 governments shall establish an adequate level-of-service
 1615 standard that need not be consistent with any level-of-service
 1616 standard established by the Department of Transportation.

1617 (13) In accordance with the schedule adopted in accordance
 1618 with s. 163.3177(12)(h), school concurrency, ~~if imposed by local~~
 1619 ~~option~~, shall be established on a districtwide basis and shall
 1620 include all public schools in the district and all portions of
 1621 the district, whether located in a municipality or an
 1622 unincorporated area unless exempt from the public school
 1623 facilities element pursuant to s. 163.3177(12), except that this
 1624 subsection shall not apply to the Florida School for the Deaf
 1625 and the Blind. The development of school concurrency shall be
 1626 accomplished through a coordinated process including the local
 1627 school district, the county, and all nonexempt municipalities
 1628 within the county and shall be reflected in the public school
 1629 facilities element adopted pursuant to the schedule provided for
 1630 in s. 163.3177(12)(h). The school concurrency requirement shall
 1631 not be effective until the adoption of the public school
 1632 facilities element. The application of school concurrency to
 1633 development shall be based upon the adopted comprehensive plan,
 1634 as amended. All local governments within a county, except as
 1635 provided in paragraph (f), shall adopt and transmit to the state
 1636 land planning agency the necessary plan amendments, along with
 1637 the interlocal agreement, for a compliance review pursuant to s.
 1638 163.3184(7) and (8). ~~School concurrency shall not become~~

1639 ~~effective in a county until all local governments, except as~~
1640 ~~provided in paragraph (f), have adopted the necessary plan~~
1641 ~~amendments, which together with the interlocal agreement, are~~
1642 ~~determined to be in compliance with the requirements of this~~
1643 ~~part.~~ The minimum requirements for school concurrency are the
1644 following:

1645 (a) Public school facilities element.--A local government
1646 shall adopt and transmit to the state land planning agency a
1647 plan or plan amendment which includes a public school facilities
1648 element which is consistent with the requirements of s.
1649 163.3177(12) and which is determined to be in compliance as
1650 defined in s. 163.3184(1)(b). All local government public school
1651 facilities plan elements within a county must be consistent with
1652 each other as well as the requirements of this part.

1653 (b) Level-of-service standards.--The Legislature
1654 recognizes that an essential requirement for a concurrency
1655 management system is the level of service at which a public
1656 facility is expected to operate.

1657 1. Local governments and school boards imposing school
1658 concurrency shall exercise authority in conjunction with each
1659 other to establish jointly adequate level-of-service standards,
1660 as defined in chapter 9J-5, Florida Administrative Code,
1661 necessary to implement the adopted local government
1662 comprehensive plan, based on data and analysis.

1663 2. Public school level-of-service standards shall be
1664 included and adopted into the capital improvements element of
1665 the local comprehensive plan and shall apply districtwide to all
1666 schools of the same type. Types of schools may include charter,

1667 elementary, middle, and high schools as well as special purpose
1668 facilities such as magnet schools.

1669 3. Local governments and school boards shall have the
1670 option to utilize tiered level-of-service standards to allow
1671 time to achieve an adequate and desirable level of service as
1672 circumstances warrant.

1673 (c) Service areas.--The Legislature recognizes that an
1674 essential requirement for a concurrency system is a designation
1675 of the area within which the level of service will be measured
1676 when an application for a residential development permit is
1677 reviewed for school concurrency purposes. This delineation is
1678 also important for purposes of determining whether the local
1679 government has a financially feasible public school capital
1680 facilities program that will provide schools which will achieve
1681 and maintain the adopted level-of-service standards.

1682 1. In order to balance competing interests, preserve the
1683 constitutional concept of uniformity, and avoid disruption of
1684 existing educational and growth management processes, local
1685 governments are encouraged to initially apply school concurrency
1686 to development only on a districtwide basis so that a
1687 concurrency determination for a specific development will be
1688 based upon the availability of school capacity districtwide. To
1689 ensure that development is coordinated with schools having
1690 available capacity, within 5 years after adoption of school
1691 concurrency local governments shall apply school concurrency on
1692 a less than districtwide basis, such as using school attendance
1693 zones or concurrency service areas, as provided in subparagraph
1694 2.

1695 2. For local governments applying school concurrency on a
1696 less than districtwide basis, such as utilizing school
1697 attendance zones or larger school concurrency service areas,
1698 local governments and school boards shall have the burden to
1699 demonstrate that the utilization of school capacity is maximized
1700 to the greatest extent possible in the comprehensive plan and
1701 amendment, taking into account transportation costs and court-
1702 approved desegregation plans, as well as other factors. In
1703 addition, in order to achieve concurrency within the service
1704 area boundaries selected by local governments and school boards,
1705 the service area boundaries, together with the standards for
1706 establishing those boundaries, shall be identified and, included
1707 as supporting data and analysis for, ~~and adopted as part of the~~
1708 ~~comprehensive plan. Any subsequent change to the service area~~
1709 ~~boundaries for purposes of a school concurrency system shall be~~
1710 ~~by plan amendment and shall be exempt from the limitation on the~~
1711 ~~frequency of plan amendments in s. 163.3187(1).~~

1712 3. Where school capacity is available on a districtwide
1713 basis but school concurrency is applied on a less than
1714 districtwide basis in the form of concurrency service areas, if
1715 the adopted level-of-service standard cannot be met in a
1716 particular service area as applied to an application for a
1717 development permit through mitigation or other measures and if
1718 the needed capacity for the particular service area is available
1719 in one or more contiguous service areas, as adopted by the local
1720 government, ~~then~~ the development order may not ~~shall~~ be denied
1721 on the basis of school concurrency, and if issued, development
1722 impacts shall be shifted to contiguous service areas with

1723 | schools having available capacity and ~~mitigation measures shall~~
 1724 | ~~not be exacted.~~

1725 | (d) Financial feasibility.--The Legislature recognizes
 1726 | that financial feasibility is an important issue because the
 1727 | premise of concurrency is that the public facilities will be
 1728 | provided in order to achieve and maintain the adopted level-of-
 1729 | service standard. This part and chapter 9J-5, Florida
 1730 | Administrative Code, contain specific standards to determine the
 1731 | financial feasibility of capital programs. These standards were
 1732 | adopted to make concurrency more predictable and local
 1733 | governments more accountable.

1734 | 1. A comprehensive plan amendment seeking to impose school
 1735 | concurrency shall contain appropriate amendments to the capital
 1736 | improvements element of the comprehensive plan, consistent with
 1737 | the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
 1738 | Administrative Code. The capital improvements element shall set
 1739 | forth a financially feasible public school capital facilities
 1740 | program, established in conjunction with the school board, that
 1741 | demonstrates that the adopted level-of-service standards will be
 1742 | achieved and maintained.

1743 | 2. Such amendments shall demonstrate that the public
 1744 | school capital facilities program meets all of the financial
 1745 | feasibility standards of this part and chapter 9J-5, Florida
 1746 | Administrative Code, that apply to capital programs which
 1747 | provide the basis for mandatory concurrency on other public
 1748 | facilities and services.

1749 | 3. When the financial feasibility of a public school
 1750 | capital facilities program is evaluated by the state land

1751 | planning agency for purposes of a compliance determination, the
1752 | evaluation shall be based upon the service areas selected by the
1753 | local governments and school board.

1754 | (e) Availability standard.--Consistent with the public
1755 | welfare, a local government may not deny an application for site
1756 | plan or final subdivision approval, or a functional equivalent
1757 | for a development or phase of a development, ~~permit~~ authorizing
1758 | residential development for failure to achieve and maintain the
1759 | level-of-service standard for public school capacity in a local
1760 | ~~option~~ school concurrency management system where adequate
1761 | school facilities will be in place or under actual construction
1762 | within 3 years after the ~~permit~~ issuance by the local government
1763 | of site plan or final subdivision approval or its functional
1764 | equivalent. School concurrency shall be satisfied if the
1765 | developer executes a legally binding commitment to provide
1766 | mitigation proportionate to the demand for public school
1767 | facilities to be created by actual development of the property,
1768 | including, but not limited to, the options described in
1769 | subparagraph 1. Approval of a funding agreement shall not be
1770 | unreasonably withheld. Any dispute shall be mediated pursuant to
1771 | s. 120.573. Options for proportionate-share mitigation of
1772 | impacts on public school facilities shall be established in the
1773 | interlocal agreement pursuant to s. 163.31777.

1774 | 1. Appropriate mitigation options include the contribution
1775 | of land; the construction, expansion, or payment for land
1776 | acquisition or construction of a public school facility; or the
1777 | creation of mitigation banking based on the construction of a
1778 | public school facility in exchange for the right to sell

1779 capacity credits. Such options must include execution by the
1780 applicant and the local government of a binding development
1781 agreement that constitutes a legally binding commitment to pay
1782 proportionate-share mitigation for the additional residential
1783 units approved by the local government in a development order
1784 and actually developed on the property, taking into account
1785 residential density allowed on the property prior to the plan
1786 amendment that increased overall residential density. Mitigation
1787 for development impacts to public schools requires the
1788 concurrence of the local school board. As a condition of its
1789 entry into such a development agreement, the local government
1790 may require the landowner to agree to continuing renewal of the
1791 agreement upon its expiration.

1792 2. If the education facilities plan and the public
1793 educational facilities element authorize a contribution of land;
1794 the construction, expansion, or payment for land acquisition; or
1795 the construction or expansion of a public school facility, or a
1796 portion of such facility, as proportionate-share mitigation, the
1797 local government shall credit such a contribution, construction,
1798 expansion, or payment toward any other impact fee or exaction
1799 imposed by local ordinance for the same need, on a dollar-for-
1800 dollar basis at fair market value.

1801 3. Any proportionate-share mitigation must be directed by
1802 the school board toward a school capacity improvement that is
1803 identified in the financially feasible 5-year district work plan
1804 and that will be provided in accordance with a legally binding
1805 agreement.

1806 (f) Intergovernmental coordination.--

1807 | 1. When establishing concurrency requirements for public
 1808 | schools, a local government shall satisfy the requirements for
 1809 | intergovernmental coordination set forth in s. 163.3177(6)(h)1.
 1810 | and 2., except that a municipality is not required to be a
 1811 | signatory to the interlocal agreement required by ss. s.
 1812 | 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
 1813 | imposition of school concurrency, and as a nonsignatory, shall
 1814 | not participate in the adopted local school concurrency system,
 1815 | if the municipality meets all of the following criteria for
 1816 | having no significant impact on school attendance:

1817 | a. The municipality has issued development orders for
 1818 | fewer than 50 residential dwelling units during the preceding 5
 1819 | years, or the municipality has generated fewer than 25
 1820 | additional public school students during the preceding 5 years.

1821 | b. The municipality has not annexed new land during the
 1822 | preceding 5 years in land use categories which permit
 1823 | residential uses that will affect school attendance rates.

1824 | c. The municipality has no public schools located within
 1825 | its boundaries.

1826 | d. At least 80 percent of the developable land within the
 1827 | boundaries of the municipality has been built upon.

1828 | 2. A municipality which qualifies as having no significant
 1829 | impact on school attendance pursuant to the criteria of
 1830 | subparagraph 1. must review and determine at the time of its
 1831 | evaluation and appraisal report pursuant to s. 163.3191 whether
 1832 | it continues to meet the criteria pursuant to s. 163.31777(6).

1833 | If the municipality determines that it no longer meets the
 1834 | criteria, it must adopt appropriate school concurrency goals,

1835 objectives, and policies in its plan amendments based on the
1836 evaluation and appraisal report, and enter into the existing
1837 interlocal agreement required by ss. 163.3177(6)(h)2. and
1838 163.31777, in order to fully participate in the school
1839 concurrency system. If such a municipality fails to do so, it
1840 will be subject to the enforcement provisions of s. 163.3191.

1841 ~~(g) Interlocal agreement for school concurrency. When~~
1842 ~~establishing concurrency requirements for public schools, a~~
1843 ~~local government must enter into an interlocal agreement which~~
1844 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~
1845 ~~requirements of this subsection. The interlocal agreement shall~~
1846 ~~acknowledge both the school board's constitutional and statutory~~
1847 ~~obligations to provide a uniform system of free public schools~~
1848 ~~on a countywide basis, and the land use authority of local~~
1849 ~~governments, including their authority to approve or deny~~
1850 ~~comprehensive plan amendments and development orders. The~~
1851 ~~interlocal agreement shall be submitted to the state land~~
1852 ~~planning agency by the local government as a part of the~~
1853 ~~compliance review, along with the other necessary amendments to~~
1854 ~~the comprehensive plan required by this part. In addition to the~~
1855 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~
1856 ~~shall meet the following requirements:~~

1857 ~~1. Establish the mechanisms for coordinating the~~
1858 ~~development, adoption, and amendment of each local government's~~
1859 ~~public school facilities element with each other and the plans~~
1860 ~~of the school board to ensure a uniform districtwide school~~
1861 ~~concurrency system.~~

1862 2. ~~Establish a process by which each local government and~~
1863 ~~the school board shall agree and base their plans on consistent~~
1864 ~~projections of the amount, type, and distribution of population~~
1865 ~~growth and coordinate and share information relating to existing~~
1866 ~~and planned public school facilities projections and proposals~~
1867 ~~for development and redevelopment, and infrastructure required~~
1868 ~~to support public school facilities.~~

1869 3. ~~Establish a process for the development of siting~~
1870 ~~criteria which encourages the location of public schools~~
1871 ~~proximate to urban residential areas to the extent possible and~~
1872 ~~seeks to collocate schools with other public facilities such as~~
1873 ~~parks, libraries, and community centers to the extent possible.~~

1874 4. ~~Specify uniform, districtwide level of service~~
1875 ~~standards for public schools of the same type and the process~~
1876 ~~for modifying the adopted levels of service standards.~~

1877 5. ~~Establish a process for the preparation, amendment, and~~
1878 ~~joint approval by each local government and the school board of~~
1879 ~~a public school capital facilities program which is financially~~
1880 ~~feasible, and a process and schedule for incorporation of the~~
1881 ~~public school capital facilities program into the local~~
1882 ~~government comprehensive plans on an annual basis.~~

1883 6. ~~Define the geographic application of school~~
1884 ~~concurrency. If school concurrency is to be applied on a less~~
1885 ~~than districtwide basis in the form of concurrency service~~
1886 ~~areas, the agreement shall establish criteria and standards for~~
1887 ~~the establishment and modification of school concurrency service~~
1888 ~~areas. The agreement shall also establish a process and schedule~~
1889 ~~for the mandatory incorporation of the school concurrency~~

1890 ~~service areas and the criteria and standards for establishment~~
 1891 ~~of the service areas into the local government comprehensive~~
 1892 ~~plans. The agreement shall ensure maximum utilization of school~~
 1893 ~~capacity, taking into account transportation costs and court-~~
 1894 ~~approved desegregation plans, as well as other factors. The~~
 1895 ~~agreement shall also ensure the achievement and maintenance of~~
 1896 ~~the adopted level of service standards for the geographic area~~
 1897 ~~of application throughout the 5 years covered by the public~~
 1898 ~~school capital facilities plan and thereafter by adding a new~~
 1899 ~~fifth year during the annual update.~~

1900 ~~7. Establish a uniform districtwide procedure for~~
 1901 ~~implementing school concurrency which provides for:~~

1902 ~~a. The evaluation of development applications for~~
 1903 ~~compliance with school concurrency requirements;~~

1904 ~~b. An opportunity for the school board to review and~~
 1905 ~~comment on the effect of comprehensive plan amendments and~~
 1906 ~~rezonings on the public school facilities plan; and~~

1907 ~~c. The monitoring and evaluation of the school concurrency~~
 1908 ~~system.~~

1909 ~~8. Include provisions relating to termination, suspension,~~
 1910 ~~and amendment of the agreement. The agreement shall provide that~~
 1911 ~~if the agreement is terminated or suspended, the application of~~
 1912 ~~school concurrency shall be terminated or suspended.~~

1913 (15)

1914 (a) Multimodal transportation districts may be established
 1915 under a local government comprehensive plan in areas delineated
 1916 on the future land use map for which the local comprehensive
 1917 plan assigns secondary priority to vehicle mobility and primary

1918 | priority to assuring a safe, comfortable, and attractive
 1919 | pedestrian environment, with convenient interconnection to
 1920 | transit. Such districts must incorporate community design
 1921 | features that will reduce the number of automobile trips or
 1922 | vehicle miles of travel and will support an integrated,
 1923 | multimodal transportation system. Prior to the designation of
 1924 | multimodal transportation districts, the local government shall
 1925 | consult with the Department of Transportation to assess the
 1926 | impact that the proposed multimodal district area is expected to
 1927 | have on the adopted level-of-service standards established for
 1928 | Strategic Intermodal System facilities, as defined in s. 339.64.
 1929 | Within designated urban infill and redevelopment areas, the
 1930 | local government and Department of Transportation shall
 1931 | cooperatively establish a plan for maintaining the adopted
 1932 | level-of-service standards established by the Department of
 1933 | Transportation for Strategic Intermodal System facilities, as
 1934 | defined in s. 339.64. Multimodal transportation districts
 1935 | existing prior to July 1, 2005, shall meet at a minimum, the
 1936 | provision of this section by July 1, 2006, or at the time of the
 1937 | comprehensive plan update pursuant to the evaluation and
 1938 | appraisal report, whichever occurs last.

1939 | (16) (a) It is the intent of the Legislature to provide a
 1940 | method by which the impacts of development on transportation
 1941 | facilities can be mitigated by the cooperative efforts of the
 1942 | public and private sectors.

1943 | (b) When authorized in a local government comprehensive
 1944 | plan, local governments may create mitigation banks for
 1945 | transportation facilities to satisfy the concurrency provisions

1946 of this section, using the process and methodology developed in
 1947 accordance with s. 163.3177(6)(b). The Department of
 1948 Transportation, in consultation with local governments, shall
 1949 develop a process and uniform methodology for determining
 1950 proportionate-share mitigation for development impacts on
 1951 transportation corridors that traverse one or more political
 1952 subdivisions.

1953 (c) Mitigation contributions shall be used to satisfy the
 1954 transportation concurrency requirements of this section and may
 1955 be applied as a credit against impact fees. Mitigation for
 1956 development impacts to facilities on the Strategic Intermodal
 1957 System made pursuant to this subsection requires the concurrence
 1958 of the Department of Transportation. However, this does not
 1959 authorize the Department of Transportation to arbitrarily charge
 1960 a fee or require additional mitigation. Concurrence by the
 1961 Department of Transportation may not be withheld unduly.

1962 (d) Transportation facilities concurrency shall be
 1963 satisfied if the developer executes a legally binding commitment
 1964 to provide mitigation proportionate to the demand for
 1965 transportation facilities to be created by actual development of
 1966 the property, including, but not limited to, the options for
 1967 mitigation established in the transportation element or traffic
 1968 circulation element. Approval of a funding agreement shall not
 1969 be unreasonably withheld. Any dispute shall be mediated pursuant
 1970 to s. 120.573. Appropriate transportation mitigation
 1971 contributions may include public or private funds; the
 1972 contribution of right-of-way; the construction of a
 1973 transportation facility or payment for the right-of-way or

1974 construction of a transportation facility or service; or the
 1975 provision of transit service. Such options shall include
 1976 execution of an enforceable development agreement for projects
 1977 to be funded by a developer.

1978 (17) A development may satisfy the concurrency
 1979 requirements of the local comprehensive plan, the local
 1980 government's land development regulations, and s. 380.06 by
 1981 entering into a legally binding commitment to provide mitigation
 1982 proportionate to the direct impact of the development. A local
 1983 government may not require a development to pay more than its
 1984 proportionate-share contribution regardless of the method
 1985 mitigation.

1986 Section 7. Paragraph (b) of subsection (1), subsection
 1987 (4), and paragraph (a) of subsection (6) of section 163.3184,
 1988 Florida Statutes, are amended to read:

1989 163.3184 Process for adoption of comprehensive plan or
 1990 plan amendment.--

1991 (1) DEFINITIONS.--As used in this section, the term:

1992 (b) "In compliance" means consistent with the requirements
 1993 of s. ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an
 1994 educational facilities element, 163.3178, 163.3180, 163.3191,
 1995 and 163.3245, with the state comprehensive plan, with the
 1996 appropriate strategic regional policy plan, and with chapter 9J-
 1997 5, Florida Administrative Code, where such rule is not
 1998 inconsistent with this part and with the principles for guiding
 1999 development in designated areas of critical state concern and
 2000 with part III of chapter 369, where applicable.

2001 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
 2002 specified in paragraph (3)(a) shall provide comments to the
 2003 state land planning agency within 30 days after receipt by the
 2004 state land planning agency of the complete proposed plan
 2005 amendment. If the plan or plan amendment includes or relates to
 2006 the public school facilities element pursuant to s. 163.3177
 2007 ~~163.31776~~, the state land planning agency shall submit a copy to
 2008 the Office of Educational Facilities of the Commissioner of
 2009 Education for review and comment. The appropriate regional
 2010 planning council shall also provide its written comments to the
 2011 state land planning agency within 30 days after receipt by the
 2012 state land planning agency of the complete proposed plan
 2013 amendment and shall specify any objections, recommendations for
 2014 modifications, and comments of any other regional agencies to
 2015 which the regional planning council may have referred the
 2016 proposed plan amendment. Written comments submitted by the
 2017 public within 30 days after notice of transmittal by the local
 2018 government of the proposed plan amendment will be considered as
 2019 if submitted by governmental agencies. All written agency and
 2020 public comments must be made part of the file maintained under
 2021 subsection (2).

2022 (6) STATE LAND PLANNING AGENCY REVIEW.--

2023 (a) The state land planning agency may ~~shall~~ review a
 2024 proposed plan amendment upon request of a regional planning
 2025 council, affected person, or local government transmitting the
 2026 plan amendment. The request from the regional planning council
 2027 or affected person must be received within 30 days after
 2028 transmittal of the proposed plan amendment pursuant to

2029 subsection (3). A regional planning council or affected person
 2030 requesting a review shall do so by submitting a written request
 2031 to the agency with a notice of the request to the local
 2032 government and any other person who has requested notice.

2033 Section 8. Paragraphs (c) and (l) of subsection (1) of
 2034 section 163.3187, Florida Statutes, are amended, and paragraph
 2035 (o) is added to said subsection, to read:

2036 163.3187 Amendment of adopted comprehensive plan.--

2037 (1) Amendments to comprehensive plans adopted pursuant to
 2038 this part may be made not more than two times during any
 2039 calendar year, except:

2040 (c) Any local government comprehensive plan amendments
 2041 directly related to proposed small scale development activities
 2042 may be approved without regard to statutory limits on the
 2043 frequency of consideration of amendments to the local
 2044 comprehensive plan. A small scale development amendment may be
 2045 adopted only under the following conditions:

2046 1. The proposed amendment involves a use of 10 acres or
 2047 fewer and:

2048 a. The cumulative annual effect of the acreage for all
 2049 small scale development amendments adopted by the local
 2050 government shall not exceed:

2051 (I) A maximum of 120 acres in a local government that
 2052 contains areas specifically designated in the local
 2053 comprehensive plan for urban infill, urban redevelopment, or
 2054 downtown revitalization as defined in s. 163.3164, urban infill
 2055 and redevelopment areas designated under s. 163.2517,
 2056 transportation concurrency exception areas approved pursuant to

2057 s. 163.3180(5), or regional activity centers and urban central
2058 business districts approved pursuant to s. 380.06(2)(e);
2059 however, amendments under this paragraph may be applied to no
2060 more than 60 acres annually of property outside the designated
2061 areas listed in this sub-sub-subparagraph. Amendments adopted
2062 pursuant to paragraph (k) shall not be counted toward the
2063 acreage limitations for small scale amendments under this
2064 paragraph.

2065 (II) A maximum of 80 acres in a local government that does
2066 not contain any of the designated areas set forth in sub-sub-
2067 subparagraph (I).

2068 (III) A maximum of 120 acres in a county established
2069 pursuant to s. 9, Art. VIII of the State Constitution.

2070 b. The proposed amendment does not involve the same
2071 property granted a change within the prior 12 months.

2072 c. The proposed amendment does not involve the same
2073 owner's property within 200 feet of property granted a change
2074 within the prior 12 months.

2075 d. The proposed amendment does not involve a text change
2076 to the goals, policies, and objectives of the local government's
2077 comprehensive plan, but only proposes a land use change to the
2078 future land use map for a site-specific small scale development
2079 activity.

2080 e. The property that is the subject of the proposed
2081 amendment is not located within an area of critical state
2082 concern, unless the project subject to the proposed amendment
2083 involves the construction of affordable housing units meeting
2084 the criteria of s. 420.0004(3), and is located within an area of

2085 critical state concern designated by s. 380.0552 or by the
 2086 Administration Commission pursuant to s. 380.05(1). Such
 2087 amendment is not subject to the density limitations of sub-
 2088 subparagraph f., and shall be reviewed by the state land
 2089 planning agency for consistency with the principles for guiding
 2090 development applicable to the area of critical state concern
 2091 where the amendment is located and shall not become effective
 2092 until a final order is issued under s. 380.05(6).

2093 f. If the proposed amendment involves a residential land
 2094 use, the residential land use has a density of 10 units or less
 2095 per acre, except that this limitation does not apply to small
 2096 scale amendments involving the construction of affordable
 2097 housing units meeting the criteria of s. 420.0004(3) on property
 2098 which will be the subject of a land use restriction agreement or
 2099 extended use agreement recorded in conjunction with the issuance
 2100 of tax exempt bond financing or an allocation of federal tax
 2101 credits issued through the Florida Housing Finance Corporation
 2102 or a local housing finance authority authorized by the Division
 2103 of Bond Finance of the State Board of Administration, or small
 2104 scale amendments described in sub-sub-subparagraph a.(I) that
 2105 are designated in the local comprehensive plan for urban infill,
 2106 urban redevelopment, or downtown revitalization as defined in s.
 2107 163.3164, urban infill and redevelopment areas designated under
 2108 s. 163.2517, transportation concurrency exception areas approved
 2109 pursuant to s. 163.3180(5), or regional activity centers and
 2110 urban central business districts approved pursuant to s.
 2111 380.06(2)(e).

2112 2.a. A local government that proposes to consider a plan
 2113 amendment pursuant to this paragraph is not required to comply
 2114 with the procedures and public notice requirements of s.
 2115 163.3184(15)(c) for such plan amendments if the local government
 2116 complies with the provisions in s. 125.66(4)(a) for a county or
 2117 in s. 166.041(3)(c) for a municipality. If a request for a plan
 2118 amendment under this paragraph is initiated by other than the
 2119 local government, public notice is required.

2120 b. The local government shall send copies of the notice
 2121 and amendment to the state land planning agency, the regional
 2122 planning council, and any other person or entity requesting a
 2123 copy. This information shall also include a statement
 2124 identifying any property subject to the amendment that is
 2125 located within a coastal high hazard area as identified in the
 2126 local comprehensive plan.

2127 3. Small scale development amendments adopted pursuant to
 2128 this paragraph require only one public hearing before the
 2129 governing board, which shall be an adoption hearing as described
 2130 in s. 163.3184(7), and are not subject to the requirements of s.
 2131 163.3184(3)-(6) unless the local government elects to have them
 2132 subject to those requirements.

2133 (1) A comprehensive plan amendment to adopt a public
 2134 educational facilities element pursuant to s. 163.3177 ~~163.31776~~
 2135 and future land-use-map amendments for school siting may be
 2136 approved notwithstanding statutory limits on the frequency of
 2137 adopting plan amendments.

2138 (o)1. For municipalities that are more than 90 percent
 2139 built-out, any municipality's comprehensive plan amendments may

2140 be approved without regard to statutory limits on the frequency
2141 of consideration of amendments to the local comprehensive plan
2142 only if the proposed amendment involves a use of 100 acres or
2143 fewer and:

2144 a. The cumulative annual effect of the acreage for all
2145 amendments adopted pursuant to this paragraph does not exceed
2146 500 acres.

2147 b. The proposed amendment does not involve the same
2148 property granted a change within the prior 12 months.

2149 c. The proposed amendment does not involve the same
2150 owner's property within 200 feet of property granted a change
2151 within the prior 12 months.

2152 d. The proposed amendment does not involve a text change
2153 to the goals, policies, and objectives of the local government's
2154 comprehensive plan but only proposes a land use change to the
2155 future land use map for a site-specific small scale development
2156 activity.

2157 e. The property that is the subject of the proposed
2158 amendment is not located within an area of critical state
2159 concern.

2160 2. For purposes of this paragraph, the term "built-out"
2161 means 90 percent of the property within the municipality's
2162 boundaries, excluding lands that are designated as conservation,
2163 preservation, recreation, or public facilities categories, have
2164 been developed, or are the subject of an approved development
2165 order that has received a building permit, and the municipality
2166 has an average density of 5 units per acre for residential
2167 development.

2168 3.a. A local government that proposes to consider a plan
2169 amendment pursuant to this paragraph is not required to comply
2170 with the procedures and public notice requirements of s.
2171 163.3184(15)(c) for such plan amendments if the local government
2172 complies with the provisions of s. 166.041(3)(c). If a request
2173 for a plan amendment under this paragraph is initiated by other
2174 than the local government, public notice is required.

2175 b. The local government shall send copies of the notice
2176 and amendment to the state land planning agency, the regional
2177 planning council, and any other person or entity requesting a
2178 copy. This information shall also include a statement
2179 identifying any property subject to the amendment that is
2180 located within a coastal high hazard area as identified in the
2181 local comprehensive plan.

2182 4. Amendments adopted pursuant to this paragraph require
2183 only one public hearing before the governing board, which shall
2184 be an adoption hearing as described in s. 163.3184(7), and are
2185 not subject to the requirements of s. 163.3184(3)-(6) unless the
2186 local government elects to have them subject to those
2187 requirements.

2188 5. This paragraph shall not apply if a municipality
2189 annexes unincorporated property that decreases the percentage of
2190 build-out to an amount below 90 percent.

2191 5. A municipality shall notify the state land planning
2192 agency in writing of its built-out percentage prior to the
2193 submission of any comprehensive plan amendments under this
2194 subsection.

2195 Section 9. Paragraphs (k) and (l) of subsection (2) and
 2196 subsection (10) of section 163.3191, Florida Statutes, are
 2197 amended, and paragraph (o) is added to subsection (2) of said
 2198 section, to read:

2199 163.3191 Evaluation and appraisal of comprehensive plan.--

2200 (2) The report shall present an evaluation and assessment
 2201 of the comprehensive plan and shall contain appropriate
 2202 statements to update the comprehensive plan, including, but not
 2203 limited to, words, maps, illustrations, or other media, related
 2204 to:

2205 (k) The coordination of the comprehensive plan with
 2206 existing public schools and those identified in the applicable
 2207 educational facilities plan adopted pursuant to s. 1013.35. The
 2208 assessment shall address, where relevant, the success or failure
 2209 of the coordination of the future land use map and associated
 2210 planned residential development with public schools and their
 2211 capacities, as well as the joint decisionmaking processes
 2212 engaged in by the local government and the school board in
 2213 regard to establishing appropriate population projections and
 2214 the planning and siting of public school facilities. For
 2215 counties or municipalities that do not have a public schools
 2216 interlocal agreement or public school facility element, the
 2217 assessment shall determine whether the local government
 2218 continues to meet the criteria of s. 163.3177(12). If the county
 2219 or municipality determines that it no longer meets the criteria,
 2220 the county or municipality must adopt appropriate school
 2221 concurrency goals, objectives, and policies in its plan
 2222 amendments pursuant to the requirements of the public school

2223 facility element and enter into the existing interlocal
 2224 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
 2225 order to fully participate in the school concurrency system ~~if~~
 2226 ~~the issues are not relevant, the local government shall~~
 2227 ~~demonstrate that they are not relevant.~~

2228 (1) The extent to which the local government has been
 2229 successful in identifying water supply sources, including
 2230 conservation and reuse, necessary to meet existing and projected
 2231 water use demand for the comprehensive plan's water supply work
 2232 plan. The water supply sources evaluated in the report must be
 2233 consistent with evaluation ~~must consider~~ the appropriate water
 2234 management district's regional water supply plan approved
 2235 pursuant to s. 373.0361. The report must evaluate the degree to
 2236 which the local government has implemented the work plan for
 2237 water supply facilities included in the potable water element.
 2238 ~~The potable water element must be revised to include a work~~
 2239 ~~plan, covering at least a 10-year planning period, for building~~
 2240 ~~any water supply facilities that are identified in the element~~
 2241 ~~as necessary to serve existing and new development and for which~~
 2242 ~~the local government is responsible.~~

2243 (o) The extent to which a concurrency exception area
 2244 designated pursuant to s. 163.3180(5), a concurrency management
 2245 area designated pursuant to s. 163.3180(7), or a multimodal
 2246 district designated pursuant to s. 163.3180(15) has achieved the
 2247 purposes for which it was created and otherwise complies with
 2248 the provisions of s. 163.3180.

2249 (10) The governing body shall amend its comprehensive plan
 2250 based on the recommendations in the report and shall update the

2251 comprehensive plan based on the components of subsection (2),
2252 pursuant to the provisions of ss. 163.3184, 163.3187, and
2253 163.3189. Amendments to update a comprehensive plan based on the
2254 evaluation and appraisal report shall be adopted within 18
2255 months after the report is determined to be sufficient by the
2256 state land planning agency, except the state land planning
2257 agency may grant an extension for adoption of a portion of such
2258 amendments. The state land planning agency may grant a 6-month
2259 extension for the adoption of such amendments if the request is
2260 justified by good and sufficient cause as determined by the
2261 agency. An additional extension may also be granted if the
2262 request will result in greater coordination between
2263 transportation and land use, for the purposes of improving
2264 Florida's transportation system, as determined by the agency in
2265 coordination with the Metropolitan Planning Organization
2266 program. Beginning July 1, 2006, failure to timely adopt
2267 updating amendments to the comprehensive plan based on the
2268 evaluation and appraisal report shall result in a local
2269 government being prohibited from adopting amendments to the
2270 comprehensive plan until the evaluation and appraisal report
2271 updating amendments have been transmitted to the state land
2272 planning agency. The prohibition on plan amendments shall
2273 commence when the updating amendments to the comprehensive plan
2274 are past due. The comprehensive plan as amended shall be in
2275 compliance as defined in s. 163.3184(1)(b). Within 6 months
2276 after the effective date of the updating amendments to the
2277 comprehensive plan, the local government shall provide to the

2278 state land planning agency and to all agencies designated by
 2279 rule a complete copy of the updated comprehensive plan.

2280 Section 10. Section 163.3247, Florida Statutes, is created
 2281 to read:

2282 163.3247 Century Commission for a Sustainable Florida.--

2283 (1) POPULAR NAME.--This section may be cited as the
 2284 "Century Commission for a Sustainable Florida Act."

2285 (2) FINDINGS AND INTENT.--The Legislature finds and
 2286 declares that the population of this state is expected to more
 2287 than double over the next 100 years, with commensurate impacts
 2288 to the state's natural resources and public infrastructure.
 2289 Consequently, it is in the best interests of the people of the
 2290 state to ensure sound planning for the proper placement of this
 2291 growth and protection of the state's land, water, and other
 2292 natural resources since such resources are essential to our
 2293 collective quality of life and a strong economy. The state's
 2294 growth management system should foster economic stability
 2295 through regional solutions and strategies, urban renewal and
 2296 infill, and the continued viability of agricultural economies,
 2297 while allowing for rural economic development and protecting the
 2298 unique characteristics of rural areas, and should reduce the
 2299 complexity of the regulatory process while carrying out the
 2300 intent of the laws and encouraging greater citizen
 2301 participation.

2302 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
 2303 CREATION; ORGANIZATION.--The Century Commission for a
 2304 Sustainable Florida is created as a standing body to help the

2305 citizens of this state envision and plan their collective future
2306 with an eye towards both 20-year and 50-year horizons.

2307 (a) The commission shall consist of nine members, three
2308 appointed by the Governor, three appointed by the President of
2309 the Senate, and three appointed by the Speaker of the House of
2310 Representatives. Appointments shall be made no later than
2311 October 1, 2005. The membership must represent local
2312 governments, school boards, developers and homebuilders, the
2313 business community, the agriculture community, the environmental
2314 community, and other appropriate stakeholders. One member shall
2315 be designated by the Governor as chair of the commission. Any
2316 vacancy that occurs on the commission must be filled in the same
2317 manner as the original appointment and shall be for the
2318 unexpired term of that commission seat. Members shall serve 4-
2319 year terms, except that, initially, to provide for staggered
2320 terms, three of the appointees, one each by the Governor, the
2321 President of the Senate, and the Speaker of the House of
2322 Representatives, shall serve 2-year terms, three shall serve 3-
2323 year terms, and three shall serve 4-year terms. All subsequent
2324 appointments shall be for 4-year terms. An appointee may not
2325 serve more than 6 years.

2326 (b) The first meeting of the commission shall be held no
2327 later than December 1, 2005, and shall meet at the call of the
2328 chair but not less frequently than three times per year in
2329 different regions of the state to solicit input from the public
2330 or any other individuals offering testimony relevant to the
2331 issues to be considered.

2332 (c) Each member of the commission is entitled to one vote
2333 and actions of the commission are not binding unless taken by a
2334 three-fifths vote of the members present. A majority of the
2335 members is required to constitute a quorum, and the affirmative
2336 vote of a quorum is required for a binding vote.

2337 (d) Members of the commission shall serve without
2338 compensation but shall be entitled to receive per diem and
2339 travel expenses in accordance with s. 112.061 while in
2340 performance of their duties.

2341 (4) POWERS AND DUTIES.--The commission shall:

2342 (a) Annually conduct a process through which the
2343 commission envisions the future for the state and then develops
2344 and recommends policies, plans, action steps, or strategies to
2345 assist in achieving the vision.

2346 (b) Continuously review and consider statutory and
2347 regulatory provisions, governmental processes, and societal and
2348 economic trends in its inquiry of how state, regional, and local
2349 governments and entities and citizens of this state can best
2350 accommodate projected increased populations while maintaining
2351 the natural, historical, cultural, and manmade life qualities
2352 that best represent the state.

2353 (c) Bring together people representing varied interests to
2354 develop a shared image of the state and its developed and
2355 natural areas. The process should involve exploring the impact
2356 of the estimated population increase and other emerging trends
2357 and issues; creating a vision for the future; and developing a
2358 strategic action plan to achieve that vision using 20-year and
2359 50-year intermediate planning timeframes.

2360 (d) Focus on essential state interests, defined as those
2361 interests that transcend local or regional boundaries and are
2362 most appropriately conserved, protected, and promoted at the
2363 state level.

2364 (e) Serve as an objective, nonpartisan repository of
2365 exemplary community-building ideas and as a source to recommend
2366 strategies and practices to assist others in working
2367 collaboratively to problem solve on issues relating to growth
2368 management.

2369 (f) Annually, beginning January 16, 2007, and every year
2370 thereafter on the same date, provide to the Governor, the
2371 President of the Senate, and the Speaker of the House of
2372 Representatives a written report containing specific
2373 recommendations for addressing growth management in the state,
2374 including executive and legislative recommendations. Further,
2375 the report shall contain discussions regarding the need for
2376 intergovernmental cooperation and the balancing of environmental
2377 protection and future development and recommendations on issues,
2378 including, but not limited to, recommendations regarding
2379 dedicated sources of funding for sewer facilities, water supply
2380 and quality, transportation facilities that are not adequately
2381 addressed by the Strategic Intermodal System, and educational
2382 infrastructure to support existing development and projected
2383 population growth. This report shall be verbally presented to a
2384 joint session of both houses annually as scheduled by the
2385 President of the Senate and the Speaker of the House of
2386 Representatives.

2387 (g) Beginning with the 2007 Regular Session of the
 2388 Legislature, the President of the Senate and Speaker of the
 2389 House of Representatives shall create a joint select committee,
 2390 the task of which shall be to review the findings and
 2391 recommendations of the Century Commission for a Sustainable
 2392 Florida for potential action.

2393 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2394 (a) The Secretary of Community Affairs shall select an
 2395 executive director of the commission, and the executive director
 2396 shall serve at the pleasure of the secretary under the
 2397 supervision and control of the commission.

2398 (b) The Department of Community Affairs shall provide
 2399 staff and other resources necessary to accomplish the goals of
 2400 the commission based upon recommendations of the Governor.

2401 (c) All agencies under the control of the Governor are
 2402 directed, and all other agencies are requested, to render
 2403 assistance to, and cooperate with, the commission.

2404 Section 11. Paragraph (d) of subsection (1) of section
 2405 201.15, Florida Statutes, is amended to read:

2406 201.15 Distribution of taxes collected.--All taxes
 2407 collected under this chapter shall be distributed as follows and
 2408 shall be subject to the service charge imposed in s. 215.20(1),
 2409 except that such service charge shall not be levied against any
 2410 portion of taxes pledged to debt service on bonds to the extent
 2411 that the amount of the service charge is required to pay any
 2412 amounts relating to the bonds:

2413 (1) Sixty-two and sixty-three hundredths percent of the
 2414 remaining taxes collected under this chapter shall be used for
 2415 the following purposes:

2416 (d) The remainder of the moneys distributed under this
 2417 subsection, after the required payments under paragraphs (a),
 2418 (b), and (c), shall be paid into the State Treasury to the
 2419 credit of the State Transportation Trust Fund in the Department
 2420 of Transportation in the amount of \$566.75 million each fiscal
 2421 year to be paid in quarterly installments and allocated for the
 2422 following specified purposes notwithstanding any other provision
 2423 of law:

2424 1. New Starts Transit Program pursuant to s. 341.051, \$50
 2425 million for fiscal year 2005-2006, \$65 million for fiscal year
 2426 2006-2007, \$70 million each fiscal year for fiscal years 2007-
 2427 2008 through 2009-2010, \$80 million for fiscal year 2010-2011
 2428 and each fiscal year thereafter.

2429 2. Small County Outreach Program pursuant to s. 339.2818,
 2430 \$35 million for each fiscal year for fiscal years 2005-2006
 2431 through 2009-2010, \$45 million for fiscal year 2010-2011 and
 2432 each fiscal year thereafter.

2433 3. Transportation Incentive Program for a Sustainable
 2434 Florida pursuant to s. 339.28171 \$161.75, million for fiscal
 2435 year 2006-2007, \$150 million for fiscal year 2007-2008 and each
 2436 fiscal year thereafter.

2437 4. Strategic Intermodal System pursuant to s. 339.64, all
 2438 remaining funds after allocations are made for subparagraphs 1.
 2439 through 3. ~~The remainder of the moneys distributed under this~~
 2440 subsection, after the required payments under paragraphs (a),

2441 ~~(b), and (c), shall be paid into the State Treasury to the~~
2442 ~~credit of the General Revenue Fund of the state to be used and~~
2443 ~~expended for the purposes for which the General Revenue Fund was~~
2444 ~~created and exists by law or to the Ecosystem Management and~~
2445 ~~Restoration Trust Fund or to the Marine Resources Conservation~~
2446 ~~Trust Fund as provided in subsection (11).~~

2447 Section 12. Subsection (3) of section 215.211, Florida
2448 Statutes, is amended to read:

2449 215.211 Service charge; elimination or reduction for
2450 specified proceeds.--

2451 (3) Notwithstanding the provisions of s. 215.20(1), the
2452 service charge provided in s. 215.20(1), which is deducted from
2453 the proceeds of the local option fuel tax distributed under s.
2454 336.025, shall be reduced as follows:

2455 (a) For the period July 1, 2005, through June 30, 2006,
2456 the rate of the service charge shall be 3.5 percent.

2457 (b) Beginning July 1, 2006, and thereafter, no service
2458 charge shall be deducted from the proceeds of the local option
2459 fuel tax distributed under s. 336.025.

2460
2461 The increased revenues derived from this subsection shall be
2462 deposited in the State Transportation Trust Fund and used to
2463 fund the Transportation Incentive Program for a Sustainable
2464 Florida County Incentive Grant Program and the Small County
2465 Outreach Program. Up to 20 percent of such funds shall be used
2466 for the purpose of implementing the Small County Outreach
2467 Program created pursuant to s. 339.2818 as provided in this act.
2468 ~~Notwithstanding any other laws to the contrary, the requirements~~

2469 ~~of ss. 339.135, 339.155, and 339.175 shall not apply to these~~
 2470 ~~funds and programs.~~

2471 Section 13. Section 337.107, Florida Statutes, is amended
 2472 to read:

2473 337.107 Contracts for right-of-way services.--The
 2474 department may enter into contracts pursuant to s. 287.055 for
 2475 right-of-way services on transportation corridors and
 2476 transportation facilities or the department may include right-
 2477 of-way services as part of design-build contracts awarded
 2478 pursuant to s. 337.11. Right-of-way services include negotiation
 2479 and acquisition services, appraisal services, demolition and
 2480 removal of improvements, and asbestos-abatement services.

2481 Section 14. Paragraph (a) of subsection (7) of section
 2482 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of
 2483 Florida, is amended to read:

2484 337.11 Contracting authority of department; bids;
 2485 emergency repairs, supplemental agreements, and change orders;
 2486 combined design and construction contracts; progress payments;
 2487 records; requirements of vehicle registration.--

2488 (7)(a) If the head of the department determines that it is
 2489 in the best interests of the public, the department may combine
 2490 the right-of-way services and design and construction phases of
 2491 any a building, a major bridge, a limited access facility, or a
 2492 rail corridor project into a single contract, except for a
 2493 resurfacing or minor bridge project the right-of-way services
 2494 and design construction phases of which may be combined under s.
 2495 337.025. Such contract is referred to as a design-build
 2496 contract. Design-build contracts may be advertised and awarded

2497 notwithstanding the requirements of paragraph (3)(c). However,
 2498 construction activities may not begin on any portion of such
 2499 projects for which the department has not yet obtained title
 2500 until title to the necessary rights-of-way and easements for the
 2501 construction of that portion of the project has vested in the
 2502 state or a local governmental entity and all railroad crossing
 2503 and utility agreements have been executed. Title to rights-of-
 2504 way shall be deemed to have vested in the state when the title
 2505 has been dedicated to the public or acquired by prescription.

2506 Design-build contracts may be advertised and awarded
 2507 notwithstanding the requirements of paragraph (3)(c). However,
 2508 construction activities may not begin on any portion of such
 2509 projects until title to the necessary rights-of-way and
 2510 easements for the construction of that portion of the project
 2511 has vested in the state or a local governmental entity and all
 2512 railroad crossing and utility agreements have been executed.
 2513 Title to rights-of-way vests in the state when the title has
 2514 been dedicated to the public or acquired by prescription.

2515 Section 15. Paragraph (j) of subsection (1) of section
 2516 339.08, Florida Statutes, is amended, and paragraph (m) of said
 2517 subsection is redesignated as paragraph (n) and new paragraph
 2518 (m) is added to said subsection, to read:

2519 339.08 Use of moneys in State Transportation Trust Fund.--

2520 (1) The department shall expend moneys in the State
 2521 Transportation Trust Fund accruing to the department, in
 2522 accordance with its annual budget. The use of such moneys shall
 2523 be restricted to the following purposes:

2524 (j) To pay the cost of county or municipal road projects
 2525 selected in accordance with the ~~County Incentive Grant Program~~
 2526 ~~created in s. 339.2817 and the~~ Small County Outreach Program
 2527 created in s. 339.2818.

2528 (m) To pay the cost of transportation projects selected in
 2529 accordance with the Transportation Incentive Program for a
 2530 Sustainable Florida created in s. 339.28171.

2531 Section 16. Paragraph (b) of subsection (4) of section
 2532 339.135, Florida Statutes, is amended to read:

2533 339.135 Work program; legislative budget request;
 2534 definitions; preparation, adoption, execution, and amendment.--

2535 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2536 (b)1. A tentative work program, including the ensuing
 2537 fiscal year and the successive 4 fiscal years, shall be prepared
 2538 for the State Transportation Trust Fund and other funds managed
 2539 by the department, unless otherwise provided by law. The
 2540 tentative work program shall be based on the district work
 2541 programs and shall set forth all projects by phase to be
 2542 undertaken during the ensuing fiscal year and planned for the
 2543 successive 4 fiscal years. The total amount of the liabilities
 2544 accruing in each fiscal year of the tentative work program may
 2545 not exceed the revenues available for expenditure during the
 2546 respective fiscal year based on the cash forecast for that
 2547 respective fiscal year.

2548 2. The tentative work program shall be developed in
 2549 accordance with the Florida Transportation Plan required in s.
 2550 339.155 and must comply with the program funding levels
 2551 contained in the program and resource plan.

2552 3. The department may include in the tentative work
2553 program proposed changes to the programs contained in the
2554 previous work program adopted pursuant to subsection (5);
2555 however, the department shall minimize changes and adjustments
2556 that affect the scheduling of project phases in the 4 common
2557 fiscal years contained in the previous adopted work program and
2558 the tentative work program. The department, in the development
2559 of the tentative work program, shall advance by 1 fiscal year
2560 all projects included in the second year of the previous year's
2561 adopted work program, unless the secretary specifically
2562 determines that it is necessary, for specific reasons, to
2563 reschedule or delete one or more projects from that year. Such
2564 changes and adjustments shall be clearly identified, and the
2565 effect on the 4 common fiscal years contained in the previous
2566 adopted work program and the tentative work program shall be
2567 shown. It is the intent of the Legislature that ~~the first 5~~
2568 ~~years of the adopted work program for facilities designated as~~
2569 ~~part of the Florida Intrastate Highway System and the first 3~~
2570 years of the adopted work program stand as the commitment of the
2571 state to undertake transportation projects that local
2572 governments may rely on for planning and concurrency purposes
2573 and in the development and amendment of the capital improvements
2574 elements of their local government comprehensive plans.

2575 4. The tentative work program must include a balanced 36-
2576 month forecast of cash and expenditures and a 5-year finance
2577 plan supporting the tentative work program.

2578 Section 17. Paragraphs (c), (d), and (e) are added to
2579 subsection (5) of section 339.155, Florida Statutes, to read:

2580 339.155 Transportation planning.--

2581 (5) ADDITIONAL TRANSPORTATION PLANS.--

2582 (c) Regional transportation plans may be developed in
2583 regional transportation areas in accordance with an interlocal
2584 agreement entered into pursuant to s. 163.01 by the department
2585 and two or more contiguous metropolitan planning organizations,
2586 one or more metropolitan planning organizations and one or more
2587 contiguous counties that are not members of a metropolitan
2588 planning organization, a multicounty regional transportation
2589 authority created by or pursuant to law, two or more contiguous
2590 counties that are not members of a metropolitan planning
2591 organization, or metropolitan planning organizations comprised
2592 of three or more counties.

2593 (d) The department shall develop a model draft interlocal
2594 agreement that, at a minimum, shall identify the entity that
2595 will coordinate the development of the regional transportation
2596 plan; delineate the boundaries of the regional transportation
2597 area; provide the duration of the agreement and specify how the
2598 agreement may be terminated, modified, or rescinded; describe
2599 the process by which the regional transportation plan will be
2600 developed; and provide how members of the entity will resolve
2601 disagreements regarding interpretation of the interlocal
2602 agreement or disputes relating to the development or content of
2603 the regional transportation plan. The designated entity shall
2604 coordinate the adoption of the interlocal agreement using as its
2605 framework the department model. Such interlocal agreement shall
2606 become effective upon approval by supermajority vote of the
2607 affected local governments.

2608 (e) The regional transportation plan developed pursuant to
2609 this section shall, at a minimum, identify regionally
2610 significant transportation facilities located within a regional
2611 transportation area, and recommend a list to the department for
2612 prioritization. The project shall be adopted into the capital
2613 improvements schedule of the local government comprehensive plan
2614 pursuant to s. 163. 3177(3).

2615 Section 18. Section 339.175, Florida Statutes, is amended
2616 to read:

2617 339.175 Metropolitan planning organization.--It is the
2618 intent of the Legislature to encourage and promote the safe and
2619 efficient management, operation, and development of surface
2620 transportation systems that will serve the mobility needs of
2621 people and freight within and through urbanized areas of this
2622 state while minimizing transportation-related fuel consumption
2623 and air pollution. To accomplish these objectives, metropolitan
2624 planning organizations, referred to in this section as M.P.O.'s,
2625 shall develop, in cooperation with the state and public transit
2626 operators, transportation plans and programs for metropolitan
2627 areas. The plans and programs for each metropolitan area must
2628 provide for the development and integrated management and
2629 operation of transportation systems and facilities, including
2630 pedestrian walkways and bicycle transportation facilities that
2631 will function as an intermodal transportation system for the
2632 metropolitan area, based upon the prevailing principles provided
2633 in s. 334.046(1). The process for developing such plans and
2634 programs shall provide for consideration of all modes of
2635 transportation and shall be continuing, cooperative, and

2636 comprehensive, to the degree appropriate, based on the
 2637 complexity of the transportation problems to be addressed. To
 2638 ensure that the process is integrated with the statewide
 2639 planning process, M.P.O.'s shall develop plans and programs that
 2640 identify transportation facilities that should function as an
 2641 integrated metropolitan transportation system, giving emphasis
 2642 to facilities that serve important national, state, and regional
 2643 transportation functions. For the purposes of this section,
 2644 those facilities include the facilities on the Strategic
 2645 Intermodal System designated under s. 339.63 and facilities for
 2646 which projects have been identified pursuant to s. 339.28171.

2647 (1) DESIGNATION.--

2648 (a)1. An M.P.O. shall be designated for each urbanized
 2649 area of the state; however, this does not require that an
 2650 individual M.P.O. be designated for each such area. Such
 2651 designation shall be accomplished by agreement between the
 2652 Governor and units of general-purpose local government
 2653 representing at least 75 percent of the population of the
 2654 urbanized area; however, the unit of general-purpose local
 2655 government that represents the central city or cities within the
 2656 M.P.O. jurisdiction, as defined by the United States Bureau of
 2657 the Census, must be a party to such agreement.

2658 2. More than one M.P.O. may be designated within an
 2659 existing metropolitan planning area only if the Governor and the
 2660 existing M.P.O. determine that the size and complexity of the
 2661 existing metropolitan planning area makes the designation of
 2662 more than one M.P.O. for the area appropriate.

2663 (b) Each M.P.O. shall be created and operated under the
 2664 provisions of this section pursuant to an interlocal agreement
 2665 entered into pursuant to s. 163.01. The signatories to the
 2666 interlocal agreement shall be the department and the
 2667 governmental entities designated by the Governor for membership
 2668 on the M.P.O. If there is a conflict between this section and s.
 2669 163.01, this section prevails.

2670 (c) The jurisdictional boundaries of an M.P.O. shall be
 2671 determined by agreement between the Governor and the applicable
 2672 M.P.O. The boundaries must include at least the metropolitan
 2673 planning area, which is the existing urbanized area and the
 2674 contiguous area expected to become urbanized within a 20-year
 2675 forecast period, and may encompass the entire metropolitan
 2676 statistical area or the consolidated metropolitan statistical
 2677 area.

2678 (d) In the case of an urbanized area designated as a
 2679 nonattainment area for ozone or carbon monoxide under the Clean
 2680 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 2681 metropolitan planning area in existence as of the date of
 2682 enactment of this paragraph shall be retained, except that the
 2683 boundaries may be adjusted by agreement of the Governor and
 2684 affected metropolitan planning organizations in the manner
 2685 described in this section. If more than one M.P.O. has authority
 2686 within a metropolitan area or an area that is designated as a
 2687 nonattainment area, each M.P.O. shall consult with other
 2688 M.P.O.'s designated for such area and with the state in the
 2689 coordination of plans and programs required by this section.

2690

2691 Each M.P.O. required under this section must be fully operative
 2692 no later than 6 months following its designation.

2693 (2) VOTING MEMBERSHIP.--

2694 (a) The voting membership of an M.P.O. shall consist of
 2695 not fewer than 5 or more than 19 apportioned members, the exact
 2696 number to be determined on an equitable geographic-population
 2697 ratio basis by the Governor, based on an agreement among the
 2698 affected units of general-purpose local government as required
 2699 by federal rules and regulations. The Governor, in accordance
 2700 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 2701 represent municipalities to alternate with representatives from
 2702 other municipalities within the metropolitan planning area that
 2703 do not have members on the M.P.O. County commission members
 2704 shall compose not less than one-third of the M.P.O. membership,
 2705 except for an M.P.O. with more than 15 members located in a
 2706 county with a five-member county commission or an M.P.O. with 19
 2707 members located in a county with no more than 6 county
 2708 commissioners, in which case county commission members may
 2709 compose less than one-third percent of the M.P.O. membership,
 2710 but all county commissioners must be members. All voting members
 2711 shall be elected officials of general-purpose governments,
 2712 except that an M.P.O. may include, as part of its apportioned
 2713 voting members, a member of a statutorily authorized planning
 2714 board, an official of an agency that operates or administers a
 2715 major mode of transportation, or an official of the Florida
 2716 Space Authority. The county commission shall compose not less
 2717 than 20 percent of the M.P.O. membership if an official of an

2718 | agency that operates or administers a major mode of
 2719 | transportation has been appointed to an M.P.O.

2720 | (b) In metropolitan areas in which authorities or other
 2721 | agencies have been or may be created by law to perform
 2722 | transportation functions and are performing transportation
 2723 | functions that are not under the jurisdiction of a general
 2724 | purpose local government represented on the M.P.O., they shall
 2725 | be provided voting membership on the M.P.O. In all other
 2726 | M.P.O.'s where transportation authorities or agencies are to be
 2727 | represented by elected officials from general purpose local
 2728 | governments, the M.P.O. shall establish a process by which the
 2729 | collective interests of such authorities or other agencies are
 2730 | expressed and conveyed.

2731 | (c) Any other provision of this section to the contrary
 2732 | notwithstanding, a chartered county with over 1 million
 2733 | population may elect to reapportion the membership of an M.P.O.
 2734 | whose jurisdiction is wholly within the county. The charter
 2735 | county may exercise the provisions of this paragraph if:

2736 | 1. The M.P.O. approves the reapportionment plan by a
 2737 | three-fourths vote of its membership;

2738 | 2. The M.P.O. and the charter county determine that the
 2739 | reapportionment plan is needed to fulfill specific goals and
 2740 | policies applicable to that metropolitan planning area; and

2741 | 3. The charter county determines the reapportionment plan
 2742 | otherwise complies with all federal requirements pertaining to
 2743 | M.P.O. membership.

2744 |

2745 Any charter county that elects to exercise the provisions of
2746 this paragraph shall notify the Governor in writing.

2747 (d) Any other provision of this section to the contrary
2748 notwithstanding, any county chartered under s. 6(e), Art. VIII
2749 of the State Constitution may elect to have its county
2750 commission serve as the M.P.O., if the M.P.O. jurisdiction is
2751 wholly contained within the county. Any charter county that
2752 elects to exercise the provisions of this paragraph shall so
2753 notify the Governor in writing. Upon receipt of such
2754 notification, the Governor must designate the county commission
2755 as the M.P.O. The Governor must appoint four additional voting
2756 members to the M.P.O., one of whom must be an elected official
2757 representing a municipality within the county, one of whom must
2758 be an expressway authority member, one of whom must be a person
2759 who does not hold elected public office and who resides in the
2760 unincorporated portion of the county, and one of whom must be a
2761 school board member.

2762 (3) APPORTIONMENT.--

2763 (a) The Governor shall, with the agreement of the affected
2764 units of general-purpose local government as required by federal
2765 rules and regulations, apportion the membership on the
2766 applicable M.P.O. among the various governmental entities within
2767 the area and shall prescribe a method for appointing alternate
2768 members who may vote at any M.P.O. meeting that an alternate
2769 member attends in place of a regular member. An appointed
2770 alternate member must be an elected official serving the same
2771 governmental entity or a general-purpose local government with
2772 jurisdiction within all or part of the area that the regular

2773 member serves. The governmental entity so designated shall
2774 appoint the appropriate number of members to the M.P.O. from
2775 eligible officials. Representatives of the department shall
2776 serve as nonvoting members of the M.P.O. Nonvoting advisers may
2777 be appointed by the M.P.O. as deemed necessary. The Governor
2778 shall review the composition of the M.P.O. membership in
2779 conjunction with the decennial census as prepared by the United
2780 States Department of Commerce, Bureau of the Census, and
2781 reapportion it as necessary to comply with subsection (2).

2782 (b) Except for members who represent municipalities on the
2783 basis of alternating with representatives from other
2784 municipalities that do not have members on the M.P.O. as
2785 provided in paragraph (2) (a), the members of an M.P.O. shall
2786 serve 4-year terms. Members who represent municipalities on the
2787 basis of alternating with representatives from other
2788 municipalities that do not have members on the M.P.O. as
2789 provided in paragraph (2) (a) may serve terms of up to 4 years as
2790 further provided in the interlocal agreement described in
2791 paragraph (1) (b). The membership of a member who is a public
2792 official automatically terminates upon the member's leaving his
2793 or her elective or appointive office for any reason, or may be
2794 terminated by a majority vote of the total membership of a
2795 county or city governing entity represented by the member. A
2796 vacancy shall be filled by the original appointing entity. A
2797 member may be reappointed for one or more additional 4-year
2798 terms.

2799 (c) If a governmental entity fails to fill an assigned
2800 appointment to an M.P.O. within 60 days after notification by

2801 | the Governor of its duty to appoint, that appointment shall be
 2802 | made by the Governor from the eligible representatives of that
 2803 | governmental entity.

2804 | (4) AUTHORITY AND RESPONSIBILITY.--The authority and
 2805 | responsibility of an M.P.O. is to manage a continuing,
 2806 | cooperative, and comprehensive transportation planning process
 2807 | that, based upon the prevailing principles provided in s.
 2808 | 334.046(1), results in the development of plans and programs
 2809 | which are consistent, to the maximum extent feasible, with the
 2810 | approved local government comprehensive plans of the units of
 2811 | local government the boundaries of which are within the
 2812 | metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 2813 | cooperative decisionmaking by officials of the affected
 2814 | governmental entities in the development of the plans and
 2815 | programs required by subsections (5), (6), (7), and (8).

2816 | (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 2817 | privileges, and authority of an M.P.O. are those specified in
 2818 | this section or incorporated in an interlocal agreement
 2819 | authorized under s. 163.01. Each M.P.O. shall perform all acts
 2820 | required by federal or state laws or rules, now and subsequently
 2821 | applicable, which are necessary to qualify for federal aid. It
 2822 | is the intent of this section that each M.P.O. shall be involved
 2823 | in the planning and programming of transportation facilities,
 2824 | including, but not limited to, airports, intercity and high-
 2825 | speed rail lines, seaports, and intermodal facilities, to the
 2826 | extent permitted by state or federal law.

2827 | (a) Each M.P.O. shall, in cooperation with the department,
 2828 | develop:

2829 | 1. A long-range transportation plan pursuant to the
 2830 | requirements of subsection (6);

2831 | 2. An annually updated transportation improvement program
 2832 | pursuant to the requirements of subsection (7); and

2833 | 3. An annual unified planning work program pursuant to the
 2834 | requirements of subsection (8).

2835 | (b) In developing the long-range transportation plan and
 2836 | the transportation improvement program required under paragraph
 2837 | (a), each M.P.O. shall provide for consideration of projects and
 2838 | strategies that will:

2839 | 1. Support the economic vitality of the metropolitan area,
 2840 | especially by enabling global competitiveness, productivity, and
 2841 | efficiency;

2842 | 2. Increase the safety and security of the transportation
 2843 | system for motorized and nonmotorized users;

2844 | 3. Increase the accessibility and mobility options
 2845 | available to people and for freight;

2846 | 4. Protect and enhance the environment, promote energy
 2847 | conservation, and improve quality of life;

2848 | 5. Enhance the integration and connectivity of the
 2849 | transportation system, across and between modes, for people and
 2850 | freight;

2851 | 6. Promote efficient system management and operation; and

2852 | 7. Emphasize the preservation of the existing
 2853 | transportation system.

2854 | (c) In order to provide recommendations to the department
 2855 | and local governmental entities regarding transportation plans
 2856 | and programs, each M.P.O. shall:

- 2857 | 1. Prepare a congestion management system for the
 2858 | metropolitan area and cooperate with the department in the
 2859 | development of all other transportation management systems
 2860 | required by state or federal law;
- 2861 | 2. Assist the department in mapping transportation
 2862 | planning boundaries required by state or federal law;
- 2863 | 3. Assist the department in performing its duties relating
 2864 | to access management, functional classification of roads, and
 2865 | data collection;
- 2866 | 4. Execute all agreements or certifications necessary to
 2867 | comply with applicable state or federal law;
- 2868 | 5. Represent all the jurisdictional areas within the
 2869 | metropolitan area in the formulation of transportation plans and
 2870 | programs required by this section; and
- 2871 | 6. Perform all other duties required by state or federal
 2872 | law.
- 2873 | (d) Each M.P.O. shall appoint a technical advisory
 2874 | committee that includes planners; engineers; representatives of
 2875 | local aviation authorities, port authorities, and public transit
 2876 | authorities or representatives of aviation departments, seaport
 2877 | departments, and public transit departments of municipal or
 2878 | county governments, as applicable; the school superintendent of
 2879 | each county within the jurisdiction of the M.P.O. or the
 2880 | superintendent's designee; and other appropriate representatives
 2881 | of affected local governments. In addition to any other duties
 2882 | assigned to it by the M.P.O. or by state or federal law, the
 2883 | technical advisory committee is responsible for considering safe
 2884 | access to schools in its review of transportation project

2885 | priorities, long-range transportation plans, and transportation
2886 | improvement programs, and shall advise the M.P.O. on such
2887 | matters. In addition, the technical advisory committee shall
2888 | coordinate its actions with local school boards and other local
2889 | programs and organizations within the metropolitan area which
2890 | participate in school safety activities, such as locally
2891 | established community traffic safety teams. Local school boards
2892 | must provide the appropriate M.P.O. with information concerning
2893 | future school sites and in the coordination of transportation
2894 | service.

2895 | (e)1. Each M.P.O. shall appoint a citizens' advisory
2896 | committee, the members of which serve at the pleasure of the
2897 | M.P.O. The membership on the citizens' advisory committee must
2898 | reflect a broad cross section of local residents with an
2899 | interest in the development of an efficient, safe, and cost-
2900 | effective transportation system. Minorities, the elderly, and
2901 | the handicapped must be adequately represented.

2902 | 2. Notwithstanding the provisions of subparagraph 1., an
2903 | M.P.O. may, with the approval of the department and the
2904 | applicable federal governmental agency, adopt an alternative
2905 | program or mechanism to ensure citizen involvement in the
2906 | transportation planning process.

2907 | (f) The department shall allocate to each M.P.O., for the
2908 | purpose of accomplishing its transportation planning and
2909 | programming duties, an appropriate amount of federal
2910 | transportation planning funds.

2911 | (g) Each M.P.O. may employ personnel or may enter into
2912 | contracts with local or state agencies, private planning firms,

2913 | or private engineering firms to accomplish its transportation
 2914 | planning and programming duties required by state or federal
 2915 | law.

2916 | (h) A chair's coordinating committee is created, composed
 2917 | of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
 2918 | Pinellas, Polk, and Sarasota Counties. The committee must, at a
 2919 | minimum:

2920 | 1. Coordinate transportation projects deemed to be
 2921 | regionally significant by the committee.

2922 | 2. Review the impact of regionally significant land use
 2923 | decisions on the region.

2924 | 3. Review all proposed regionally significant
 2925 | transportation projects in the respective transportation
 2926 | improvement programs which affect more than one of the M.P.O.'s
 2927 | represented on the committee.

2928 | 4. Institute a conflict resolution process to address any
 2929 | conflict that may arise in the planning and programming of such
 2930 | regionally significant projects.

2931 | (i)1. The Legislature finds that the state's rapid growth
 2932 | in recent decades has caused many urbanized areas subject to
 2933 | M.P.O. jurisdiction to become contiguous to each other. As a
 2934 | result, various transportation projects may cross from the
 2935 | jurisdiction of one M.P.O. into the jurisdiction of another
 2936 | M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 2937 | have been mandated, M.P.O.'s shall develop coordination
 2938 | mechanisms with one another to expand and improve transportation
 2939 | within the state. The appropriate method of coordination between
 2940 | M.P.O.'s shall vary depending upon the project involved and

2941 | given local and regional needs. Consequently, it is appropriate
2942 | to set forth a flexible methodology that can be used by M.P.O.'s
2943 | to coordinate with other M.P.O.'s and appropriate political
2944 | subdivisions as circumstances demand.

2945 | 2. Any M.P.O. may join with any other M.P.O. or any
2946 | individual political subdivision to coordinate activities or to
2947 | achieve any federal or state transportation planning or
2948 | development goals or purposes consistent with federal or state
2949 | law. When an M.P.O. determines that it is appropriate to join
2950 | with another M.P.O. or any political subdivision to coordinate
2951 | activities, the M.P.O. or political subdivision shall enter into
2952 | an interlocal agreement pursuant to s. 163.01, which, at a
2953 | minimum, creates a separate legal or administrative entity to
2954 | coordinate the transportation planning or development activities
2955 | required to achieve the goal or purpose; provide the purpose for
2956 | which the entity is created; provide the duration of the
2957 | agreement and the entity, and specify how the agreement may be
2958 | terminated, modified, or rescinded; describe the precise
2959 | organization of the entity, including who has voting rights on
2960 | the governing board, whether alternative voting members are
2961 | provided for, how voting members are appointed, and what the
2962 | relative voting strength is for each constituent M.P.O. or
2963 | political subdivision; provide the manner in which the parties
2964 | to the agreement will provide for the financial support of the
2965 | entity and payment of costs and expenses of the entity; provide
2966 | the manner in which funds may be paid to and disbursed from the
2967 | entity; and provide how members of the entity will resolve
2968 | disagreements regarding interpretation of the interlocal

2969 | agreement or disputes relating to the operation of the entity.
 2970 | Such interlocal agreement shall become effective upon its
 2971 | recordation in the official public records of each county in
 2972 | which a member of the entity created by the interlocal agreement
 2973 | has a voting member. This paragraph does not require any
 2974 | M.P.O.'s to merge, combine, or otherwise join together as a
 2975 | single M.P.O.

2976 | (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 2977 | develop a long-range transportation plan that addresses at least
 2978 | a 20-year planning horizon. The plan must include both long-
 2979 | range and short-range strategies and must comply with all other
 2980 | state and federal requirements. The prevailing principles to be
 2981 | considered in the long-range transportation plan are: preserving
 2982 | the existing transportation infrastructure; enhancing Florida's
 2983 | economic competitiveness; and improving travel choices to ensure
 2984 | mobility. The long-range transportation plan must be consistent,
 2985 | to the maximum extent feasible, with future land use elements
 2986 | and the goals, objectives, and policies of the approved local
 2987 | government comprehensive plans of the units of local government
 2988 | located within the jurisdiction of the M.P.O. The approved long-
 2989 | range transportation plan must be considered by local
 2990 | governments in the development of the transportation elements in
 2991 | local government comprehensive plans and any amendments thereto.
 2992 | The long-range transportation plan must, at a minimum:

2993 | (a) Identify transportation facilities, including, but not
 2994 | limited to, major roadways, airports, seaports, spaceports,
 2995 | commuter rail systems, transit systems, and intermodal or
 2996 | multimodal terminals that will function as an integrated

2997 metropolitan transportation system. The long-range
2998 transportation plan must give emphasis to those transportation
2999 facilities that serve national, statewide, or regional
3000 functions, and must consider the goals and objectives identified
3001 in the Florida Transportation Plan as provided in s. 339.155. If
3002 a project is located within the boundaries of more than one
3003 M.P.O., the M.P.O.'s must coordinate plans regarding the project
3004 in the long-range transportation plan.

3005 (b) Include a financial plan that demonstrates how the
3006 plan can be implemented, indicating resources from public and
3007 private sources which are reasonably expected to be available to
3008 carry out the plan, and recommends any additional financing
3009 strategies for needed projects and programs. The financial plan
3010 may include, for illustrative purposes, additional projects that
3011 would be included in the adopted long-range transportation plan
3012 if reasonable additional resources beyond those identified in
3013 the financial plan were available. For the purpose of developing
3014 the long-range transportation plan, the M.P.O. and the
3015 department shall cooperatively develop estimates of funds that
3016 will be available to support the plan implementation. Innovative
3017 financing techniques may be used to fund needed projects and
3018 programs. Such techniques may include the assessment of tolls,
3019 the use of value capture financing, or the use of value pricing.

3020 (c) Assess capital investment and other measures necessary
3021 to:

3022 1. Ensure the preservation of the existing metropolitan
3023 transportation system including requirements for the operation,
3024 resurfacing, restoration, and rehabilitation of major roadways

3025 and requirements for the operation, maintenance, modernization,
 3026 and rehabilitation of public transportation facilities; and

3027 2. Make the most efficient use of existing transportation
 3028 facilities to relieve vehicular congestion and maximize the
 3029 mobility of people and goods.

3030 (d) Indicate, as appropriate, proposed transportation
 3031 enhancement activities, including, but not limited to,
 3032 pedestrian and bicycle facilities, scenic easements,
 3033 landscaping, historic preservation, mitigation of water
 3034 pollution due to highway runoff, and control of outdoor
 3035 advertising.

3036 (e) In addition to the requirements of paragraphs (a)-(d),
 3037 in metropolitan areas that are classified as nonattainment areas
 3038 for ozone or carbon monoxide, the M.P.O. must coordinate the
 3039 development of the long-range transportation plan with the State
 3040 Implementation Plan developed pursuant to the requirements of
 3041 the federal Clean Air Act.

3042
 3043 In the development of its long-range transportation plan, each
 3044 M.P.O. must provide the public, affected public agencies,
 3045 representatives of transportation agency employees, freight
 3046 shippers, providers of freight transportation services, private
 3047 providers of transportation, representatives of users of public
 3048 transit, and other interested parties with a reasonable
 3049 opportunity to comment on the long-range transportation plan.
 3050 The long-range transportation plan must be approved by the
 3051 M.P.O.

3052 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
3053 shall, in cooperation with the state and affected public
3054 transportation operators, develop a transportation improvement
3055 program for the area within the jurisdiction of the M.P.O. In
3056 the development of the transportation improvement program, each
3057 M.P.O. must provide the public, affected public agencies,
3058 representatives of transportation agency employees, freight
3059 shippers, providers of freight transportation services, private
3060 providers of transportation, representatives of users of public
3061 transit, and other interested parties with a reasonable
3062 opportunity to comment on the proposed transportation
3063 improvement program.

3064 (a) Each M.P.O. is responsible for developing, annually, a
3065 list of project priorities and a transportation improvement
3066 program. The prevailing principles to be considered by each
3067 M.P.O. when developing a list of project priorities and a
3068 transportation improvement program are: preserving the existing
3069 transportation infrastructure; enhancing Florida's economic
3070 competitiveness; and improving travel choices to ensure
3071 mobility. The transportation improvement program will be used to
3072 initiate federally aided transportation facilities and
3073 improvements as well as other transportation facilities and
3074 improvements including transit, rail, aviation, spaceport, and
3075 port facilities to be funded from the State Transportation Trust
3076 Fund within its metropolitan area in accordance with existing
3077 and subsequent federal and state laws and rules and regulations
3078 related thereto. The transportation improvement program shall be
3079 consistent, to the maximum extent feasible, with the approved

3080 local government comprehensive plans of the units of local
 3081 government whose boundaries are within the metropolitan area of
 3082 the M.P.O. and include those projects programmed pursuant to s.
 3083 339.28171.

3084 (b) Each M.P.O. annually shall prepare a list of project
 3085 priorities and shall submit the list to the appropriate district
 3086 of the department by October 1 of each year; however, the
 3087 department and a metropolitan planning organization may, in
 3088 writing, agree to vary this submittal date. The list of project
 3089 priorities must be formally reviewed by the technical and
 3090 citizens' advisory committees, and approved by the M.P.O.,
 3091 before it is transmitted to the district. The approved list of
 3092 project priorities must be used by the district in developing
 3093 the district work program and must be used by the M.P.O. in
 3094 developing its transportation improvement program. The annual
 3095 list of project priorities must be based upon project selection
 3096 criteria that, at a minimum, consider the following:

- 3097 1. The approved M.P.O. long-range transportation plan;
- 3098 2. The Strategic Intermodal System Plan developed under s.
 3099 339.64;~~;~~
- 3100 3. The priorities developed pursuant to s. 339.28171;
- 3101 4.3.~~3.~~ The results of the transportation management systems;
 3102 and
- 3103 5.4.~~4.~~ The M.P.O.'s public-involvement procedures.

3104 (c) The transportation improvement program must, at a
 3105 minimum:

- 3106 1. Include projects and project phases to be funded with
 3107 state or federal funds within the time period of the

3108 transportation improvement program and which are recommended for
3109 advancement during the next fiscal year and 4 subsequent fiscal
3110 years. Such projects and project phases must be consistent, to
3111 the maximum extent feasible, with the approved local government
3112 comprehensive plans of the units of local government located
3113 within the jurisdiction of the M.P.O. For informational
3114 purposes, the transportation improvement program shall also
3115 include a list of projects to be funded from local or private
3116 revenues.

3117 2. Include projects within the metropolitan area which are
3118 proposed for funding under 23 U.S.C. s. 134 of the Federal
3119 Transit Act and which are consistent with the long-range
3120 transportation plan developed under subsection (6).

3121 3. Provide a financial plan that demonstrates how the
3122 transportation improvement program can be implemented; indicates
3123 the resources, both public and private, that are reasonably
3124 expected to be available to accomplish the program; identifies
3125 any innovative financing techniques that may be used to fund
3126 needed projects and programs; and may include, for illustrative
3127 purposes, additional projects that would be included in the
3128 approved transportation improvement program if reasonable
3129 additional resources beyond those identified in the financial
3130 plan were available. Innovative financing techniques may include
3131 the assessment of tolls, the use of value capture financing, or
3132 the use of value pricing. The transportation improvement program
3133 may include a project or project phase only if full funding can
3134 reasonably be anticipated to be available for the project or

3135 project phase within the time period contemplated for completion
 3136 of the project or project phase.

3137 4. Group projects and project phases of similar urgency
 3138 and anticipated staging into appropriate staging periods.

3139 5. Indicate how the transportation improvement program
 3140 relates to the long-range transportation plan developed under
 3141 subsection (6), including providing examples of specific
 3142 projects or project phases that further the goals and policies
 3143 of the long-range transportation plan.

3144 6. Indicate whether any project or project phase is
 3145 inconsistent with an approved comprehensive plan of a unit of
 3146 local government located within the jurisdiction of the M.P.O.
 3147 If a project is inconsistent with an affected comprehensive
 3148 plan, the M.P.O. must provide justification for including the
 3149 project in the transportation improvement program.

3150 7. Indicate how the improvements are consistent, to the
 3151 maximum extent feasible, with affected seaport, airport, and
 3152 spaceport master plans and with public transit development plans
 3153 of the units of local government located within the jurisdiction
 3154 of the M.P.O. If a project is located within the boundaries of
 3155 more than one M.P.O., the M.P.O.'s must coordinate plans
 3156 regarding the project in the transportation improvement program.

3157 (d) Projects included in the transportation improvement
 3158 program and that have advanced to the design stage of
 3159 preliminary engineering may be removed from or rescheduled in a
 3160 subsequent transportation improvement program only by the joint
 3161 action of the M.P.O. and the department. Except when recommended
 3162 in writing by the district secretary for good cause, any project

3163 removed from or rescheduled in a subsequent transportation
3164 improvement program shall not be rescheduled by the M.P.O. in
3165 that subsequent program earlier than the 5th year of such
3166 program.

3167 (e) During the development of the transportation
3168 improvement program, the M.P.O. shall, in cooperation with the
3169 department and any affected public transit operation, provide
3170 citizens, affected public agencies, representatives of
3171 transportation agency employees, freight shippers, providers of
3172 freight transportation services, private providers of
3173 transportation, representatives of users of public transit, and
3174 other interested parties with reasonable notice of and an
3175 opportunity to comment on the proposed program.

3176 (f) The adopted annual transportation improvement program
3177 for M.P.O.'s in nonattainment or maintenance areas must be
3178 submitted to the district secretary and the Department of
3179 Community Affairs at least 90 days before the submission of the
3180 state transportation improvement program by the department to
3181 the appropriate federal agencies. The annual transportation
3182 improvement program for M.P.O.'s in attainment areas must be
3183 submitted to the district secretary and the Department of
3184 Community Affairs at least 45 days before the department submits
3185 the state transportation improvement program to the appropriate
3186 federal agencies; however, the department, the Department of
3187 Community Affairs, and a metropolitan planning organization may,
3188 in writing, agree to vary this submittal date. The Governor or
3189 the Governor's designee shall review and approve each
3190 transportation improvement program and any amendments thereto.

3191 (g) The Department of Community Affairs shall review the
 3192 annual transportation improvement program of each M.P.O. for
 3193 consistency with the approved local government comprehensive
 3194 plans of the units of local government whose boundaries are
 3195 within the metropolitan area of each M.P.O. and shall identify
 3196 those projects that are inconsistent with such comprehensive
 3197 plans. The Department of Community Affairs shall notify an
 3198 M.P.O. of any transportation projects contained in its
 3199 transportation improvement program which are inconsistent with
 3200 the approved local government comprehensive plans of the units
 3201 of local government whose boundaries are within the metropolitan
 3202 area of the M.P.O.

3203 (h) The M.P.O. shall annually publish or otherwise make
 3204 available for public review the annual listing of projects for
 3205 which federal funds have been obligated in the preceding year.
 3206 Project monitoring systems must be maintained by those agencies
 3207 responsible for obligating federal funds and made accessible to
 3208 the M.P.O.'s.

3209 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 3210 develop, in cooperation with the department and public
 3211 transportation providers, a unified planning work program that
 3212 lists all planning tasks to be undertaken during the program
 3213 year. The unified planning work program must provide a complete
 3214 description of each planning task and an estimated budget
 3215 therefor and must comply with applicable state and federal law.

3216 (9) AGREEMENTS.--

3217 (a) Each M.P.O. shall execute the following written
 3218 agreements, which shall be reviewed, and updated as necessary,
 3219 every 5 years:

3220 1. An agreement with the department clearly establishing
 3221 the cooperative relationship essential to accomplish the
 3222 transportation planning requirements of state and federal law.

3223 2. An agreement with the metropolitan and regional
 3224 intergovernmental coordination and review agencies serving the
 3225 metropolitan areas, specifying the means by which activities
 3226 will be coordinated and how transportation planning and
 3227 programming will be part of the comprehensive planned
 3228 development of the area.

3229 3. An agreement with operators of public transportation
 3230 systems, including transit systems, commuter rail systems,
 3231 airports, seaports, and spaceports, describing the means by
 3232 which activities will be coordinated and specifying how public
 3233 transit, commuter rail, aviation, seaport, and aerospace
 3234 planning and programming will be part of the comprehensive
 3235 planned development of the metropolitan area.

3236 (b) An M.P.O. may execute other agreements required by
 3237 state or federal law or as necessary to properly accomplish its
 3238 functions.

3239 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.-
 3240 -

3241 (a) A Metropolitan Planning Organization Advisory Council
 3242 is created to augment, and not supplant, the role of the
 3243 individual M.P.O.'s in the cooperative transportation planning
 3244 process described in this section.

3245 (b) The council shall consist of one representative from
 3246 each M.P.O. and shall elect a chairperson annually from its
 3247 number. Each M.P.O. shall also elect an alternate representative
 3248 from each M.P.O. to vote in the absence of the representative.
 3249 Members of the council do not receive any compensation for their
 3250 services, but may be reimbursed from funds made available to
 3251 council members for travel and per diem expenses incurred in the
 3252 performance of their council duties as provided in s. 112.061.

3253 (c) The powers and duties of the Metropolitan Planning
 3254 Organization Advisory Council are to:

- 3255 1. Enter into contracts with individuals, private
 3256 corporations, and public agencies.
- 3257 2. Acquire, own, operate, maintain, sell, or lease
 3258 personal property essential for the conduct of business.
- 3259 3. Accept funds, grants, assistance, gifts, or bequests
 3260 from private, local, state, or federal sources.
- 3261 4. Establish bylaws and adopt rules pursuant to ss.
 3262 120.536(1) and 120.54 to implement provisions of law conferring
 3263 powers or duties upon it.
- 3264 5. Assist M.P.O.'s in carrying out the urbanized area
 3265 transportation planning process by serving as the principal
 3266 forum for collective policy discussion pursuant to law.
- 3267 6. Serve as a clearinghouse for review and comment by
 3268 M.P.O.'s on the Florida Transportation Plan and on other issues
 3269 required to comply with federal or state law in carrying out the
 3270 urbanized area transportation and systematic planning processes
 3271 instituted pursuant to s. 339.155.

3272 7. Employ an executive director and such other staff as
 3273 necessary to perform adequately the functions of the council,
 3274 within budgetary limitations. The executive director and staff
 3275 are exempt from part II of chapter 110 and serve at the
 3276 direction and control of the council. The council is assigned to
 3277 the Office of the Secretary of the Department of Transportation
 3278 for fiscal and accountability purposes, but it shall otherwise
 3279 function independently of the control and direction of the
 3280 department.

3281 8. Adopt an agency strategic plan that provides the
 3282 priority directions the agency will take to carry out its
 3283 mission within the context of the state comprehensive plan and
 3284 any other statutory mandates and directions given to the agency.

3285 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
 3286 agency of the Federal Government that any provision of this
 3287 section conflicts with federal laws or regulations, such federal
 3288 laws or regulations will take precedence to the extent of the
 3289 conflict until such conflict is resolved. The department or an
 3290 M.P.O. may take any necessary action to comply with such federal
 3291 laws and regulations or to continue to remain eligible to
 3292 receive federal funds.

3293 Section 19. Section 339.28171, Florida Statutes, is
 3294 created to read:

3295 339.28171 Transportation Incentive Program for a
 3296 Sustainable Florida.--

3297 (1) There is created within the Department of
 3298 Transportation a Transportation Incentive Program for a
 3299 Sustainable Florida, which may be cited as TRIP for a

3300 Sustainable Florida, for the purpose of providing grants to
3301 local governments to improve a transportation facility or system
3302 which addresses an identified concurrency management system
3303 backlog or relieve traffic congestion in urban infill and
3304 redevelopment areas. Bridge projects off of the State Highway
3305 System are eligible to receive funding from this program.

3306 (2) To be eligible for consideration, projects must be
3307 consistent with local government comprehensive plans, the
3308 transportation improvement program of the applicable
3309 metropolitan organization, and the Strategic Intermodal System
3310 plan developed in accordance with s. 339.64.

3311 (3) The funds shall be distributed by the department to
3312 each district in accordance with the statutory formula pursuant
3313 to s. 339.135(4). The district secretary shall use the following
3314 criteria to evaluate the project applications:

3315 (a) The level of local government funding efforts.

3316 (b) The level of local, regional, or private financial
3317 matching funds as a percentage of the overall project cost.

3318 (c) The ability of local government to rapidly address
3319 project construction.

3320 (d) The level of municipal and county agreement on the
3321 scope of the proposed project.

3322 (e) Whether the project is located within and supports the
3323 objectives of an urban infill area, a community redevelopment
3324 area, an urban redevelopment area, or a concurrency management
3325 area.

3326 (f) The extent to which the project would foster public-
3327 private partnerships and investment.

3328 (g) The extent to which the project protects
3329 environmentally sensitive areas.

3330 (h) The extent to which the project would support urban
3331 mobility, including public transit systems, the use of new
3332 technologies, and the provision of bicycle facilities or
3333 pedestrian pathways.

3334 (i) The extent to which the project implements a regional
3335 transportation plan developed in accordance with s.
3336 339.155(2)(c), (d), and (e).

3337 (j) Whether the project is subject to a local ordinance
3338 that establishes corridor management techniques, including
3339 access management strategies, right-of-way acquisition and
3340 protection measures, appropriate land use strategies, zoning,
3341 and setback requirements for adjacent land uses.

3342 (k) Whether or not the local government has adopted a
3343 vision pursuant to s. 163.3167(11) either prior to or after the
3344 effective date of this act.

3345 (4) As part of the project application, the local
3346 government shall demonstrate how the proposed project implements
3347 a capital improvement element and a long-term transportation
3348 concurrency system, if applicable, to address the existing
3349 capital improvement element backlogs.

3350 (5) The percentage of matching funds available to
3351 applicants shall be based on the following:

3352 (a) For projects that provide capacity on the Strategic
3353 Intermodal System, the percentage shall be 35 percent.

3354 (b) For projects that provide capacity on regionally
3355 significant transportation facilities identified in s.

3356 339.155(2)(c), (d), and (e), the percentage shall be 50 percent
3357 or up to 50 percent of the nonfederal share of the eligible
3358 project costs for a public transportation facility project. For
3359 off-system bridges, the percentage shall be 50 percent. Projects
3360 to be funded pursuant to this paragraph shall, at a minimum meet
3361 the following additional criteria:

3362 1. Support those transportation facilities that serve
3363 national, statewide, or regional functions and function as an
3364 integrated regional transportation system.

3365 2. Be identified in the capital improvements element of a
3366 comprehensive plan that has been determined to be in compliance
3367 with part II of chapter 163, after the effective date of this
3368 act, or to implement a long-term concurrency management system
3369 adopted a local government in accordance with s. 163.3177(9).

3370 3. Provide connectivity to the Strategic Intermodal System
3371 designated pursuant to s. 339.64.

3372 4. Support economic development and the movement of goods
3373 in areas of critical economic concern designated pursuant to s.
3374 288.0656(7).

3375 5. Improve connectivity between military installations and
3376 the Strategic Highway Network or the Strategic Rail Corridor
3377 Network.

3378 6. For off-system bridge projects to replaced,
3379 rehabilitate, paint, or install scour countermeasures to highway
3380 bridges located on public roads, other than those on a federal-
3381 aid highway, such projects shall, at a minimum:

3382 (a) Be classified as a structurally deficient bridge with
 3383 a poor condition rating for either the deck, superstructure, or
 3384 substructure component, or culvert.

3385 (b) Have a sufficiency rating of 35 or below.

3386 (c) Have average daily traffic of at least 500 vehicles.

3387
 3388 Special consideration shall be given to bridges that are closed
 3389 to all traffic or that have a load restriction of less than 10
 3390 tons.

3391 (c) For local projects that demonstrate capacity
 3392 improvements in the urban service boundary, urban infill, or
 3393 urban redevelopment area or provide such capacity replacement to
 3394 the State Intrastate Highway System, the percentage shall be 65
 3395 percent.

3396 (6) The department may administer contracts at the request
 3397 of a local government selected to receive funding for a project
 3398 under this section. All projects funded under this section shall
 3399 be included in the department's work program developed pursuant
 3400 to s. 339.135.

3401 Section 20. Subsection (1) and paragraph (c) of subsection
 3402 (4) of section 339.2818, Florida Statutes, are amended to read:

3403 339.2818 Small County Outreach Program.--

3404 (1) There is created within the Department of
 3405 Transportation the Small County Outreach Program. The purpose of
 3406 this program is to assist small county governments to improve a
 3407 transportation facility or system which addresses identified
 3408 concurrency management system backlog and relieves traffic
 3409 congestion, or to assist in resurfacing or reconstructing county

3410 roads or in constructing capacity or safety improvements to
 3411 county roads.

3412 (4)

3413 (c) The following criteria shall be used to prioritize
 3414 road projects for funding under the program:

3415 ~~1. The primary criterion is the physical condition of the~~
 3416 ~~road as measured by the department.~~

3417 1.2. ~~As secondary criteria~~ The department may consider:

- 3418 a. Whether a road is used as an evacuation route.
- 3419 b. Whether a road has high levels of agricultural travel.
- 3420 c. Whether a road is considered a major arterial route.
- 3421 d. Whether a road is considered a feeder road.

3422 e. Other criteria related to the impact of a project on
 3423 the public road system or on the state or local economy as
 3424 determined by the department.

3425 2. As secondary criteria, the department may consider the
 3426 physical condition of the road as measured by the department.

3427 Section 21. Section 339.55, Florida Statutes, is amended
 3428 to read:

3429 339.55 State-funded infrastructure bank.--

3430 (1) There is created within the Department of
 3431 Transportation a state-funded infrastructure bank for the
 3432 purpose of providing loans and credit enhancements to government
 3433 units and private entities for use in constructing and improving
 3434 transportation facilities.

3435 (2) The bank may lend capital costs or provide credit
 3436 enhancements for:

3437 (a) A transportation facility project that is on the State
 3438 Highway System or that provides for increased mobility on the
 3439 state's transportation system or provides intermodal
 3440 connectivity with airports, seaports, rail facilities, and other
 3441 transportation terminals, pursuant to s. 341.053, for the
 3442 movement of people and goods.

3443 (b) Transportation Incentive Program for a Sustainable
 3444 Florida projects identified pursuant to s. 339.28171.

3445 (3) Loans from the bank may be subordinated to senior
 3446 project debt that has an investment grade rating of "BBB" or
 3447 higher.

3448 (4)~~(3)~~ Loans from the bank may bear interest at or below
 3449 market interest rates, as determined by the department.
 3450 Repayment of any loan from the bank shall commence not later
 3451 than 5 years after the project has been completed or, in the
 3452 case of a highway project, the facility has opened to traffic,
 3453 whichever is later, and shall be repaid in no more than 30
 3454 years.

3455 (5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible
 3456 for consideration, projects must be consistent, to the maximum
 3457 extent feasible, with local metropolitan planning organization
 3458 plans and local government comprehensive plans and must provide
 3459 a dedicated repayment source to ensure the loan is repaid to the
 3460 bank.

3461 (6) Funding awarded for projects under paragraph (2) (b)
 3462 must be matched by a minimum of 25 percent from funds other than
 3463 the state-funded infrastructure bank loan.

3464 (7)~~(5)~~ The department may consider, but is not limited to,
3465 the following criteria for evaluation of projects for assistance
3466 from the bank:

3467 (a) The credit worthiness of the project.

3468 (b) A demonstration that the project will encourage,
3469 enhance, or create economic benefits.

3470 (c) The likelihood that assistance would enable the
3471 project to proceed at an earlier date than would otherwise be
3472 possible.

3473 (d) The extent to which assistance would foster innovative
3474 public-private partnerships and attract private debt or equity
3475 investment.

3476 (e) The extent to which the project would use new
3477 technologies, including intelligent transportation systems, that
3478 would enhance the efficient operation of the project.

3479 (f) The extent to which the project would maintain or
3480 protect the environment.

3481 (g) A demonstration that the project includes
3482 transportation benefits for improving intermodalism, cargo and
3483 freight movement, and safety.

3484 (h) The amount of the proposed assistance as a percentage
3485 of the overall project costs with emphasis on local and private
3486 participation.

3487 (i) The extent to which the project will provide for
3488 connectivity between the State Highway System and airports,
3489 seaports, rail facilities, and other transportation terminals
3490 and intermodal options pursuant to s. 341.053 for the increased
3491 accessibility and movement of people and goods.

3492 ~~(8)(6)~~ Loan assistance provided by the bank shall be
 3493 included in the department's work program developed in
 3494 accordance with s. 339.135.

3495 ~~(9)(7)~~ The department is authorized to adopt rules to
 3496 implement the state-funded infrastructure bank.

3497 Section 22. Section 373.19615, Florida Statutes, is
 3498 created to read:

3499 373.19615 Florida's Sustainable Water Supplies Program.--

3500 (1) There is hereby created "Florida's Sustainable Water
 3501 Supplies Program." The Legislature recognizes that alternative
 3502 water supply projects are more expensive to develop compared to
 3503 traditional water supply projects. As Florida's population
 3504 continues to grow, the need for alternative water supplies is
 3505 also growing as our groundwater supplies in portions of the
 3506 state are decreasing. Beginning in fiscal year 2005-2006, the
 3507 state shall annually appropriate \$100 million for the purpose of
 3508 providing funding assistance to local governments for the
 3509 development of alternative water supply projects. At the
 3510 beginning of each fiscal year, beginning with fiscal year 2005-
 3511 2006, such revenues shall be distributed to the Department of
 3512 Environmental Protection. The department shall then distribute
 3513 the revenues into alternative water supply accounts created by
 3514 the department for each district for the purpose of alternative
 3515 water supply development under the following funding formula:

3516 1. Forty percent to the South Florida Water Management
 3517 District.

3518 2. Twenty-five percent to the Southwest Florida Water
 3519 Management District.

3520 3. Twenty-five percent to the St. Johns River Water
 3521 Management District.

3522 4. Five percent to the Suwannee River Water Management
 3523 District.

3524 5. Five percent to the Northwest Florida Water Management
 3525 District.

3526 (2) For the purposes of this section, the following
 3527 definitions shall apply:

3528 (a) "Alternative water supplies" includes saltwater;
 3529 brackish surface and groundwater; surface water captured
 3530 predominantly during wet-weather flows; sources made available
 3531 through the addition of new storage capacity for surface or
 3532 groundwater; water that has been reclaimed after one or more
 3533 public supply, municipal, industrial, commercial, or
 3534 agricultural uses; stormwater; and any other water supply source
 3535 that is designated as non-traditional for a water supply
 3536 planning region in the applicable regional water supply plan
 3537 developed under s. 373.0361.

3538 (b) "Capital costs" means planning, design, engineering,
 3539 and project construction costs.

3540 (c) "Local government" means any municipality, county,
 3541 special district, regional water supply authority, or
 3542 multijurisdictional entity, or an agency thereof, or a
 3543 combination of two or more of the foregoing acting jointly with
 3544 an alternative water supply project.

3545 (3) To be eligible for assistance in funding capital costs
 3546 of alternative water supply projects under this program, the
 3547 water management district governing board must select those

3548 alternative water supply projects that will receive financial
3549 assistance. The water management district governing board shall
3550 establish factors to determine project funding.

3551 (a) Significant weight shall be given to the following
3552 factors:

3553 1. Whether the project provides substantial environmental
3554 benefits by preventing or limiting adverse water resource
3555 impacts.

3556 2. Whether the project reduces competition for water
3557 supplies.

3558 3. Whether the project brings about replacement of
3559 traditional sources in order to help implement a minimum flow or
3560 level or a reservation.

3561 4. Whether the project will be implemented by a
3562 consumptive use permittee that has achieved the targets
3563 contained in a goal-based water conservation program approved
3564 pursuant to s. 373.227.

3565 5. The quantity of water supplied by the project as
3566 compared to its cost.

3567 6. Projects in which the construction and delivery to end
3568 users of reuse water are major components.

3569 7. Whether the project will be implemented by a
3570 multijurisdictional water supply entity or regional water supply
3571 authority.

3572 (b) Additional factors to be considered in determining
3573 project funding shall include:

3574 1. Whether the project is part of a plan to implement two
3575 or more alternative water supply projects, all of which will be

3576 operated to produce water at a uniform rate for the participants
3577 in a multijurisdictional water supply entity or regional water
3578 supply authority.

3579 2. The percentage of project costs to be funded by the
3580 water supplier or water user.

3581 3. Whether the project proposal includes sufficient
3582 preliminary planning and engineering to demonstrate that the
3583 project can reasonably be implemented within the timeframes
3584 provided in the regional water supply plan.

3585 4. Whether the project is a subsequent phase of an
3586 alternative water supply project underway.

3587 5. Whether and in what percentage a local government or
3588 local government utility is transferring water supply system
3589 revenues to the local government general fund in excess of
3590 reimbursements for services received from the general fund
3591 including direct and indirect costs and legitimate payments in
3592 lieu of taxes.

3593 (4) (a) All projects submitted to the governing board for
3594 consideration shall reflect the total cost for implementation.
3595 The costs shall be segregated pursuant to the categories
3596 described in the definition of capital costs.

3597 (b) Applicants for projects that receive funding
3598 assistance pursuant to this section shall be required to pay 33
3599 1/3 percent of the project's total capital costs.

3600 (c) The water management district shall be required to pay
3601 33 1/3 percent of the project's total capital costs.

3602 (5) After conducting one or more meetings to solicit
3603 public input on eligible projects for implementation of

3604 alternative water supply projects, the governing board of each
3605 water management district shall select projects for funding
3606 assistance based upon the above criteria. The governing board
3607 may select a project identified or listed as an alternative
3608 water supply development project in the regional water supply
3609 plan, or may select an alternative water supply projects not
3610 identified or listed in the regional water supply plan but which
3611 are consistent with the goals of the plans.

3612 (6) Once an alternative water supply project is selected
3613 by the governing board, the applicant and the water management
3614 district must, in writing, each commit to a financial
3615 contribution of 33 1/3 percent of the project's total capital
3616 costs. The water management district shall then submit a request
3617 for distribution of revenues held by the department in the
3618 district's alternative water supply account. The request must
3619 include the amount of current and projected water demands within
3620 the water management district, the additional water made
3621 available by the project, the date the water will be made
3622 available, and the applicant's and water management district's
3623 financial commitment for the alternative water supply project.
3624 Upon receipt of a request from a water management district, the
3625 department shall determine whether the alternative water supply
3626 project meets the department's criteria for financial
3627 assistance. The department shall establish factors to determine
3628 whether state financial assistance for an alternative water
3629 supply project shall be granted.

3630 (a) Significant weight shall be given to the following
3631 factors:

- 3632 1. Whether the project provides substantial environmental
3633 benefits by preventing or limiting adverse water resource
3634 impacts.
- 3635 2. Whether the project reduces competition for water
3636 supplies.
- 3637 3. Whether the project brings about replacement of
3638 traditional sources in order to help implement a minimum flow or
3639 level or a reservation.
- 3640 4. Whether the project will be implemented by a
3641 consumptive use permittee that has achieved the targets
3642 contained in a goal-based water conservation program approved
3643 pursuant to s. 373.227.
- 3644 5. The quantity of water supplied by the project as
3645 compared to its cost.
- 3646 6. Projects in which the construction and delivery to end
3647 users of reuse water are major components.
- 3648 7. Whether the project will be implemented by a
3649 multijurisdictional water supply entity or regional water supply
3650 authority.
- 3651 (b) Additional factors to be considered in determining
3652 project funding shall include:
- 3653 1. Whether the project is part of a plan to implement two
3654 or more alternative water supply projects, all of which will be
3655 operated to produce water at a uniform rate for the participants
3656 in a multijurisdictional water supply entity or regional water
3657 supply authority.
- 3658 2. The percentage of project costs to be funded by the
3659 water supplier or water user.

3660 3. Whether the project proposal includes sufficient
3661 preliminary planning and engineering to demonstrate that the
3662 project can reasonably be implemented within the timeframes
3663 provided in the regional water supply plan.

3664 4. Whether the project is a subsequent phase of an
3665 alternative water supply project underway.

3666 5. Whether and in what percentage a local government or
3667 local government utility is transferring water supply system
3668 revenues to the local government general fund in excess of
3669 reimbursements for services received from the general fund
3670 including direct and indirect costs and legitimate payments in
3671 lieu of taxes.

3672
3673 If the department determines that the project should receive
3674 financial assistance, the department shall distribute to the
3675 water management district 33 1/3 percent of the total capital
3676 costs from the district's alternative water supply account.

3677 Section 23. Section 373.19616, Florida Statutes, is
3678 created to read:

3679 373.19616 Water Transition Assistance Program.--

3680 (1) The Legislature recognizes that as a result of
3681 Florida's increasing population, there are limited ground water
3682 resources in some portions of the state to serve increased water
3683 quantities demands. As a result, a transition from ground water
3684 supply to more expensive alternative water supply is necessary.
3685 The purpose of this section is to assist local governments by
3686 establishing a low-interest revolving loan program for
3687 infrastructure financing for alternative water supplies.

3688 (2) For purposes of this section, the term:
 3689 (a) "Alternative water supplies" has the same meaning as
 3690 provided in s. 373.19615(2).
 3691 (b) "Local government" has the same meaning as provided in
 3692 s. 373.19615(2).
 3693 (3) The Department of Environmental Protection is
 3694 authorized to make loans to local governments to assist them in
 3695 planning, designing, and constructing alternative water supply
 3696 projects. The department may provide loan guarantees, purchase
 3697 loan insurance, and refinance local debt through issue of new
 3698 loans for alternative water supply projects approved by the
 3699 department. Local governments may borrow funds made available
 3700 pursuant to this section and may pledge any revenues or other
 3701 adequate security available to them to repay any funds borrowed.
 3702 (4) The term of loans made pursuant to this section shall
 3703 not exceed 30 years. The interest rate on such loans shall be no
 3704 greater than that paid on the last bonds sold pursuant to s. 14,
 3705 Art. VII of the State Constitution.
 3706 (5) In order to ensure that public moneys are managed in
 3707 an equitable and prudent manner, the total amount of money
 3708 loaned to any local government during a fiscal year shall be no
 3709 more than 25 percent of the total funds available for making
 3710 loans during that year. The minimum amount of a loan shall be
 3711 \$75,000.
 3712 (6) The department may adopt rules that:
 3713 (a) Set forth a priority system for loans based on factors
 3714 provided for in s. 373.19615(6) (a) and (b).

3715 (b) Establish the requirements for the award and repayment
 3716 of financial assistance.

3717 (c) Require adequate security to ensure that each loan
 3718 recipient can meet its loan payment requirements.

3719 (d) Establish, at the department's discretion, a specific
 3720 percentage of funding, not to exceed 20 percent, for financially
 3721 disadvantaged communities for the development of alternative
 3722 water supply projects. The department shall include within the
 3723 rule a definition of the term "financially disadvantaged
 3724 community," and the criteria for determining whether the project
 3725 serves a financially disadvantaged community. Such criteria
 3726 shall be based on the median household income of the service
 3727 population or other reliably documented measures of
 3728 disadvantaged status.

3729 (e) Require each project receiving financial assistance to
 3730 be cost-effective, environmentally sound, implementable, and
 3731 self-supporting.

3732 (7) The department shall prepare a report at the end of
 3733 each fiscal year detailing the financial assistance provided
 3734 under this section and outstanding loans.

3735 (8) Prior to approval of a loan, the local government
 3736 shall, at a minimum:

3737 (a) Provide a repayment schedule.

3738 (b) Submit evidence of the ability of the project proposed
 3739 for financial assistance to be permitted and implemented.

3740 (c) Submit plans and specifications, biddable contract
 3741 documents, or other documentation of appropriate procurement of
 3742 goods and services.

3743 (d) Provide assurance that records will be kept using
3744 generally accepted accounting principles and that the department
3745 or its agent and the Auditor General will have access to all
3746 records pertaining to the loan.

3747 (9) The department may conduct an audit of the loan
3748 project upon completion or may require that a separate project
3749 audit, prepared by an independent certified public accountant,
3750 be submitted.

3751 (10) The department may require reasonable service fees on
3752 loans made to local governments to ensure that the program will
3753 be operated in perpetuity and to implement the purposes
3754 authorized under this section. Service fees shall not be more
3755 than 4 percent of the loan amount exclusive of the service fee.
3756 The fee revenues, and interest earnings thereon, shall be used
3757 exclusively to carry out the purposes of this section.

3758 (11) All moneys available for financial assistance under
3759 this section shall be appropriated to the department exclusively
3760 to carry out this program. The principal and interest of all
3761 loans repaid and interest shall be used exclusively to carry out
3762 this section.

3763 (12) (a) If a local government agency defaults under the
3764 terms of its loan agreement, the department shall certify the
3765 default to the Chief Financial Officer, shall forward the
3766 delinquent amount to the department from any unobligated funds
3767 due to the local government agency under any revenue-sharing or
3768 tax-sharing fund established by the state, except as otherwise
3769 provided by the State Constitution. Certification of delinquency
3770 shall not limit the department from pursuing other remedies

3771 available for default on a loan, including accelerating loan
 3772 repayments, eliminating all or part of the interest rate subsidy
 3773 on the loan, and court appointment of a receiver to manage
 3774 alternative water supply project.

3775 (b) The department may impose penalty for delinquent local
 3776 payments in the amount of 6 percent of the amount due, in
 3777 addition to charging the cost to handle and process the debt.
 3778 Penalty interest shall accrue on any amount due and payable
 3779 beginning on the 30th day following the date upon which payment
 3780 is due.

3781 (13) The department may terminate or rescind a financial
 3782 assistance agreement when the local government fails to comply
 3783 with the terms and conditions of the agreement.

3784 Section 24. Paragraphs (l) and (m) are added to subsection
 3785 (24) of section 380.06, Florida Statutes, to read:

3786 380.06 Developments of regional impact.--

3787 (24) STATUTORY EXEMPTIONS.--

3788 (1) Any proposed development or redevelopment within an
 3789 area designated for:

3790 1. Urban infill development as designated in the
 3791 comprehensive plan;

3792 2. Urban redevelopment as designated in the comprehensive
 3793 plan;

3794 3. Downtown revitalization as designated in the
 3795 comprehensive plan; or

3796 4. Urban infill and redevelopment under s. 163.2517 as
 3797 designated in the comprehensive plan,

3798

3799 is exempt from the provisions of this section. However, a
 3800 municipality with a population of 7,500 or fewer may elect, upon
 3801 adoption of an ordinance, to not have this exemption apply
 3802 within its boundaries. A copy of such ordinance shall be
 3803 transmitted to the state land planning agency and the applicable
 3804 regional planning council.

3805 (m) Any proposed development within a rural land
 3806 stewardship area created pursuant to s. 163.3177(11)(d) is
 3807 exempt from the provisions of this section.

3808 Section 25. Section 380.115, Florida Statutes, is amended
 3809 to read:

3810 380.115 Vested rights and duties; effect of size
 3811 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~
 3812 ~~2002-296.--~~

3813 (1) A change in a development of regional impact guideline
 3814 or standard does not abridge or modify ~~Nothing contained in this~~
 3815 ~~act abridges or modifies~~ any vested or other right or any duty
 3816 or obligation pursuant to any development order or agreement
 3817 that is applicable to a development of regional impact ~~on the~~
 3818 ~~effective date of this act.~~ A development that has received a
 3819 development-of-regional-impact development order pursuant to s.
 3820 380.06, but would ~~is~~ no longer be required to undergo
 3821 development-of-regional-impact review by operation of a change
 3822 in the guidelines and standards or has reduced its size below
 3823 the thresholds in s. 380.0651 ~~this act~~, shall be governed by the
 3824 following procedures:

3825 (a) The development shall continue to be governed by the
 3826 development-of-regional-impact development order and may be

3827 | completed in reliance upon and pursuant to the development order
3828 | unless the developer or landowner has followed the procedures
3829 | for rescission in paragraph (b). The development-of-regional-
3830 | impact development order may be enforced by the local government
3831 | as provided by ss. 380.06(17) and 380.11.

3832 | (b) If requested by the developer or landowner, the
3833 | development-of-regional-impact development order shall ~~may~~ be
3834 | rescinded by the local government with jurisdiction upon a
3835 | showing by clear and convincing evidence that all required
3836 | mitigation relating to the amount of development existing on the
3837 | date of rescission has been completed ~~abandoned pursuant to the~~
3838 | ~~process in s. 380.06(26)~~.

3839 | (2) A development with an application for development
3840 | approval pending, and determined sufficient pursuant to s.
3841 | 380.06(10), on the effective date of a change to the guidelines
3842 | and standards ~~this act~~, or a notification of proposed change
3843 | pending on the effective date of a change to the guidelines and
3844 | standards ~~this act~~, may elect to continue such review pursuant
3845 | to s. 380.06. At the conclusion of the pending review, including
3846 | any appeals pursuant to s. 380.07, the resulting development
3847 | order shall be governed by the provisions of subsection (1).

3848 | (3) A landowner that has filed an application for a
3849 | development of regional impact review prior to the adoption of
3850 | an optional sector plan pursuant to s. 163.3245 may elect to
3851 | have the application reviewed pursuant to s. 380.06,
3852 | comprehensive plan provisions in force prior to adoption of the
3853 | sector plan and any requested comprehensive plan amendments that
3854 | accompany the application.

3855 Section 26. The Office of Program Policy Analysis and
 3856 Government Accountability shall conduct a study on adjustments
 3857 to the boundaries of regional planning councils, water
 3858 management districts, and transportation districts. The purpose
 3859 of the study is to organize these regional boundaries, without
 3860 eliminating any regional agency, to be more coterminous with one
 3861 another, creating a more unified system of regional boundaries.
 3862 The study must be completed by December 31, 2005, and a study
 3863 report submitted to the President of the Senate, the Speaker of
 3864 the House of Representatives, and the Governor and the Century
 3865 Commission for a Sustainable Florida by January 15, 2006.

3866 Section 27. Subsections (2), (3), (6), and (12) of section
 3867 1013.33, Florida Statutes, are amended to read:

3868 1013.33 Coordination of planning with local governing
 3869 bodies.--

3870 (2)(a) The school board, county, and nonexempt
 3871 municipalities located within the geographic area of a school
 3872 district shall enter into an interlocal agreement that jointly
 3873 establishes the specific ways in which the plans and processes
 3874 of the district school board and the local governments are to be
 3875 coordinated. Any updated ~~The~~ interlocal agreements and
 3876 amendments to such agreements shall be submitted to the state
 3877 land planning agency and the Office of Educational Facilities
 3878 ~~and the SMART Schools Clearinghouse~~ in accordance with a
 3879 schedule published by the state land planning agency pursuant to
 3880 s. 163.3177(12)(h).

3881 ~~(b) The schedule must establish staggered due dates for~~
 3882 ~~submission of interlocal agreements that are executed by both~~

3883 ~~the local government and district school board, commencing on~~
3884 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
3885 ~~the same date for all governmental entities within a school~~
3886 ~~district. However, if the county where the school district is~~
3887 ~~located contains more than 20 municipalities, the state land~~
3888 ~~planning agency may establish staggered due dates for the~~
3889 ~~submission of interlocal agreements by these municipalities. The~~
3890 ~~schedule must begin with those areas where both the number of~~
3891 ~~districtwide capital outlay full-time equivalent students equals~~
3892 ~~80 percent or more of the current year's school capacity and the~~
3893 ~~projected 5-year student growth rate is 1,000 or greater, or~~
3894 ~~where the projected 5-year student growth rate is 10 percent or~~
3895 ~~greater.~~

3896 (b)(c) If the student population has declined over the 5-
3897 year period preceding the due date for submittal of an
3898 interlocal agreement by the local government and the district
3899 school board, the local government and district school board may
3900 petition the state land planning agency for a waiver of one or
3901 more of the requirements of subsection (3). The waiver must be
3902 granted if the procedures called for in subsection (3) are
3903 unnecessary because of the school district's declining school
3904 age population, considering the district's 5-year work program
3905 prepared pursuant to s. 1013.35. The state land planning agency
3906 may modify or revoke the waiver upon a finding that the
3907 conditions upon which the waiver was granted no longer exist.
3908 The district school board and local governments must submit an
3909 interlocal agreement within 1 year after notification by the

3910 state land planning agency that the conditions for a waiver no
3911 longer exist.

3912 ~~(c)(d) Interlocal agreements between local governments and~~
3913 ~~district school boards adopted pursuant to s. 163.3177 before~~
3914 ~~the effective date of subsections (2) (9) must be updated and~~
3915 ~~executed pursuant to the requirements of subsections (2) (9), if~~
3916 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
3917 ~~to subsections (2) (9) must be submitted to the state land~~
3918 ~~planning agency within 30 days after execution by the parties~~
3919 ~~for review consistent with subsections (3) and (4). Local~~
3920 ~~governments and the district school board in each school~~
3921 ~~district are encouraged to adopt a single updated interlocal~~
3922 ~~agreement in which all join as parties. The state land planning~~
3923 ~~agency shall assemble and make available model interlocal~~
3924 ~~agreements meeting the requirements of subsections (2)-(9) and~~
3925 ~~shall notify local governments and, jointly with the Department~~
3926 ~~of Education, the district school boards of the requirements of~~
3927 ~~subsections (2)-(9), the dates for compliance, and the sanctions~~
3928 ~~for noncompliance. The state land planning agency shall be~~
3929 ~~available to informally review proposed interlocal agreements.~~
3930 ~~If the state land planning agency has not received a proposed~~
3931 ~~interlocal agreement for informal review, the state land~~
3932 ~~planning agency shall, at least 60 days before the deadline for~~
3933 ~~submission of the executed agreement, renotify the local~~
3934 ~~government and the district school board of the upcoming~~
3935 ~~deadline and the potential for sanctions.~~

3936 (3) ~~At a minimum,~~ The interlocal agreement must address
3937 the ~~following~~ issues required in s. 163.31777.

3938 ~~(a) A process by which each local government and the~~
 3939 ~~district school board agree and base their plans on consistent~~
 3940 ~~projections of the amount, type, and distribution of population~~
 3941 ~~growth and student enrollment. The geographic distribution of~~
 3942 ~~jurisdiction wide growth forecasts is a major objective of the~~
 3943 ~~process.~~

3944 ~~(b) A process to coordinate and share information relating~~
 3945 ~~to existing and planned public school facilities, including~~
 3946 ~~school renovations and closures, and local government plans for~~
 3947 ~~development and redevelopment.~~

3948 ~~(c) Participation by affected local governments with the~~
 3949 ~~district school board in the process of evaluating potential~~
 3950 ~~school closures, significant renovations to existing schools,~~
 3951 ~~and new school site selection before land acquisition. Local~~
 3952 ~~governments shall advise the district school board as to the~~
 3953 ~~consistency of the proposed closure, renovation, or new site~~
 3954 ~~with the local comprehensive plan, including appropriate~~
 3955 ~~circumstances and criteria under which a district school board~~
 3956 ~~may request an amendment to the comprehensive plan for school~~
 3957 ~~siting.~~

3958 ~~(d) A process for determining the need for and timing of~~
 3959 ~~onsite and offsite improvements to support new construction,~~
 3960 ~~proposed expansion, or redevelopment of existing schools. The~~
 3961 ~~process shall address identification of the party or parties~~
 3962 ~~responsible for the improvements.~~

3963 ~~(e) A process for the school board to inform the local~~
 3964 ~~government regarding school capacity. The capacity reporting~~
 3965 ~~must be consistent with laws and rules regarding measurement of~~

3966 ~~school facility capacity and must also identify how the district~~
3967 ~~school board will meet the public school demand based on the~~
3968 ~~facilities work program adopted pursuant to s. 1013.35.~~

3969 ~~(f) Participation of the local governments in the~~
3970 ~~preparation of the annual update to the school board's 5 year~~
3971 ~~district facilities work program and educational plant survey~~
3972 ~~prepared pursuant to s. 1013.35.~~

3973 ~~(g) A process for determining where and how joint use of~~
3974 ~~either school board or local government facilities can be shared~~
3975 ~~for mutual benefit and efficiency.~~

3976 ~~(h) A procedure for the resolution of disputes between the~~
3977 ~~district school board and local governments, which may include~~
3978 ~~the dispute resolution processes contained in chapters 164 and~~
3979 ~~186.~~

3980 ~~(i) An oversight process, including an opportunity for~~
3981 ~~public participation, for the implementation of the interlocal~~
3982 ~~agreement.~~

3983
3984 ~~A signatory to the interlocal agreement may elect not to include~~
3985 ~~a provision meeting the requirements of paragraph (c); however,~~
3986 ~~such a decision may be made only after a public hearing on such~~
3987 ~~election, which may include the public hearing in which a~~
3988 ~~district school board or a local government adopts the~~
3989 ~~interlocal agreement. An interlocal agreement entered into~~
3990 ~~pursuant to this section must be consistent with the adopted~~
3991 ~~comprehensive plan and land development regulations of any local~~
3992 ~~government that is a signatory.~~

3993 (6) Any local government transmitting a public school
 3994 element to implement school concurrency pursuant to the
 3995 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~
 3996 ~~date of this section~~ is not required to amend the element or any
 3997 interlocal agreement to conform with the provisions of
 3998 subsections (2)-(8) ~~if the element is adopted prior to or within~~
 3999 ~~1 year after the effective date of subsections (2)-(8) and~~
 4000 ~~remains in effect.~~

4001 (12) As early in the design phase as feasible and
 4002 consistent with an interlocal agreement entered pursuant to
 4003 subsections (2)-(8), but no later than 120 ~~90~~ days before
 4004 commencing construction, the district school board shall in
 4005 writing request a determination of consistency with the local
 4006 government's comprehensive plan. The local governing body that
 4007 regulates the use of land shall determine, in writing within 45
 4008 days after receiving the necessary information and a school
 4009 board's request for a determination, whether a proposed
 4010 educational facility is consistent with the local comprehensive
 4011 plan and consistent with local land development regulations. If
 4012 the determination is affirmative, school construction may
 4013 commence and further local government approvals are not
 4014 required, except as provided in this section. Failure of the
 4015 local governing body to make a determination in writing within
 4016 90 days after a district school board's request for a
 4017 determination of consistency shall be considered an approval of
 4018 the district school board's application. Campus master plans and
 4019 development agreements must comply with the provisions of ss.
 4020 1013.30 and 1013.63.

4021 Section 28. Section 1013.352, Florida Statutes, is created
 4022 to read:

4023 1013.352 Charter School Incentive Program for Sustainable
 4024 Schools.--

4025 (1) There is hereby created the "Charter School Incentive
 4026 Program for Sustainable Schools." Recognizing that there is an
 4027 increasing deficit in educational facilities in this state, the
 4028 Legislature believes that there is a need for creativeness in
 4029 planning and development of additional educational facilities.
 4030 To assist with the development of educational facilities, those
 4031 charter schools whose charters are approved within 18 months
 4032 after the effective date of this act shall be eligible for state
 4033 funds under the following conditions:

4034 (a) The charter school is created to address school over-
 4035 capacity issues or growth demands within the county.

4036 (b) A joint letter from the district school board and the
 4037 charter school has been submitted with the proposed charter
 4038 school charter that provides that the school board authorized
 4039 the charter school as a result of school overcrowding or growth
 4040 demands within the county and the school board requests that the
 4041 requirement of s. 1013.62(1)(a)1. are waived.

4042 (c) The charter school has received an in-kind
 4043 contribution or equivalent from an outside source other than the
 4044 district school board that has been, at a minimum, equally
 4045 matched by the district school board.

4046
 4047 Notwithstanding s. 1013.62(7), if the above conditions apply,
 4048 the Commissioner of Education, in consultation with the

4049 Department of Community Affairs shall distribute up to \$3
4050 million per charter school based upon the amount of the in-kind
4051 contribution or functional equivalent from an outside source
4052 that has been matched by the district school board or the
4053 contribution or functional equivalent by the district school
4054 board, whichever amount is greater, up to \$3 million. Under no
4055 conditions may the Commissioner of Education distribute funds to
4056 a newly chartered charter school that has not received an in-
4057 kind contribution or equivalent from an outside source other
4058 than the district school board and which has not been, at a
4059 minimum, equally matched by the district school board.

4060 (2) A newly created charter school that receives
4061 distribution of funds under this program shall not be eligible
4062 for charter schools outlay funding under s. 1013.62.

4063 Section 29. Subsection (2) of section 1013.64, Florida
4064 Statutes, is amended to read:

4065 1013.64 Funds for comprehensive educational plant needs;
4066 construction cost maximums for school district capital
4067 projects.--Allocations from the Public Education Capital Outlay
4068 and Debt Service Trust Fund to the various boards for capital
4069 outlay projects shall be determined as follows:

4070 (2) (a) The department shall establish, as a part of the
4071 Public Education Capital Outlay and Debt Service Trust Fund, a
4072 separate account, in an amount determined by the Legislature, to
4073 be known as the "Special Facility Construction Account." The
4074 Special Facility Construction Account shall be used to provide
4075 necessary construction funds to school districts which have
4076 urgent construction needs but which lack sufficient resources at

4077 present, and cannot reasonably anticipate sufficient resources
4078 within the period of the next 3 years, for these purposes from
4079 currently authorized sources of capital outlay revenue. A school
4080 district requesting funding from the Special Facility
4081 Construction Account shall submit one specific construction
4082 project, not to exceed one complete educational plant, to the
4083 Special Facility Construction Committee. No district shall
4084 receive funding for more than one approved project in any 3-year
4085 period. The first year of the 3-year period shall be the first
4086 year a district receives an appropriation. The department shall
4087 encourage a construction program that reduces the average size
4088 of schools in the district. The request must meet the following
4089 criteria to be considered by the committee:

4090 1. The project must be deemed a critical need and must be
4091 recommended for funding by the Special Facility Construction
4092 Committee. Prior to developing plans for the proposed facility,
4093 the district school board must request a preapplication review
4094 by the Special Facility Construction Committee or a project
4095 review subcommittee convened by the committee to include two
4096 representatives of the department and two staff from school
4097 districts not eligible to participate in the program. Within 60
4098 days after receiving the preapplication review request, the
4099 committee or subcommittee must meet in the school district to
4100 review the project proposal and existing facilities. To
4101 determine whether the proposed project is a critical need, the
4102 committee or subcommittee shall consider, at a minimum, the
4103 capacity of all existing facilities within the district as
4104 determined by the Florida Inventory of School Houses; the

4105 district's pattern of student growth; the district's existing
4106 and projected capital outlay full-time equivalent student
4107 enrollment as determined by the department; the district's
4108 existing satisfactory student stations; the use of all existing
4109 district property and facilities; grade level configurations;
4110 and any other information that may affect the need for the
4111 proposed project.

4112 2. The construction project must be recommended in the
4113 most recent survey or surveys by the district under the rules of
4114 the State Board of Education.

4115 3. The construction project must appear on the district's
4116 approved project priority list under the rules of the State
4117 Board of Education.

4118 4. The district must have selected and had approved a site
4119 for the construction project in compliance with s. 1013.36 and
4120 the rules of the State Board of Education.

4121 5. The district shall have developed a district school
4122 board adopted list of facilities that do not exceed the norm for
4123 net square feet occupancy requirements under the State
4124 Requirements for Educational Facilities, using all possible
4125 programmatic combinations for multiple use of space to obtain
4126 maximum daily use of all spaces within the facility under
4127 consideration.

4128 6. Upon construction, the total cost per student station,
4129 including change orders, must not exceed the cost per student
4130 station as provided in subsection (6).

4131 7. There shall be an agreement signed by the district
4132 school board stating that it will advertise for bids within 30

4133 | days of receipt of its encumbrance authorization from the
 4134 | department.

4135 | 8. The district shall, at the time of the request and for
 4136 | a continuing period of 3 years, levy the maximum millage against
 4137 | their nonexempt assessed property value as allowed in s.
 4138 | 1011.71(2) or shall raise an equivalent amount of revenue from
 4139 | the school capital outlay surtax authorized under s. 212.055(6).
 4140 | Any district with a new or active project, funded under the
 4141 | provisions of this subsection, shall be required to budget no
 4142 | more than the value of 1.5 mills per year to the project to
 4143 | satisfy the annual participation requirement in the Special
 4144 | Facility Construction Account.

4145 | 9. If a contract has not been signed 90 days after the
 4146 | advertising of bids, the funding for the specific project shall
 4147 | revert to the Special Facility New Construction Account to be
 4148 | reallocated to other projects on the list. However, an
 4149 | additional 90 days may be granted by the commissioner.

4150 | 10. The department shall certify the inability of the
 4151 | district to fund the survey-recommended project over a
 4152 | continuous 3-year period using projected capital outlay revenue
 4153 | derived from s. 9(d), Art. XII of the State Constitution, as
 4154 | amended, paragraph (3)(a) of this section, and s. 1011.71(2).

4155 | 11. The district shall have on file with the department an
 4156 | adopted resolution acknowledging its 3-year commitment of all
 4157 | unencumbered and future revenue acquired from s. 9(d), Art. XII
 4158 | of the State Constitution, as amended, paragraph (3)(a) of this
 4159 | section, and s. 1011.71(2).

4160 12. Final phase III plans must be certified by the board
4161 as complete and in compliance with the building and life safety
4162 codes prior to August 1.

4163 (b) The department shall establish, as a part of the
4164 Public Education Capital Outlay and Debt Service Trust Fund, a
4165 separate account, in an amount determined by the Legislature, to
4166 be known as the "High Growth County Facility Construction
4167 Account." The account shall be used to provide necessary
4168 construction funds to high growth school districts which have
4169 urgent construction needs, but which lack sufficient resources
4170 at present and cannot reasonably anticipate sufficient resources
4171 within the period of the next 3 years, for these purposes from
4172 currently authorized sources of capital outlay revenue and local
4173 sources. A school district requesting funding from the account
4174 shall submit one specific construction project, not to exceed
4175 one complete educational plant, to the Special Facility
4176 Construction Committee. No district shall receive funding for
4177 more than one approved project in any 2-year period, provided
4178 that any grants received under this paragraph must be fully
4179 expended in order for a district to apply for additional funding
4180 under this paragraph and all Classrooms First funds have been
4181 allocated and expended by the district. The first year of the 2-
4182 year period shall be the first year a district receives an
4183 appropriation. The request must meet the following criteria to
4184 be considered by the committee:

4185 1. The project must be deemed a critical need and must be
4186 recommended for funding by the Special Facility Construction
4187 Committee. Prior to developing plans for the proposed facility,

4188 the district school board must request a preapplication review
4189 by the Special Facility Construction Committee or a project
4190 review subcommittee convened by the committee to include two
4191 representatives of the department and two staff from school
4192 districts not eligible to participate in the program. Within 60
4193 days after receiving the preapplication review request, the
4194 committee or subcommittee must meet in the school district to
4195 review the project proposal and existing facilities. To
4196 determine whether the proposed project is a critical need, the
4197 committee or subcommittee shall consider, at a minimum, the
4198 capacity of all existing facilities within the district as
4199 determined by the Florida Inventory of School Houses; the
4200 district's pattern of student growth with priority given to
4201 those districts that have equaled or exceeded twice the
4202 statewide average in growth in capital outlay full-time
4203 equivalent students over the previous 4 fiscal years; the
4204 district's existing and projected capital outlay full-time
4205 equivalent student enrollment as determined by the department
4206 with priority given to these districts with 20,000 or more
4207 capital outlay full-time equivalent students; the district's
4208 existing satisfactory student stations; the use of all existing
4209 district property and facilities; grade level configurations;
4210 and any other information that may affect the need for the
4211 proposed project.

4212 2. The construction project must be recommended in the
4213 most recent survey or surveys by the district under the rules of
4214 the State Board of Education.

4215 3. The construction project includes either a recreational
4216 facility or media center that will be jointly used with a local
4217 government.

4218 4. The construction project must appear on the district's
4219 approved project priority list under the rules of the State
4220 Board of Education.

4221 5. The district must have selected and had approved a site
4222 for the construction project in compliance with the interlocal
4223 agreement with the appropriate local government, s. 1013.36, and
4224 the rules of the State Board of Education.

4225 6. The district shall have developed a district school
4226 board adopted list of facilities that do not exceed the norm for
4227 net square feet occupancy requirements under the state
4228 requirements for educational facilities, using all possible
4229 programmatic combinations for multiple use of space to obtain
4230 maximum daily use of all spaces within the facility under
4231 consideration.

4232 7. Upon construction, the total cost per student station,
4233 including change orders, must not exceed the cost per student
4234 station as provided in subsection (6).

4235 8. There shall be an agreement signed by the district
4236 school board stating that it will advertise for bids within 30
4237 days after receipt of its encumbrance authorization from the
4238 department.

4239 9. If a contract has not been signed 90 days after the
4240 advertising of bids, the funding for the specific project shall
4241 revert to the Special Facility Construction Account to be

4242 reallocated to other projects on the list. However, an
4243 additional 90 days may be granted by the commissioner.

4244 10. Final phase III plans must be certified by the board
4245 as complete and in compliance with the building and life safety
4246 codes prior to August 1.

4247 (c)~~(b)~~ The Special Facility Construction Committee shall
4248 be composed of the following: two representatives of the
4249 Department of Education, a representative from the Governor's
4250 office, a representative selected annually by the district
4251 school boards, and a representative selected annually by the
4252 superintendents.

4253 (d)~~(e)~~ The committee shall review the requests submitted
4254 from the districts, evaluate the ability of the project to
4255 relieve critical needs, and rank the requests in priority order.
4256 This statewide priority list for special facilities construction
4257 shall be submitted to the Legislature in the commissioner's
4258 annual capital outlay legislative budget request at least 45
4259 days prior to the legislative session. For the initial year of
4260 the funding of the program outlined in paragraph (b), the
4261 Special Facility Construction Committee shall authorize the
4262 disbursement of funds appropriated by the Legislature for the
4263 purposes of the program funded by the High Growth County
4264 Facility Construction Account created in paragraph (b).

4265 Section 30. School Concurrency Task Force.—

4266 (1) The School Concurrency Task Force is created to review
4267 the requirements for school concurrency in law and make
4268 recommendations regarding streamlining the process and
4269 procedures for establishing school concurrency. The task force

4270 shall also examine the methodology and processes used for the
4271 funding of construction of public schools and make
4272 recommendations on revisions to provisions of law and rules
4273 which will help ensure that schools are built and available when
4274 the expected demands of growth produce the need for new school
4275 facilities.

4276 (2) The task force shall be composed of 11 members. The
4277 membership must represent local governments, school boards,
4278 developers and homebuilders, the business community, the
4279 agriculture community, the environmental community, and other
4280 appropriate stakeholders. The task force shall include two
4281 members appointed by the Governor, two members appointed by the
4282 President of the Senate, two members appointed by the Speaker of
4283 the House of Representatives, one member appointed by the
4284 Florida School Boards Association, one member appointed by the
4285 Florida Association of Counties, and one member appointed by the
4286 Florida League of Cities. The Secretary of the Department of
4287 Community Affairs, or a senior management designee, and the
4288 Commissioner of Education, or a senior management designee,
4289 shall also be ex officio nonvoting members on the task force.

4290 (3) The task force shall report to the Governor, the
4291 President of the Senate, and the Speaker of the House of
4292 Representatives no later than December 1, 2005, with specific
4293 recommendations for revisions to provisions of law and rules.

4294 Section 31. Section 163.31776, Florida Statutes, is
4295 repealed.

4296 Section 32. Beginning in fiscal year 2005-2006, the
4297 Department of Transportation shall allocate sufficient funds to

4298 implement the transportation provisions of the Sustainable
4299 Florida Act of 2005. The department shall develop a plan to
4300 expend these revenues and amend the current tentative work
4301 program for the time period 2005-2006. In addition, prior to
4302 work program adoption, the department shall submit a budget
4303 amendment pursuant to s. 339.135(7), Florida Statutes. The
4304 department shall provide a report to the President of the Senate
4305 and the Speaker of the House of Representative by February 1,
4306 2006, identifying the program adjustments it has made consistent
4307 with the provisions of the Sustainable Florida Transportation
4308 Program.

4309 Section 33. Effective July 1, 2005, the sum of \$433.25
4310 million from non-recurring General Revenue is appropriated to
4311 the State Transportation Trust Fund in the Department of
4312 Transportation to be allocated as follows:

4313 (1) The sum of \$100 million for the State-funded
4314 Infrastructure Bank pursuant to s. 339.55, Florida Statutes, to
4315 be available as loans for local government projects consistent
4316 with the provisions of the Transportation Incentive Program for
4317 a Sustainable Florida

4318 (2) The sum of \$333.25 million for Transportation
4319 Incentive Program for a Sustainable Florida pursuant to s.
4320 339.28171, Florida Statutes.

4321 Section 34. Funding for Sustainable Water
4322 Supplies.--Effective July 1, 2005, the sum of \$100 million from
4323 recurring general revenue for distribution pursuant to s.
4324 373.19615, Florida Statutes. The sum of \$50 million from
4325 nonrecurring general revenue is appropriated to the Department

4326 of Environmental Protection for distribution pursuant to s.
 4327 373.19616, Florida Statutes.

4328 Section 35. Funding for Sustainable Schools.--In order to
 4329 provide for innovative approaches to meet school capacity
 4330 demands, effective July 1, 2005, the sum of \$80 million is
 4331 transferred from recurring general revenue to the Public
 4332 Education Capital Outlay and Debt Service Trust Fund in the
 4333 Department of Education to be used as follows:

4334 (1) The sum of \$35 million from recurring funds in the
 4335 Public Education Capital Outlay and Debt Service Trust Fund
 4336 shall be used for the Charter School Incentive Program for
 4337 Sustainable Schools created pursuant to section 1013.352,
 4338 Florida Statutes.

4339 (2) The sum of \$15 million from recurring funds in the
 4340 Public Education Capital Outlay and Debt Service Trust Fund
 4341 shall be used for educational facilities benefit districts as
 4342 provided in s. 1013.356(3), Florida Statutes, as follows: for
 4343 construction and capital maintenance costs not covered by the
 4344 funds provided under s. 1013.356(1), Florida Statutes, in fiscal
 4345 year 2005-2006, an amount contributed by the state equal to 25
 4346 percent of the remaining costs of construction and capital
 4347 maintenance of the educational facilities, up to \$2 million. Any
 4348 construction costs above the cost-per-student criteria
 4349 established for the SIT Program in s. 1013.72(2), Florida
 4350 Statutes, shall be funded exclusively by the educational
 4351 facilities benefit district or the community development
 4352 district. Funds contributed by a district school board shall not
 4353 be used to fund operational costs. Funds not committed by March

4354 31, 2006, revert to the Charter School Incentive Program for
 4355 Sustainable Schools created pursuant to s. 1013.352, Florida
 4356 Statutes.

4357 (3) The sum of \$30 million from recurring funds in the
 4358 Public Education Capital Outlay and Debt Service Trust Fund
 4359 shall be transferred annually from the Public Education Capital
 4360 Outlay and Debt Service Trust Fund to the High Growth County
 4361 Facility Construction Account.

4362
 4363 Notwithstanding the requirements of ss. 1013.64 and 1013.65,
 4364 Florida Statutes, these moneys may not be distributes as part of
 4365 the comprehensive plan for the Public Education Capital Outlay
 4366 and Debt Service Trust Fund.

4367 Section 36. (1) Effective July 1, 2005, the sum of
 4368 \$85,618,291 is appropriated from nonrecurring general revenue
 4369 for the Classrooms for Kids Program pursuant to s. 1013.735,
 4370 Florida Statutes.

4371 (2) Effective July 1, 2005, the sum of \$181,131,709 is
 4372 appropriated from nonrecurring general revenue to assist school
 4373 districts in meeting the school concurrency provisions under
 4374 this act. Such funds shall be distributed to school districts
 4375 under the formula pursuant to s. 1013.735(1), Florida Statutes

4376 Section 37. Statewide Technical Assistance for a
 4377 Sustainable Florida.--In order to assist local governments and
 4378 school boards to implement the provisions of this act, effective
 4379 July 1, 2005, the sum of \$3 million is appropriated from
 4380 recurring general revenue to the Department of Community
 4381 Affairs. The department shall provide a report to the Governor,

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4382 the President of the Senate, and the Speaker of the House of
4383 Representatives by February 1, 2006, on the progress made toward
4384 implementing this act and a recommendation of whether additional
4385 funds should be appropriated to provide additional technical
4386 assistance to implement this act.

4387 Section 38. Effective July 1, 2005, the sum of \$250,000 is
4388 appropriated from recurring general revenue to the Department of
4389 Community Affairs to provide the necessary staff and other
4390 assistance to the Century Commission for a Sustainable Florida
4391 required by section 11.

4392 Section 39. This act shall take effect July 1, 2005.