

Bill No. CS for CS for CS for SB 360, 2nd Eng.

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CHAMBER ACTION

Senate

House

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2	05/06/2005 11:21 PM	.	05/06/2005 23:45:16
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11 Senator Bennett moved the following **amendment to House**
 12 **amendment** (882799):

14 **Senate Amendment (with title amendment)**

15 Lines 4 through 4268, delete those lines

17 and insert:

18 Section 1. Subsection (32) iso section
 19 163.3164, Florida Statutes, to read:

20 163.3164 Local Government Comprehensive Planning and
 21 Land Development Regulation Act; definitions.--As used in this
 22 act:

23 (32) "Financial feasibility" means that sufficient
 24 revenues are currently available or will be available from
 25 committed funding sources for the first 3 years, or will be
 26 available from committed or planned funding sources for years
 27 4 and 5, of a 5-year capital improvement schedule for
 28 financing capital improvements, such as ad valorem taxes,
 29 bonds, state and federal funds, tax revenues, impact fees, and
 30 developer contributions, which are adequate to fund the
 31 projected costs of the capital improvements identified in the

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1 comprehensive plan necessary to ensure that adopted
 2 level-of-service standards are achieved and maintained within
 3 the period covered by the 5-year schedule of capital
 4 improvements. The requirement that level-of-service standards
 5 be achieved and maintained shall not apply if the
 6 proportionate-share process set forth in s. 163.3180(12) and
 7 (16) is used.

8 Section 2. Subsections (2) and (3), paragraphs (a),
 9 (c), and (h) of subsection (6), paragraph (d) of subsection
 10 (11), and subsection (12) of section 163.3177, Florida
 11 Statutes, are amended, and subsections (13) and (14) are added
 12 to that section, to read:

13 163.3177 Required and optional elements of
 14 comprehensive plan; studies and surveys.--

15 (2) Coordination of the several elements of the local
 16 comprehensive plan shall be a major objective of the planning
 17 process. The several elements of the comprehensive plan shall
 18 be consistent, and the comprehensive plan shall be financially
 19 ~~economically~~ feasible. Financial feasibility shall be
 20 determined using professionally accepted methodologies.

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

25 1. A component which outlines principles for
 26 construction, extension, or increase in capacity of public
 27 facilities, as well as a component which outlines principles
 28 for correcting existing public facility deficiencies, which
 29 are necessary to implement the comprehensive plan. The
 30 components shall cover at least a 5-year period.

31 2. Estimated public facility costs, including a

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1 delineation of when facilities will be needed, the general
 2 location of the facilities, and projected revenue sources to
 3 fund the facilities.

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

7 4. Standards for the management of debt.

8 5. A schedule of capital improvements which includes
 9 publicly funded projects, and which may include privately
 10 funded projects for which the local government has no fiscal
 11 responsibility, necessary to ensure that adopted
 12 level-of-service standards are achieved and maintained. For
 13 capital improvements that will be funded by the developer,
 14 financial feasibility shall be demonstrated by being
 15 guaranteed in an enforceable development agreement or
 16 interlocal agreement pursuant to paragraph (10)(h), or other
 17 enforceable agreement. These development agreements and
 18 interlocal agreements shall be reflected in the schedule of
 19 capital improvements if the capital improvement is necessary
 20 to serve development within the 5-year schedule. If the local
 21 government uses planned revenue sources that require referenda
 22 or other actions to secure the revenue source, the plan must,
 23 in the event the referenda are not passed or actions do not
 24 secure the planned revenue source, identify other existing
 25 revenue sources that will be used to fund the capital projects
 26 or otherwise amend the plan to ensure financial feasibility.

27 6. The schedule must include transportation
 28 improvements included in the applicable metropolitan planning
 29 organization's transportation improvement program adopted
 30 pursuant to s. 339.175(7) to the extent that such improvements
 31 are relied upon to ensure concurrency and financial

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1 feasibility. The schedule must also be coordinated with the
 2 applicable metropolitan planning organization's long-range
 3 transportation plan adopted pursuant to s. 339.175(6).

4 (b)1. The capital improvements element shall be
 5 reviewed on an annual basis and modified as necessary in
 6 accordance with s. 163.3187 or s. 163.3189 in order to
 7 maintain a financially feasible 5-year schedule of capital
 8 improvements., except that Corrections, updates, and
 9 modifications concerning costs; revenue sources; or acceptance
 10 of facilities pursuant to dedications which are consistent
 11 with the plan; or the date of construction of any facility
 12 enumerated in the capital improvements element may be
 13 accomplished by ordinance and shall not be deemed to be
 14 amendments to the local comprehensive plan. A copy of the
 15 ordinance shall be transmitted to the state land planning
 16 agency. An amendment to the comprehensive plan is required to
 17 update the schedule on an annual basis or to eliminate, defer,
 18 or delay the construction for any facility listed in the
 19 5-year schedule. All public facilities shall be consistent
 20 with the capital improvements element. Amendments to implement
 21 this section must be adopted and transmitted no later than
 22 December 1, 2007. Thereafter, a local government may not amend
 23 its future land use map, except for plan amendments to meet
 24 new requirements under this part and emergency amendments
 25 pursuant to s. 163.3187(1)(a), after December 1, 2007, and
 26 every year thereafter, unless and until the local government
 27 has adopted the annual update and it has been transmitted to
 28 the state land planning agency.

29 2. Capital improvements element amendments adopted
 30 after the effective date of this act shall require only a
 31 single public hearing before the governing board which shall

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1 be an adoption hearing as described in s. 163.3184(7). Such
2 amendments are not subject to the requirements of s.
3 163.3184(3)-(6).

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

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

18 (6) In addition to the requirements of subsections
19 (1)-(5) and (12), the comprehensive plan shall include the
20 following elements:

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

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1 distribution of population densities and building and
2 structure intensities. The proposed distribution, location,
3 and extent of the various categories of land use shall be
4 shown on a land use map or map series which shall be
5 supplemented by goals, policies, and measurable objectives.
6 The future land use plan shall be based upon surveys, studies,
7 and data regarding the area, including the amount of land
8 required to accommodate anticipated growth; the projected
9 population of the area; the character of undeveloped land; the
10 availability of water supplies, public facilities, and
11 services; the need for redevelopment, including the renewal of
12 blighted areas and the elimination of nonconforming uses which
13 are inconsistent with the character of the community; the
14 compatibility of uses on lands adjacent to or closely
15 proximate to military installations; and, in rural
16 communities, the need for job creation, capital investment,
17 and economic development that will strengthen and diversify
18 the community's economy. The future land use plan may
19 designate areas for future planned development use involving
20 combinations of types of uses for which special regulations
21 may be necessary to ensure development in accord with the
22 principles and standards of the comprehensive plan and this
23 act. The future land use plan element shall include criteria
24 to be used to achieve the compatibility of adjacent or closely
25 proximate lands with military installations. In addition, for
26 rural communities, the amount of land designated for future
27 planned industrial use shall be based upon surveys and studies
28 that reflect the need for job creation, capital investment,
29 and the necessity to strengthen and diversify the local
30 economies, and shall not be limited solely by the projected
31 population of the rural community. The future land use plan of

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1 a county may also designate areas for possible future
2 municipal incorporation. The land use maps or map series shall
3 generally identify and depict historic district boundaries and
4 shall designate historically significant properties meriting
5 protection. The future land use element must clearly identify
6 the land use categories in which public schools are an
7 allowable use. When delineating the land use categories in
8 which public schools are an allowable use, a local government
9 shall include in the categories sufficient land proximate to
10 residential development to meet the projected needs for
11 schools in coordination with public school boards and may
12 establish differing criteria for schools of different type or
13 size. Each local government shall include lands contiguous to
14 existing school sites, to the maximum extent possible, within
15 the land use categories in which public schools are an
16 allowable use. ~~All comprehensive plans must comply with the~~
17 ~~school siting requirements of this paragraph no later than~~
18 ~~October 1, 1999.~~ The failure by a local government to comply
19 with these school siting requirements ~~by October 1, 1999,~~ will
20 result in the prohibition of the local government's ability to
21 amend the local comprehensive plan, except for plan amendments
22 described in s. 163.3187(1)(b), until the school siting
23 requirements are met. Amendments proposed by a local
24 government for purposes of identifying the land use categories
25 in which public schools are an allowable use ~~or for adopting~~
26 ~~or amending the school-siting maps pursuant to s. 163.31776(3)~~
27 are exempt from the limitation on the frequency of plan
28 amendments contained in s. 163.3187. The future land use
29 element shall include criteria that encourage the location of
30 schools proximate to urban residential areas to the extent
31 possible and shall require that the local government seek to

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1 collocate public facilities, such as parks, libraries, and
2 community centers, with schools to the extent possible and to
3 encourage the use of elementary schools as focal points for
4 neighborhoods. For schools serving predominantly rural
5 counties, defined as a county with a population of 100,000 or
6 fewer, an agricultural land use category shall be eligible for
7 the location of public school facilities if the local
8 comprehensive plan contains school siting criteria and the
9 location is consistent with such criteria. Local governments
10 required to update or amend their comprehensive plan to
11 include criteria and address compatibility of adjacent or
12 closely proximate lands with existing military installations
13 in their future land use plan element shall transmit the
14 update or amendment to the department by June 30, 2006.

15 (c) A general sanitary sewer, solid waste, drainage,
16 potable water, and natural groundwater aquifer recharge
17 element correlated to principles and guidelines for future
18 land use, indicating ways to provide for future potable water,
19 drainage, sanitary sewer, solid waste, and aquifer recharge
20 protection requirements for the area. The element may be a
21 detailed engineering plan including a topographic map
22 depicting areas of prime groundwater recharge. The element
23 shall describe the problems and needs and the general
24 facilities that will be required for solution of the problems
25 and needs. The element shall also include a topographic map
26 depicting any areas adopted by a regional water management
27 district as prime groundwater recharge areas for the Floridan
28 or Biscayne aquifers, pursuant to s. 373.0395. These areas
29 shall be given special consideration when the local government
30 is engaged in zoning or considering future land use for said
31 designated areas. For areas served by septic tanks, soil

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1 surveys shall be provided which indicate the suitability of
 2 soils for septic tanks. Within 18 months after the governing
 3 board approves an updated regional water supply plan ~~By~~
 4 ~~December 1, 2006,~~ the element must incorporate the alternative
 5 water supply project or projects selected by the local
 6 government from those identified in the regional water supply
 7 plan pursuant to s. 373.0361(2)(a) or proposed by the local
 8 government under s. 373.0361(7)(b) ~~consider the appropriate~~
 9 ~~water management district's regional water supply plan~~
 10 ~~approved pursuant to s. 373.0361.~~ If a local government is
 11 located within two water management districts, the local
 12 government shall adopt its comprehensive plan amendment within
 13 18 months after the later updated regional water supply plan.
 14 The element must identify such alternative water supply
 15 projects and traditional water supply projects and
 16 conservation and reuse necessary to meet the water needs
 17 identified in s. 373.0361(2)(a) within the local government's
 18 jurisdiction and include a work plan, covering at least a 10
 19 year planning period, for building public, private, and
 20 regional water supply facilities, including development of
 21 alternative water supplies, which ~~that~~ are identified in the
 22 element as necessary to serve existing and new development ~~and~~
 23 ~~for which the local government is responsible.~~ The work plan
 24 shall be updated, at a minimum, every 5 years within 18 ~~12~~
 25 months after the governing board of a water management
 26 district approves an updated regional water supply plan.
 27 Amendments to incorporate the work plan do not count toward
 28 the limitation on the frequency of adoption of amendments to
 29 the comprehensive plan. Local governments, public and private
 30 utilities, regional water supply authorities, special
 31 districts, and water management districts are encouraged to

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1 cooperatively plan for the development of multijurisdictional
 2 water supply facilities that are sufficient to meet projected
 3 demands for established planning periods, including the
 4 development of alternative water sources to supplement
 5 traditional sources of ground and surface water supplies.

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

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

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

31 c. The intergovernmental coordination element may

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1 provide for a voluntary dispute resolution process as
 2 established pursuant to s. 186.509 for bringing to closure in
 3 a timely manner intergovernmental disputes. A local
 4 government may develop and use an alternative local dispute
 5 resolution process for this purpose.

6 2. The intergovernmental coordination element shall
 7 further state principles and guidelines to be used in the
 8 accomplishment of coordination of the adopted comprehensive
 9 plan with the plans of school boards and other units of local
 10 government providing facilities and services but not having
 11 regulatory authority over the use of land. In addition, the
 12 intergovernmental coordination element shall describe joint
 13 processes for collaborative planning and decisionmaking on
 14 population projections and public school siting, the location
 15 and extension of public facilities subject to concurrency, and
 16 siting facilities with countywide significance, including
 17 locally unwanted land uses whose nature and identity are
 18 established in an agreement. Within 1 year of adopting their
 19 intergovernmental coordination elements, each county, all the
 20 municipalities within that county, the district school board,
 21 and any unit of local government service providers in that
 22 county shall establish by interlocal or other formal agreement
 23 executed by all affected entities, the joint processes
 24 described in this subparagraph consistent with their adopted
 25 intergovernmental coordination elements.

26 3. To foster coordination between special districts
 27 and local general-purpose governments as local general-purpose
 28 governments implement local comprehensive plans, each
 29 independent special district must submit a public facilities
 30 report to the appropriate local government as required by s.
 31 189.415.

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

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

13 5. The state land planning agency shall establish a
14 schedule for phased completion and transmittal of plan
15 amendments to implement subparagraphs 1., 2., and 3. from all
16 jurisdictions so as to accomplish their adoption by December
17 31, 1999. A local government may complete and transmit its
18 plan amendments to carry out these provisions prior to the
19 scheduled date established by the state land planning agency.
20 The plan amendments are exempt from the provisions of s.
21 163.3187(1).

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

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

31 b. Identifies any deficits or duplication in the

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

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

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

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

21 (11)

22 (d)1. The department, in cooperation with the
23 Department of Agriculture and Consumer Services, the
24 Department of Environmental Protection, water management
25 districts, and regional planning councils, shall provide
26 assistance to local governments in the implementation of this
27 paragraph and rule 9J-5.006(5)(1), Florida Administrative
28 Code. Implementation of those provisions shall include a
29 process by which the department may authorize local
30 governments to designate all or portions of lands classified
31 in the future land use element as predominantly agricultural,

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1 rural, open, open-rural, or a substantively equivalent land
 2 use, as a rural land stewardship area within which planning
 3 and economic incentives are applied to encourage the
 4 implementation of innovative and flexible planning and
 5 development strategies and creative land use planning
 6 techniques, including those contained herein and in rule
 7 9J-5.006(5)(1), Florida Administrative Code. Assistance may
 8 include, but is not limited to:

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

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

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

26 2. The department shall encourage participation by
 27 local governments of different sizes and rural characteristics
 28 in establishing and implementing rural land stewardship areas.
 29 It is the intent of the Legislature that rural land
 30 stewardship areas be used to further the following broad
 31 principles of rural sustainability: restoration and

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1 maintenance of the economic value of rural land; control of
 2 urban sprawl; identification and protection of ecosystems,
 3 habitats, and natural resources; promotion of rural economic
 4 activity; maintenance of the viability of Florida's
 5 agricultural economy; and protection of the character of rural
 6 areas of Florida. Rural land stewardship areas may be
 7 multicounty in order to encourage coordinated regional
 8 stewardship planning.

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

20 4. A rural land stewardship area shall be not less
 21 than 10,000 acres and shall be located outside of
 22 municipalities and established urban growth boundaries, and
 23 shall be designated by plan amendment. The plan amendment
 24 designating a rural land stewardship area shall be subject to
 25 review by the Department of Community Affairs pursuant to s.
 26 163.3184 and shall provide for the following:

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

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

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

14 c. A process for the implementation of innovative
15 planning and development strategies within the rural land
16 stewardship area, including those described in this subsection
17 and rule 9J-5.006(5)(1), Florida Administrative Code, which
18 provide for a functional mix of land uses, including adequate
19 available work force housing, including low, very-low and
20 moderate income housing for the development anticipated in the
21 receiving area and which are applied through the adoption by
22 the local government of zoning and land development
23 regulations applicable to the rural land stewardship area.

24 d. A process which encourages visioning pursuant to s.
25 163.3167(11) to ensure that innovative planning and
26 development strategies comply with the provisions of this
27 section.

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

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1 5. A receiving area shall be designated by the
2 adoption of a land development regulation. Prior to the
3 designation of a receiving area, the local government shall
4 provide the Department of Community Affairs a period of 30
5 days in which to review a proposed receiving area for
6 consistency with the rural land stewardship area plan
7 amendment and to provide comments to the local government. At
8 the time of designation of a stewardship receiving area, a
9 listed species survey will be performed. If listed species
10 occur on the receiving area site, the developer shall
11 coordinate with each appropriate local, state, or federal
12 agency to determine if adequate provisions have been made to
13 protect those species in accordance with applicable
14 regulations. In determining the adequacy of provisions for the
15 protection of listed species and their habitats, the rural
16 land stewardship area shall be considered as a whole, and the
17 impacts to areas to be developed as receiving areas shall be
18 considered together with the environmental benefits of areas
19 protected as sending areas in fulfilling this criteria.

20 6. Upon the adoption of a plan amendment creating a
21 rural land stewardship area, the local government shall, by
22 ordinance, establish the methodology for the creation,
23 conveyance, and use of transferrable rural land use credits,
24 otherwise referred to as stewardship credits, the application
25 of assign to the area a certain number of credits, to be known
26 as "transferable rural land use credits," which shall not
27 constitute a right to develop land, nor increase density of
28 land, except as provided by this section. The total amount of
29 transferable rural land use credits within assigned to the
30 rural land stewardship area must enable the realization of the
31 long-term vision and goals for correspond to the 25-year or

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1 greater projected population of the rural land stewardship
2 area. Transferable rural land use credits are subject to the
3 following limitations:

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

6 b. Transferable rural land use credits may only be
7 used on lands designated as receiving areas and then solely
8 for the purpose of implementing innovative planning and
9 development strategies and creative land use planning
10 techniques adopted by the local government pursuant to this
11 section.

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

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

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

31 f. Transferable rural land use credits shall cease to

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1 exist on a parcel of land where the underlying density
2 assigned to the parcel of land is utilized.

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

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

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

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

26 k. The use or conveyance of transferable rural land
27 use credits must be recorded in the public records of the
28 county in which the property is located as a covenant or
29 restrictive easement running with the land in favor of the
30 county and either the Department of Environmental Protection,
31 Department of Agriculture and Consumer Services, a water

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1 management district, or a recognized statewide land trust.

2 7. Owners of land within rural land stewardship areas
3 should be provided incentives to enter into rural land
4 stewardship agreements, pursuant to existing law and rules
5 adopted thereto, with state agencies, water management
6 districts, and local governments to achieve mutually agreed
7 upon conservation objectives. Such incentives may include,
8 but not be limited to, the following:

9 a. Opportunity to accumulate transferable mitigation
10 credits.

11 b. Extended permit agreements.

12 c. Opportunities for recreational leases and
13 ecotourism.

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

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

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

25 (e) The Legislature finds that mixed-use, high-density
26 development is appropriate for urban infill and redevelopment
27 areas. Mixed-use projects accommodate a variety of uses,
28 including residential and commercial, and usually at higher
29 densities that promote pedestrian-friendly, sustainable
30 communities. The Legislature recognizes that mixed-use,
31 high-density development improves the quality of life for

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1 residents and businesses in urban areas. The Legislature finds
2 that mixed-use, high-density redevelopment and infill benefits
3 residents by creating a livable community with alternative
4 modes of transportation. Furthermore, the Legislature finds
5 that local zoning ordinances often discourage mixed-use,
6 high-density development in areas that are appropriate for
7 urban infill and redevelopment. The Legislature intends to
8 discourage single-use zoning in urban areas which often leads
9 to lower-density, land-intensive development outside an urban
10 service area. Therefore, the Department of Community Affairs
11 shall provide technical assistance to local governments in
12 order to encourage mixed-use, high-density urban infill and
13 redevelopment projects.

14 (f) The Legislature finds that a program for the
15 transfer of development rights is a useful tool to preserve
16 historic buildings and create public open spaces in urban
17 areas. A program for the transfer of development rights allows
18 the transfer of density credits from historic properties and
19 public open spaces to areas designated for high-density
20 development. The Legislature recognizes that high-density
21 development is integral to the success of many urban infill
22 and redevelopment projects. The Legislature intends to
23 encourage high-density urban infill and redevelopment while
24 preserving historic structures and open spaces. Therefore, the
25 Department of Community Affairs shall provide technical
26 assistance to local governments in order to promote the
27 transfer of development rights within urban areas for
28 high-density infill and redevelopment projects.

29 (g) The implementation of this subsection shall be
30 subject to the provisions of this chapter, chapters 186 and
31 187, and applicable agency rules.

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1 (h) The department may adopt rules necessary to
2 implement the provisions of this subsection.

3 (12) A public school facilities element adopted to
4 implement a school concurrency program shall meet the
5 requirements of this subsection. Each county and each
6 municipality within the county, unless exempt or subject to a
7 waiver, must adopt a public school facilities element that is
8 consistent with those adopted by the other local governments
9 within the county and enter the interlocal agreement pursuant
10 to s. 163.31777.

11 (a) The state land planning agency may provide a
12 waiver to a county and to the municipalities within the county
13 if the capacity rate for all schools within the school
14 district is no greater than 100 percent and the projected
15 5-year capital outlay full-time equivalent student growth rate
16 is less than 10 percent. The state land planning agency may
17 allow for a single school to exceed the 100-percent limitation
18 if it can be demonstrated that the capacity rate for that
19 single school is not greater than 105 percent. In making this
20 determination, the state land planning agency shall consider
21 the following criteria:

22 1. Whether the exceedance is due to temporary
23 circumstances;

24 2. Whether the projected 5-year capital outlay full
25 time equivalent student growth rate for the school district is
26 approaching the 10-percent threshold;

27 3. Whether one or more additional schools within the
28 school district are at or approaching the 100-percent
29 threshold; and

30 4. The adequacy of the data and analysis submitted to
31 support the waiver request.

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1 (b) A municipality in a nonexempt county is exempt if
2 the municipality meets all of the following criteria for
3 having no significant impact on school attendance:

4 1. The municipality has issued development orders for
5 fewer than 50 residential dwelling units during the preceding
6 5 years, or the municipality has generated fewer than 25
7 additional public school students during the preceding 5
8 years.

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

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

14 ~~(c)~~(a) A public school facilities element shall be
15 based upon data and analyses that address, among other items,
16 how level-of-service standards will be achieved and
17 maintained. Such data and analyses must include, at a minimum,
18 such items as: the interlocal agreement adopted pursuant to s.
19 163.31777 and the 5-year school district facilities work
20 program adopted pursuant to s. 1013.35; the educational plant
21 survey prepared pursuant to s. 1013.31 and an existing
22 educational and ancillary plant map or map series; information
23 on existing development and development anticipated for the
24 next 5 years and the long-term planning period; an analysis of
25 problems and opportunities for existing schools and schools
26 anticipated in the future; an analysis of opportunities to
27 collocate future schools with other public facilities such as
28 parks, libraries, and community centers; an analysis of the
29 need for supporting public facilities for existing and future
30 schools; an analysis of opportunities to locate schools to
31 serve as community focal points; projected future population

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1 and associated demographics, including development patterns
2 year by year for the upcoming 5-year and long-term planning
3 periods; and anticipated educational and ancillary plants with
4 land area requirements.

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

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

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

16 (g)~~(e)~~ The objectives and policies shall address items
17 such as:

- 18 1. The procedure for an annual update process;
- 19 2. The procedure for school site selection;
- 20 3. The procedure for school permitting;
- 21 4. Provision for ~~of supporting~~ infrastructure

22 necessary to support proposed schools, including potable
23 water, wastewater, drainage, solid waste, transportation, and
24 means by which to assure safe access to schools, including
25 sidewalks, bicycle paths, turn lanes, and signalization;

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

29 6. Provision for location of schools proximate to
30 residential areas and to complement patterns of development,
31 including the location of future school sites so they serve as

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1 community focal points;

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

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

8 9. Coordination with the future land use element.

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

19 (i) The state land planning agency shall establish a
20 phased schedule for adoption of the public school facilities
21 element and the required updates to the public schools
22 interlocal agreement pursuant to s. 163.31777. The schedule
23 shall provide for each county and local government within the
24 county to adopt the element and update to the agreement no
25 later than December 1, 2008. Plan amendments to adopt a public
26 school facilities element are exempt from the provisions of s.
27 163.3187(1).

28 (j) Failure to adopt the public school facility
29 element, to enter into an approved interlocal agreement as
30 required by subparagraph (6)(h)2. and 163.31777, or to amend
31 the comprehensive plan as necessary to implement school

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1 concurrency, according to the phased schedule, shall result in
 2 a local government being prohibited from adopting amendments
 3 to the comprehensive plan which increase residential density
 4 until the necessary amendments have been adopted and
 5 transmitted to the state land planning agency.

6 (k) The state land planning agency may issue the
 7 school board a notice to show cause why sanctions should not
 8 be enforced for failure to enter into an approved interlocal
 9 agreement as required by s. 163.31777 or for failure to
 10 implement the provisions of this act relating to public school
 11 concurrency. The school board may be subject to sanctions
 12 imposed by the Administration Commission directing the
 13 Department of Education to withhold from the district school
 14 board an equivalent amount of funds for school construction
 15 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 16 1013.72.

17 (13) Local governments are encouraged to develop a
 18 community vision that provides for sustainable growth,
 19 recognizes its fiscal constraints, and protects its natural
 20 resources. At the request of a local government, the
 21 applicable regional planning council shall provide assistance
 22 in the development of a community vision.

23 (a) As part of the process of developing a community
 24 vision under this section, the local government must hold two
 25 public meetings with at least one of those meetings before the
 26 local planning agency. Before those public meetings, the local
 27 government must hold at least one public workshop with
 28 stakeholder groups such as neighborhood associations,
 29 community organizations, businesses, private property owners,
 30 housing and development interests, and environmental
 31 organizations.

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1 (b) The local government must, at a minimum, discuss
2 five of the following topics as part of the workshops and
3 public meetings required under paragraph (a):

4 1. Future growth in the area using population
5 forecasts from the Bureau of Economic and Business Research;

6 2. Priorities for economic development;

7 3. Preservation of open space, environmentally
8 sensitive lands, and agricultural lands;

9 4. Appropriate areas and standards for mixed-use
10 development;

11 5. Appropriate areas and standards for high-density
12 commercial and residential development;

13 6. Appropriate areas and standards for
14 economic-development opportunities and employment centers;

15 7. Provisions for adequate workforce housing;

16 8. An efficient, interconnected multimodal
17 transportation system; and

18 9. Opportunities to create land use patterns that
19 accommodate the issues listed in subparagraphs 1.-8.

20 (c) As part of the workshops and public meetings, the
21 local government must discuss strategies for addressing the
22 topics discussed under paragraph (b), including:

23 1. Strategies to preserve open space and
24 environmentally sensitive lands, and to encourage a healthy
25 agricultural economy, including innovative planning and
26 development strategies, such as the transfer of development
27 rights;

28 2. Incentives for mixed-use development, including
29 increased height and intensity standards for buildings that
30 provide residential use in combination with office or
31 commercial space;

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1 3. Incentives for workforce housing;
2 4. Designation of an urban service boundary pursuant
3 to subsection (2); and
4 5. Strategies to provide mobility within the community
5 and to protect the Strategic Intermodal System, including the
6 development of a transportation corridor management plan under
7 s. 337.273.

8 (d) The community vision must reflect the community's
9 shared concept for growth and development of the community,
10 including visual representations depicting the desired
11 land-use patterns and character of the community during a
12 10-year planning timeframe. The community vision must also
13 take into consideration economic viability of the vision and
14 private property interests.

15 (e) After the workshops and public meetings required
16 under paragraph (a) are held, the local government may amend
17 its comprehensive plan to include the community vision as a
18 component in the plan. This plan amendment must be transmitted
19 and adopted pursuant to the procedures in ss. 163.3184 and
20 163.3189 at public hearings of the governing body other than
21 those identified in paragraph (a).

22 (f) Amendments submitted under this subsection are
23 exempt from the limitation on the frequency of plan amendments
24 in s. 163.3187.

25 (g) A local government that has developed a community
26 vision or completed a visioning process after July 1, 2000,
27 and before July 1, 2005, which substantially accomplishes the
28 goals set forth in this subsection and the appropriate goals,
29 policies, or objectives have been adopted as part of the
30 comprehensive plan or reflected in subsequently adopted land
31 development regulations and the plan amendment incorporating

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1 the community vision as a component has been found in
2 compliance is eligible for the incentives in s. 163.3184(17).

3 (14) Local governments are also encouraged to
4 designate an urban service boundary. This area must be
5 appropriate for compact, contiguous urban development within a
6 10-year planning timeframe. The urban service area boundary
7 must be identified on the future land use map or map series.
8 The local government shall demonstrate that the land included
9 within the urban service boundary is served or is planned to
10 be served with adequate public facilities and services based
11 on the local government's adopted level-of-service standards
12 by adopting a 10-year facilities plan in the capital
13 improvements element which is financially feasible. The local
14 government shall demonstrate that the amount of land within
15 the urban service boundary does not exceed the amount of land
16 needed to accommodate the projected population growth at
17 densities consistent with the adopted comprehensive plan
18 within the 10-year planning timeframe.

19 (a) As part of the process of establishing an urban
20 service boundary, the local government must hold two public
21 meetings with at least one of those meetings before the local
22 planning agency. Before those public meetings, the local
23 government must hold at least one public workshop with
24 stakeholder groups such as neighborhood associations,
25 community organizations, businesses, private property owners,
26 housing and development interests, and environmental
27 organizations.

28 (b)1. After the workshops and public meetings required
29 under paragraph (a) are held, the local government may amend
30 its comprehensive plan to include the urban service boundary.
31 This plan amendment must be transmitted and adopted pursuant

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1 to the procedures in ss. 163.3184 and 163.3189 at meetings of
2 the governing body other than those required under paragraph
3 (a).

4 2. This subsection does not prohibit new development
5 outside an urban service boundary. However, a local government
6 that establishes an urban service boundary under this
7 subsection is encouraged to require a full-cost accounting
8 analysis for any new development outside the boundary and to
9 consider the results of that analysis when adopting a plan
10 amendment for property outside the established urban service
11 boundary.

12 (c) Amendments submitted under this subsection are
13 exempt from the limitation on the frequency of plan amendments
14 in s. 163.3187.

15 (d) A local government that has adopted an urban
16 service boundary before July 1, 2005, which substantially
17 accomplishes the goals set forth in this subsection is not
18 required to comply with paragraph (a) or subparagraph 1. of
19 paragraph (b) in order to be eligible for the incentives under
20 s. 163.3184(17). In order to satisfy the provisions of this
21 paragraph, the local government must secure a determination
22 from the state land planning agency that the urban service
23 boundary adopted before July 1, 2005, substantially complies
24 with the criteria of this subsection, based on data and
25 analysis submitted by the local government to support this
26 determination. The determination by the state land planning
27 agency is not subject to administrative challenge.

28 Section 3. Section 163.31776, Florida Statutes, is
29 repealed.

30 Section 4. Subsections (2), (5), (6), and (7) of
31 section 163.31777, Florida Statutes, are amended to read:

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1 163.31777 Public schools interlocal agreement.--

2 (2) At a minimum, the interlocal agreement must
3 address interlocal-agreement requirements in s.
4 163.3180(13)(g), except for exempt local governments as
5 provided in s. 163.3177(12), and must address the following
6 issues:

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

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

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

27 (d) A process for determining the need for and timing
28 of onsite and offsite improvements to support new, proposed
29 expansion, or redevelopment of existing schools. The process
30 must address identification of the party or parties
31 responsible for the improvements.

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

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

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

15 (h) A procedure for the resolution of disputes between
16 the district school board and local governments, which may
17 include the dispute resolution processes contained in chapters
18 164 and 186.

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

22
23 ~~A signatory to the interlocal agreement may elect not to~~
24 ~~include a provision meeting the requirements of paragraph (e);~~
25 ~~however, such a decision may be made only after a public~~
26 ~~hearing on such election, which may include the public hearing~~
27 ~~in which a district school board or a local government adopts~~
28 ~~the interlocal agreement. An interlocal agreement entered into~~
29 ~~pursuant to this section must be consistent with the adopted~~
30 ~~comprehensive plan and land development regulations of any~~
31 ~~local government that is a signatory.~~

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1 (5) Any local government transmitting a public school
 2 element to implement school concurrency pursuant to the
 3 requirements of s. 163.3180 before the effective date of this
 4 section is not required to amend the element or any interlocal
 5 agreement to conform with the provisions of this section if
 6 the element is adopted prior to or within 1 year after the
 7 effective date of this section and remains in effect until the
 8 county conducts its evaluation and appraisal report and
 9 identifies changes necessary to more fully conform to the
 10 provisions of this section.

11 (6) Except as provided in subsection (7),
 12 municipalities meeting the exemption criteria in s.
 13 163.3177(12) having no established need for a new school
 14 facility and meeting the following criteria are exempt from
 15 the requirements of subsections (1), (2), and (3).±

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

18 ~~(b) The district school board's 5-year facilities work~~
 19 ~~program and the long-term 10-year and 20-year work programs,~~
 20 ~~as provided in s. 1013.35, demonstrate that no new school~~
 21 ~~facility is needed in the municipality. In addition, the~~
 22 ~~district school board must verify in writing that no new~~
 23 ~~school facility will be needed in the municipality within the~~
 24 ~~5-year and 10-year timeframes.~~

25 (7) At the time of the evaluation and appraisal
 26 report, each exempt municipality shall assess the extent to
 27 which it continues to meet the criteria for exemption under s.
 28 163.3177(12) subsection (6). If the municipality continues to
 29 meet these criteria ~~and the district school board verifies in~~
 30 ~~writing that no new school facilities will be needed within~~
 31 ~~the 5-year and 10-year timeframes,~~ the municipality shall

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1 continue to be exempt from the interlocal-agreement
 2 requirement. Each municipality exempt under s. 163.3177(12)
 3 ~~subsection (6)~~ must comply with the provisions of this section
 4 within 1 year after the district school board proposes, in its
 5 5-year district facilities work program, a new school within
 6 the municipality's jurisdiction.

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

12 163.3180 Concurrency.--

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

23 (2)(a) Consistent with public health and safety,
 24 sanitary sewer, solid waste, drainage, adequate water
 25 supplies, and potable water facilities shall be in place and
 26 available to serve new development no later than the issuance
 27 by the local government of a certificate of occupancy or its
 28 functional equivalent. Prior to approval of a building permit
 29 or its functional equivalent, the local government shall
 30 consult with the applicable water supplier to determine
 31 whether adequate water supplies to serve the new development

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1 will be available no later than the anticipated date of
2 issuance by the local government of a certificate of occupancy
3 or its functional equivalent.

4 (b) Consistent with the public welfare, and except as
5 otherwise provided in this section, parks and recreation
6 facilities to serve new development shall be in place or under
7 actual construction no later than 1 year after issuance by the
8 local government of a certificate of occupancy or its
9 functional equivalent. However, the acreage for such
10 facilities shall be dedicated or be acquired by the local
11 government prior to issuance by the local government of a
12 certificate of occupancy or its functional equivalent, or
13 funds in the amount of the developer's fair share shall be
14 committed no later than ~~prior to issuance by the local~~
15 ~~government's approval to commence construction~~ ~~government of a~~
16 ~~certificate of occupancy or its functional equivalent.~~

17 (c) Consistent with the public welfare, and except as
18 otherwise provided in this section, transportation facilities
19 ~~designated as part of the Florida Intrastate Highway System~~
20 needed to serve new development shall be in place or under
21 actual construction within 3 ~~not more than 5~~ years after the
22 local government approves a building permit or its functional
23 equivalent that results in traffic generation ~~issuance by the~~
24 ~~local government of a certificate of occupancy or its~~
25 ~~functional equivalent. Other transportation facilities needed~~
26 ~~to serve new development shall be in place or under actual~~
27 ~~construction no more than 3 years after issuance by the local~~
28 ~~government of a certificate of occupancy or its functional~~
29 ~~equivalent.~~

30 (4)

31 (c) The concurrency requirement, except as it relates

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1 to transportation facilities and public schools, as
 2 implemented in local government comprehensive plans, may be
 3 waived by a local government for urban infill and
 4 redevelopment areas designated pursuant to s. 163.2517 if such
 5 a waiver does not endanger public health or safety as defined
 6 by the local government in its local government comprehensive
 7 plan. The waiver shall be adopted as a plan amendment
 8 pursuant to the process set forth in s. 163.3187(3)(a). A
 9 local government may grant a concurrency exception pursuant to
 10 subsection (5) for transportation facilities located within
 11 these urban infill and redevelopment areas.

12 (5)(a) The Legislature finds that under limited
 13 circumstances dealing with transportation facilities,
 14 countervailing planning and public policy goals may come into
 15 conflict with the requirement that adequate public facilities
 16 and services be available concurrent with the impacts of such
 17 development. The Legislature further finds that often the
 18 unintended result of the concurrency requirement for
 19 transportation facilities is the discouragement of urban
 20 infill development and redevelopment. Such unintended results
 21 directly conflict with the goals and policies of the state
 22 comprehensive plan and the intent of this part. Therefore,
 23 exceptions from the concurrency requirement for transportation
 24 facilities may be granted as provided by this subsection.

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

31 1. Urban infill development,

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- 1 2. Urban redevelopment,
- 2 3. Downtown revitalization, or
- 3 4. Urban infill and redevelopment under s. 163.2517.

4 (c) The Legislature also finds that developments
5 located within urban infill, urban redevelopment, existing
6 urban service, or downtown revitalization areas or areas
7 designated as urban infill and redevelopment areas under s.
8 163.2517 which pose only special part-time demands on the
9 transportation system should be excepted from the concurrency
10 requirement for transportation facilities. A special
11 part-time demand is one that does not have more than 200
12 scheduled events during any calendar year and does not affect
13 the 100 highest traffic volume hours.

14 (d) A local government shall establish guidelines in
15 the comprehensive plan for granting the exceptions authorized
16 in paragraphs (b) and (c) and subsections (7) and (15) which
17 must be consistent with and support a comprehensive strategy
18 adopted in the plan to promote the purpose of the exceptions.

19 (e) The local government shall adopt into the plan and
20 implement strategies to support and fund mobility within the
21 designated exception area, including alternative modes of
22 transportation. The plan amendment shall also demonstrate how
23 strategies will support the purpose of the exception and how
24 mobility within the designated exception area will be
25 provided. In addition, the strategies must address urban
26 design; appropriate land use mixes, including intensity and
27 density; and network connectivity plans needed to promote
28 urban infill, redevelopment, or downtown revitalization. The
29 comprehensive plan amendment designating the concurrency
30 exception area shall be accompanied by data and analysis
31 justifying the size of the area.

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1 (f) Prior to the designation of a concurrency
2 exception area, the Department of Transportation shall be
3 consulted by the local government to assess the impact that
4 the proposed exception area is expected to have on the adopted
5 level of service standards established for Strategic
6 Intermodal System facilities, as defined in s. 339.64, and
7 roadway facilities funded in accordance with s. 339.2819.
8 Further, the local government shall, in cooperation with the
9 Department of Transportation, develop a plan to mitigate any
10 impacts to the Strategic Intermodal System, including, if
11 appropriate, the development of a long-term concurrency
12 management system pursuant to ss. 163.3177(3)(d) and
13 163.3180(9). in the comprehensive plan. These guidelines must
14 include consideration of the impacts on the Florida Intrastate
15 Highway System, as defined in s. 338.001. The exceptions may
16 be available only within the specific geographic area of the
17 jurisdiction designated in the plan. Pursuant to s. 163.3184,
18 any affected person may challenge a plan amendment
19 establishing these guidelines and the areas within which an
20 exception could be granted.

21 (g) Transportation concurrency exception areas
22 existing prior to July 1, 2005, shall meet, at a minimum, the
23 provisions of this section by July 1, 2006, or at the time of
24 the comprehensive plan update pursuant to the evaluation and
25 appraisal report, whichever occurs last.

26 (6) The Legislature finds that a de minimis impact is
27 consistent with this part. A de minimis impact is an impact
28 that would not affect more than 1 percent of the maximum
29 volume at the adopted level of service of the affected
30 transportation facility as determined by the local government.
31 No impact will be de minimis if the sum of existing roadway

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1 volumes and the projected volumes from approved projects on a
 2 transportation facility would exceed 110 percent of the
 3 maximum volume at the adopted level of service of the affected
 4 transportation facility; provided however, that an impact of a
 5 single family home on an existing lot will constitute a de
 6 minimis impact on all roadways regardless of the level of the
 7 deficiency of the roadway. ~~Local governments are encouraged to~~
 8 ~~adopt methodologies to encourage de minimis impacts on~~
 9 ~~transportation facilities within an existing urban service~~
 10 ~~area.~~ Further, no impact will be de minimis if it would exceed
 11 the adopted level-of-service standard of any affected
 12 designated hurricane evacuation routes. Each local government
 13 shall maintain sufficient records to ensure that the
 14 110-percent criterion is not exceeded. Each local government
 15 shall submit annually, with its updated capital improvements
 16 element, a summary of the de minimis records. If the state
 17 land planning agency determines that the 110-percent criterion
 18 has been exceeded, the state land planning agency shall notify
 19 the local government of the exceedance and that no further de
 20 minimis exceptions for the applicable roadway may be granted
 21 until such time as the volume is reduced below the 110
 22 percent. The local government shall provide proof of this
 23 reduction to the state land planning agency before issuing
 24 further de minimis exceptions.

25 (7) In order to promote infill development and
 26 redevelopment, one or more transportation concurrency
 27 management areas may be designated in a local government
 28 comprehensive plan. A transportation concurrency management
 29 area must be a compact geographic area with an existing
 30 network of roads where multiple, viable alternative travel
 31 paths or modes are available for common trips. A local

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1 government may establish an areawide level-of-service standard
 2 for such a transportation concurrency management area based
 3 upon an analysis that provides for a justification for the
 4 areawide level of service, how urban infill development or
 5 redevelopment will be promoted, and how mobility will be
 6 accomplished within the transportation concurrency management
 7 area. Prior to the designation of a concurrency management
 8 area, the Department of Transportation shall be consulted by
 9 the local government to assess the impact that the proposed
 10 concurrency management area is expected to have on the adopted
 11 level of service standards established for Strategic
 12 Intermodal System facilities, as defined in s. 339.64, and
 13 roadway facilities funded in accordance with s. 339.2819.
 14 Further, the local government shall, in cooperation with the
 15 Department of Transportation, develop a plan to mitigate any
 16 impacts to the Strategic Intermodal System, including, if
 17 appropriate, the development of a long-term concurrency
 18 management system pursuant to ss. 163.3177(3)(d) and
 19 163.3180(9). Transportation concurrency management areas
 20 existing prior to July 1, 2005, shall meet, at a minimum, the
 21 provisions of this section by July 1, 2006, or at the time of
 22 the comprehensive plan update pursuant to the evaluation and
 23 appraisal report, whichever occurs last. The state land
 24 planning agency shall amend chapter 9J-5, Florida
 25 Administrative Code, to be consistent with this subsection.

26 (9)(a) Each local government may adopt as a part of
 27 its plan, ~~a~~ long-term transportation and school concurrency
 28 management systems ~~system~~ with a planning period of up to 10
 29 years for specially designated districts or areas where
 30 significant backlogs exist. The plan may include interim
 31 level-of-service standards on certain facilities and shall ~~may~~

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

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

- 19 1. The extent of the backlog.
- 20 2. For roads, whether the backlog is on local or state
 21 roads.
- 22 3. The cost of eliminating the backlog.
- 23 4. The local government's tax and other
 24 revenue-raising efforts.

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

29 (d) If the local government adopts a long-term
 30 concurrency management system, it must evaluate the system
 31 periodically. At a minimum, the local government must assess

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1 its progress toward improving levels of service within the
 2 long-term concurrency management district or area in the
 3 evaluation and appraisal report and determine any changes that
 4 are necessary to accelerate progress in meeting acceptable
 5 levels of service.

6 (10) With regard to roadway facilities on the
 7 Strategic Intermodal System designated in accordance with ss.
 8 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate
 9 Highway System as defined in s. 338.001, and roadway
 10 facilities funded in accordance with s. 339.2819 with
 11 ~~concurrence from the Department of Transportation, the~~
 12 ~~level-of-service standard for general lanes in urbanized~~
 13 ~~areas, as defined in s. 334.03(36), may be established by the~~
 14 ~~local government in the comprehensive plan. For all other~~
 15 ~~facilities on the Florida Intrastate Highway System, local~~
 16 governments shall adopt the level-of-service standard
 17 established by the Department of Transportation by rule. For
 18 all other roads on the State Highway System, local governments
 19 shall establish an adequate level-of-service standard that
 20 need not be consistent with any level-of-service standard
 21 established by the Department of Transportation. In
 22 establishing adequate level-of-service standards for any
 23 arterial roads, or collector roads as appropriate, which
 24 traverse multiple jurisdictions, local governments shall
 25 consider compatibility with the roadway facility's adopted
 26 level-of-service standards in adjacent jurisdictions. Each
 27 local government within a county shall use a professionally
 28 accepted methodology for measuring impacts on transportation
 29 facilities for the purposes of implementing its concurrency
 30 management system. Counties are encouraged to coordinate with
 31 adjacent counties, and local governments within a county are

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1 encouraged to coordinate, for the purpose of using common
 2 methodologies for measuring impacts on transportation
 3 facilities for the purpose of implementing their concurrency
 4 management systems.

5 (13) ~~School concurrency, if imposed by local option,~~
 6 shall be established on a districtwide basis and shall include
 7 all public schools in the district and all portions of the
 8 district, whether located in a municipality or an
 9 unincorporated area unless exempt from the public school
 10 facilities element pursuant to s. 163.3177(12). The
 11 application of school concurrency to development shall be
 12 based upon the adopted comprehensive plan, as amended. All
 13 local governments within a county, except as provided in
 14 paragraph (f), shall adopt and transmit to the state land
 15 planning agency the necessary plan amendments, along with the
 16 interlocal agreement, for a compliance review pursuant to s.
 17 163.3184(7) and (8). ~~School concurrency shall not become~~
 18 ~~effective in a county until all local governments, except as~~
 19 ~~provided in paragraph (f), have adopted the necessary plan~~
 20 ~~amendments, which together with the interlocal agreement, are~~
 21 ~~determined to be in compliance with the requirements of this~~
 22 ~~part.~~ The minimum requirements for school concurrency are the
 23 following:

24 (a) Public school facilities element.--A local
 25 government shall adopt and transmit to the state land planning
 26 agency a plan or plan amendment which includes a public school
 27 facilities element which is consistent with the requirements
 28 of s. 163.3177(12) and which is determined to be in compliance
 29 as defined in s. 163.3184(1)(b). All local government public
 30 school facilities plan elements within a county must be
 31 consistent with each other as well as the requirements of this

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1 part.

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

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

12 2. Public school level-of-service standards shall be
13 included and adopted into the capital improvements element of
14 the local comprehensive plan and shall apply districtwide to
15 all schools of the same type. Types of schools may include
16 elementary, middle, and high schools as well as special
17 purpose facilities such as magnet schools.

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

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

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

14 2. For local governments applying school concurrency
15 on a less than districtwide basis, such as utilizing school
16 attendance zones or larger school concurrency service areas,
17 local governments and school boards shall have the burden to
18 demonstrate that the utilization of school capacity is
19 maximized to the greatest extent possible in the comprehensive
20 plan and amendment, taking into account transportation costs
21 and court-approved desegregation plans, as well as other
22 factors. In addition, in order to achieve concurrency within
23 the service area boundaries selected by local governments and
24 school boards, the service area boundaries, together with the
25 standards for establishing those boundaries, shall be
26 identified ~~and~~, included as supporting data and analysis for,
27 ~~and adopted as part of the comprehensive plan. Any subsequent~~
28 ~~change to the service area boundaries for purposes of a school~~
29 ~~concurrency system shall be by plan amendment and shall be~~
30 ~~exempt from the limitation on the frequency of plan amendments~~
31 ~~in s. 163.3187(1).~~

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1 3. Where school capacity is available on a
 2 districtwide basis but school concurrency is applied on a less
 3 than districtwide basis in the form of concurrency service
 4 areas, if the adopted level-of-service standard cannot be met
 5 in a particular service area as applied to an application for
 6 a development permit and if the needed capacity for the
 7 particular service area is available in one or more contiguous
 8 service areas, as adopted by the local government, then the
 9 local government may not deny an application for site plan or
 10 final subdivision approval or the functional equivalent for a
 11 development or phase of a development on the basis of school
 12 concurrency, and if order shall be issued, development impacts
 13 shall be shifted to contiguous service areas with schools
 14 having available capacity and mitigation measures shall not be
 15 exacted.

16 (d) Financial feasibility.--The Legislature recognizes
 17 that financial feasibility is an important issue because the
 18 premise of concurrency is that the public facilities will be
 19 provided in order to achieve and maintain the adopted
 20 level-of-service standard. This part and chapter 9J-5, Florida
 21 Administrative Code, contain specific standards to determine
 22 the financial feasibility of capital programs. These standards
 23 were adopted to make concurrency more predictable and local
 24 governments more accountable.

25 1. A comprehensive plan amendment seeking to impose
 26 school concurrency shall contain appropriate amendments to the
 27 capital improvements element of the comprehensive plan,
 28 consistent with the requirements of s. 163.3177(3) and rule
 29 9J-5.016, Florida Administrative Code. The capital
 30 improvements element shall set forth a financially feasible
 31 public school capital facilities program, established in

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1 conjunction with the school board, that demonstrates that the
2 adopted level-of-service standards will be achieved and
3 maintained.

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

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

15 (e) Availability standard.--Consistent with the public
16 welfare, a local government may not deny an application for
17 site plan, final subdivision approval, or the functional
18 equivalent for a development or phase of a development permit
19 authorizing residential development for failure to achieve and
20 maintain the level-of-service standard for public school
21 capacity in a local ~~option~~ school concurrency management
22 system where adequate school facilities will be in place or
23 under actual construction within 3 years after the permit
24 issuance of final subdivision or site plan approval, or the
25 functional equivalent. School concurrency shall be satisfied
26 if the developer executes a legally binding commitment to
27 provide mitigation proportionate to the demand for public
28 school facilities to be created by actual development of the
29 property, including, but not limited to, the options described
30 in subparagraph 1. Options for proportionate-share mitigation
31 of impacts on public school facilities shall be established in

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1 the public school facilities element and the interlocal
2 agreement pursuant to s. 163.31777.

3 1. Appropriate mitigation options include the
4 contribution of land; the construction, expansion, or payment
5 for land acquisition or construction of a public school
6 facility; or the creation of mitigation banking based on the
7 construction of a public school facility in exchange for the
8 right to sell capacity credits. Such options must include
9 execution by the applicant and the local government of a
10 binding development agreement that constitutes a legally
11 binding commitment to pay proportionate-share mitigation for
12 the additional residential units approved by the local
13 government in a development order and actually developed on
14 the property, taking into account residential density allowed
15 on the property prior to the plan amendment that increased
16 overall residential density. The district school board shall
17 be a party to such an agreement. As a condition of its entry
18 into such a development agreement, the local government may
19 require the landowner to agree to continuing renewal of the
20 agreement upon its expiration.

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

31 3. Any proportionate-share mitigation must be directed

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1 by the school board toward a school capacity improvement
 2 identified in a financially feasible 5-year district work plan
 3 and which satisfies the demands created by that development in
 4 accordance with a binding developer's agreement.

5 4. This paragraph does not limit the authority of a
 6 local government to deny a development permit or its
 7 functional equivalent pursuant to its home-rule regulatory
 8 powers, except as provided in this part.

9 (f) Intergovernmental coordination.--

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

21 a. The municipality has issued development orders for
 22 fewer than 50 residential dwelling units during the preceding
 23 5 years, or the municipality has generated fewer than 25
 24 additional public school students during the preceding 5
 25 years.

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

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

31 d. At least 80 percent of the developable land within

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1 the boundaries of the municipality has been built upon.

2 2. A municipality which qualifies as having no
 3 significant impact on school attendance pursuant to the
 4 criteria of subparagraph 1. must review and determine at the
 5 time of its evaluation and appraisal report pursuant to s.
 6 163.3191 whether it continues to meet the criteria pursuant to
 7 s. 163.3177(6). If the municipality determines that it no
 8 longer meets the criteria, it must adopt appropriate school
 9 concurrency goals, objectives, and policies in its plan
 10 amendments based on the evaluation and appraisal report, and
 11 enter into the existing interlocal agreement required by ss.
 12 ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully
 13 participate in the school concurrency system. If such a
 14 municipality fails to do so, it will be subject to the
 15 enforcement provisions of s. 163.3191.

16 (g) Interlocal agreement for school concurrency.--When
 17 establishing concurrency requirements for public schools, a
 18 local government must enter into an interlocal agreement that
 19 ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6)(h)1.
 20 and 2. and 163.31777 and the requirements of this subsection.
 21 The interlocal agreement shall acknowledge both the school
 22 board's constitutional and statutory obligations to provide a
 23 uniform system of free public schools on a countywide basis,
 24 and the land use authority of local governments, including
 25 their authority to approve or deny comprehensive plan
 26 amendments and development orders. The interlocal agreement
 27 shall be submitted to the state land planning agency by the
 28 local government as a part of the compliance review, along
 29 with the other necessary amendments to the comprehensive plan
 30 required by this part. In addition to the requirements of ss.
 31 ~~s.~~ 163.3177(6)(h) and 163.31777, the interlocal agreement

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1 shall meet the following requirements:

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

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

15 ~~2.3.~~ Establish a process for the development of siting
16 criteria which encourages the location of public schools
17 proximate to urban residential areas to the extent possible
18 and seeks to collocate schools with other public facilities
19 such as parks, libraries, and community centers to the extent
20 possible.

21 ~~3.4.~~ Specify uniform, districtwide level-of-service
22 standards for public schools of the same type and the process
23 for modifying the adopted level-of-service standards.

24 ~~4.5.~~ Establish a process for the preparation,
25 amendment, and joint approval by each local government and the
26 school board of a public school capital facilities program
27 which is financially feasible, and a process and schedule for
28 incorporation of the public school capital facilities program
29 into the local government comprehensive plans on an annual
30 basis.

31 ~~5.6.~~ Define the geographic application of school

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1 concurrency. If school concurrency is to be applied on a less
 2 than districtwide basis in the form of concurrency service
 3 areas, the agreement shall establish criteria and standards
 4 for the establishment and modification of school concurrency
 5 service areas. The agreement shall also establish a process
 6 and schedule for the mandatory incorporation of the school
 7 concurrency service areas and the criteria and standards for
 8 establishment of the service areas into the local government
 9 comprehensive plans. The agreement shall ensure maximum
 10 utilization of school capacity, taking into account
 11 transportation costs and court-approved desegregation plans,
 12 as well as other factors. The agreement shall also ensure the
 13 achievement and maintenance of the adopted level-of-service
 14 standards for the geographic area of application throughout
 15 the 5 years covered by the public school capital facilities
 16 plan and thereafter by adding a new fifth year during the
 17 annual update.

18 ~~6.7.~~ Establish a uniform districtwide procedure for
 19 implementing school concurrency which provides for:

20 a. The evaluation of development applications for
 21 compliance with school concurrency requirements, including
 22 information provided by the school board on affected schools,
 23 impact on levels of service, and programmed improvements for
 24 affected schools and any options to provide sufficient
 25 capacity;

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

29 c. The monitoring and evaluation of the school
 30 concurrency system.

31 ~~7.8.~~ Include provisions relating to ~~termination,~~

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1 ~~suspension, and amendment of the agreement. The agreement~~
 2 ~~shall provide that if the agreement is terminated or~~
 3 ~~suspended, the application of school concurrency shall be~~
 4 ~~terminated or suspended.~~

5 8. A process and uniform methodology for determining
 6 proportionate-share mitigation pursuant to subparagraph (e)1.

7 (h) This subsection does not limit the authority of a
 8 local government to grant or deny a development permit or its
 9 functional equivalent prior to the implementation of school
 10 concurrency.

11 (15)(a) Multimodal transportation districts may be
 12 established under a local government comprehensive plan in
 13 areas delineated on the future land use map for which the
 14 local comprehensive plan assigns secondary priority to vehicle
 15 mobility and primary priority to assuring a safe, comfortable,
 16 and attractive pedestrian environment, with convenient
 17 interconnection to transit. Such districts must incorporate
 18 community design features that will reduce the number of
 19 automobile trips or vehicle miles of travel and will support
 20 an integrated, multimodal transportation system. Prior to the
 21 designation of multimodal transportation districts, the
 22 Department of Transportation shall be consulted by the local
 23 government to assess the impact that the proposed multimodal
 24 district area is expected to have on the adopted level of
 25 service standards established for Strategic Intermodal System
 26 facilities, as defined in s. 339.64, and roadway facilities
 27 funded in accordance with s. 339.2819. Further, the local
 28 government shall, in cooperation with the Department of
 29 Transportation, develop a plan to mitigate any impacts to the
 30 Strategic Intermodal System, including the development of a
 31 long-term concurrency management system pursuant to ss.

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1 163.3177(3)(d) and 163.3180(9). Multimodal transportation
 2 districts existing prior to July 1, 2005, shall meet, at a
 3 minimum, the provisions of this section by July 1, 2006, or at
 4 the time of the comprehensive plan update pursuant to the
 5 evaluation and appraisal report, whichever occurs last.

6 (b) Community design elements of such a district
 7 include: a complementary mix and range of land uses, including
 8 educational, recreational, and cultural uses; interconnected
 9 networks of streets designed to encourage walking and
 10 bicycling, with traffic-calming where desirable; appropriate
 11 densities and intensities of use within walking distance of
 12 transit stops; daily activities within walking distance of
 13 residences, allowing independence to persons who do not drive;
 14 public uses, streets, and squares that are safe, comfortable,
 15 and attractive for the pedestrian, with adjoining buildings
 16 open to the street and with parking not interfering with
 17 pedestrian, transit, automobile, and truck travel modes.

18 (c) Local governments may establish multimodal
 19 level-of-service standards that rely primarily on nonvehicular
 20 modes of transportation within the district, when justified by
 21 an analysis demonstrating that the existing and planned
 22 community design will provide an adequate level of mobility
 23 within the district based upon professionally accepted
 24 multimodal level-of-service methodologies. ~~The analysis must~~
 25 ~~take into consideration the impact on the Florida Intrastate~~
 26 ~~Highway System.~~ The analysis must also demonstrate that the
 27 capital improvements required to promote community design are
 28 financially feasible over the development or redevelopment
 29 timeframe for the district and that community design features
 30 within the district provide convenient interconnection for a
 31 multimodal transportation system. Local governments may issue

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1 development permits in reliance upon all planned community
2 design capital improvements that are financially feasible over
3 the development or redevelopment timeframe for the district,
4 without regard to the period of time between development or
5 redevelopment and the scheduled construction of the capital
6 improvements. A determination of financial feasibility shall
7 be based upon currently available funding or funding sources
8 that could reasonably be expected to become available over the
9 planning period.

10 (d) Local governments may reduce impact fees or local
11 access fees for development within multimodal transportation
12 districts based on the reduction of vehicle trips per
13 household or vehicle miles of travel expected from the
14 development pattern planned for the district.

15 (16) It is the intent of the Legislature to provide a
16 method by which the impacts of development on transportation
17 facilities can be mitigated by the cooperative efforts of the
18 public and private sectors. The methodology used to calculate
19 proportionate fair-share mitigation under this section shall
20 be as provided for in s. 163.3180(12).

21 (a) By December 1, 2006, each local government shall
22 adopt by ordinance a methodology for assessing proportionate
23 fair-share mitigation options. By December 1, 2005, the
24 Department of Transportation shall develop a model
25 transportation concurrency management ordinance with
26 methodologies for assessing proportionate fair-share
27 mitigation options.

28 (b)1. In its transportation concurrency management
29 system, a local government shall, by December 1, 2006, include
30 methodologies that will be applied to calculate proportionate
31 fair-share mitigation. A developer may choose to satisfy all

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1 transportation concurrency requirements by contributing or
2 paying proportionate fair-share mitigation if transportation
3 facilities or facility segments identified as mitigation for
4 traffic impacts are specifically identified for funding in the
5 5-year schedule of capital improvements in the capital
6 improvements element of the local plan or the long-term
7 concurrency management system or if such contributions or
8 payments to such facilities or segments are reflected in the
9 5-year schedule of capital improvements in the next regularly
10 scheduled update of the capital improvements element. Updates
11 to the 5-year capital improvements element which reflect
12 proportionate fair-share contributions may not be found not in
13 compliance based on s. 163.3177(3) and s. 163.164(32) if
14 additional contributions, payments or funding sources are
15 reasonably anticipated during a period not to exceed 10 years
16 to fully mitigate impacts on the transportation facilities.

17 2. Proportionate fair-share mitigation shall be
18 applied as a credit against impact fees to the extent that all
19 or a portion of the proportionate fair-share mitigation is
20 used to address the same capital infrastructure improvements
21 contemplated by the local government's impact fee ordinance.

22 (c) Proportionate fair-share mitigation includes,
23 without limitation, separately or collectively, private funds,
24 contributions of land, and construction and contribution of
25 facilities and may include public funds as determined by the
26 local government. The fair market value of the proportionate
27 fair-share mitigation shall not differ based on the form of
28 mitigation. A local government may not require a development
29 to pay more than its proportionate fair-share contribution
30 regardless of the method of mitigation.

31 (d) Nothing in this subsection shall require a local

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1 government to approve a development that is not otherwise
2 qualified for approval pursuant to the applicable local
3 comprehensive plan and land development regulations.

4 (e) Mitigation for development impacts to facilities
5 on the Strategic Intermodal System made pursuant to this
6 subsection requires the concurrence of the Department of
7 Transportation.

8 (f) In the event the funds in an adopted 5-year
9 capital improvements element are insufficient to fully fund
10 construction of a transportation improvement required by the
11 local government's concurrency management system, a local
12 government and a developer may still enter into a binding
13 proportionate share agreement authorizing the developer to
14 construct that amount of development on which the
15 proportionate share is calculated if the proportionate share
16 amount in such agreement is sufficient to pay for one or more
17 improvements which will, in the opinion of the governmental
18 entity or entities maintaining the transportation facilities,
19 significantly benefit the impacted transportation system. The
20 improvement or improvements funded by the proportionate share
21 component must be adopted into the 5-year capital improvements
22 schedule of the comprehensive plan at the next annual capital
23 improvements element update.

24 (g) Except as provided in subparagraph (b)1., nothing
25 in this section shall prohibit the Department of Community
26 Affairs from finding other portions of the capital
27 improvements element amendments not in compliance as provided
28 in this chapter.

29 (h) The provisions of this subsection do not apply to
30 a multiuse development of regional impact satisfying the
31 requirements of subsection (12).

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1 Section 6. Subsections (17) and (18) are added to
 2 section 163.3184, Florida Statutes, to read:

3 163.3184 Process for adoption of comprehensive plan or
 4 plan amendment.--

5 (17) A local government that has adopted a community
 6 vision and urban service boundary under s. 163.31773(13) and
 7 (14) may adopt a plan amendment related to map amendments
 8 solely to property within an urban service boundary in the
 9 manner described in subsections (1), (2), (7), (14), (15), and
 10 (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that
 11 state and regional agency review is eliminated. The department
 12 may not issue an objections, recommendations, and comments
 13 report on proposed plan amendments or a notice of intent on
 14 adopted plan amendments; however, affected persons, as defined
 15 by paragraph (1)(a), may file a petition for administrative
 16 review pursuant to the requirements of s. 163.3187(3)(a) to
 17 challenge the compliance of an adopted plan amendment. This
 18 subsection does not apply to any amendment within an area of
 19 critical state concern, to any amendment that increases
 20 residential densities allowable in high-hazard coastal areas
 21 as defined in s. 163.3178(2)(h), or to a text change to the
 22 goals, policies, or objectives of the local government's
 23 comprehensive plan. Amendments submitted under this subsection
 24 are exempt from the limitation on the frequency of plan
 25 amendments in s. 163.3187.

26 (18) A municipality that has a designated urban infill
 27 and redevelopment area under s. 163.2517 may adopt a plan
 28 amendment related to map amendments solely to property within
 29 a designated urban infill and redevelopment area in the manner
 30 described in subsections (1), (2), (7), (14), (15), and (16)
 31 and s. 163.3187(1)(c)1.d. and e., 2., 3., such that state and

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1 regional agency review is eliminated. The department may not
 2 issue an objections, recommendations, and comments report on
 3 proposed plan amendments or a notice of intent on adopted plan
 4 amendments; however, affected persons, as defined by paragraph
 5 (1)(a), may file a petition for administrative review pursuant
 6 to the requirements of s. 163.3187(3)(a) to challenge the
 7 compliance of an adopted plan amendment. This subsection does
 8 not apply to any amendment within an area of critical state
 9 concern, to any amendment that increases residential densities
 10 allowable in high-hazard coastal areas as defined in s.
 11 163.3178(2)(h), or to a text change to the goals, policies, or
 12 objectives of the local government's comprehensive plan.
 13 Amendments submitted under this subsection are exempt from the
 14 limitation on the frequency of plan amendments in s. 163.3187.

15 Section 7. Paragraph (c) of subsection (1) is amended
 16 and paragraph (o) is added to section 163.3187, Florida
 17 Statutes, to read:

18 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

30 a. The cumulative annual effect of the acreage for all
 31 small scale development amendments adopted by the local

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1 government shall not exceed:

2 (I) A maximum of 120 acres in a local government that
 3 contains areas specifically designated in the local
 4 comprehensive plan for urban infill, urban redevelopment, or
 5 downtown revitalization as defined in s. 163.3164, urban
 6 infill and redevelopment areas designated under s. 163.2517,
 7 transportation concurrency exception areas approved pursuant
 8 to s. 163.3180(5), or regional activity centers and urban
 9 central business districts approved pursuant to s.
 10 380.06(2)(e); however, amendments under this paragraph may be
 11 applied to no more than 60 acres annually of property outside
 12 the designated areas listed in this sub-sub-subparagraph.
 13 Amendments adopted pursuant to paragraph (k) shall not be
 14 counted toward the acreage limitations for small scale
 15 amendments under this paragraph.

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

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

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

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

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

31 e. The property that is the subject of the proposed

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

13 f. If the proposed amendment involves a residential
 14 land use, the residential land use has a density of 10 units
 15 or less per acre or the proposed future land use category
 16 allows a maximum residential density of the same or less than
 17 the maximum residential density allowable under the existing
 18 future land use category, except that this limitation does not
 19 apply to small scale amendments involving the construction of
 20 affordable housing units meeting the criteria of s.
 21 420.0004(3) on property which will be the subject of a land
 22 use restriction agreement or extended use agreement recorded
 23 in conjunction with the issuance of tax exempt bond financing
 24 or an allocation of federal tax credits issued through the
 25 Florida Housing Finance Corporation or a local housing finance
 26 authority authorized by the Division of Bond Finance of the
 27 State Board of Administration, or small scale amendments
 28 described in sub-sub-subparagraph a.(I) that are designated in
 29 the local comprehensive plan for urban infill, urban
 30 redevelopment, or downtown revitalization as defined in s.
 31 163.3164, urban infill and redevelopment areas designated

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1 under s. 163.2517, transportation concurrency exception areas
2 approved pursuant to s. 163.3180(5), or regional activity
3 centers and urban central business districts approved pursuant
4 to s. 380.06(2)(e).

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

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

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

26 4. If the small scale development amendment involves a
27 site within an area that is designated by the Governor as a
28 rural area of critical economic concern under s. 288.0656(7)
29 for the duration of such designation, the 10-acre limit listed
30 in subparagraph 1. shall be increased by 100 percent to 20
31 acres. The local government approving the small scale plan

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1 amendment shall certify to the Office of Tourism, Trade, and
 2 Economic Development that the plan amendment furthers the
 3 economic objectives set forth in the executive order issued
 4 under s. 288.0656(7), and the property subject to the plan
 5 amendment shall undergo public review to ensure that all
 6 concurrency requirements and federal, state, and local
 7 environmental permit requirements are met.

8 (d) Any comprehensive plan amendment required by a
 9 compliance agreement pursuant to s. 163.3184(16) may be
 10 approved without regard to statutory limits on the frequency
 11 of adoption of amendments to the comprehensive plan.

12 (e) A comprehensive plan amendment for location of a
 13 state correctional facility. Such an amendment may be made at
 14 any time and does not count toward the limitation on the
 15 frequency of plan amendments.

16 (f) Any comprehensive plan amendment that changes the
 17 schedule in the capital improvements element, and any
 18 amendments directly related to the schedule, may be made once
 19 in a calendar year on a date different from the two times
 20 provided in this subsection when necessary to coincide with
 21 the adoption of the local government's budget and capital
 22 improvements program.

23 (g) Any local government comprehensive plan amendments
 24 directly related to proposed redevelopment of brownfield areas
 25 designated under s. 376.80 may be approved without regard to
 26 statutory limits on the frequency of consideration of
 27 amendments to the local comprehensive plan.

28 (h) Any comprehensive plan amendments for port
 29 transportation facilities and projects that are eligible for
 30 funding by the Florida Seaport Transportation and Economic
 31 Development Council pursuant to s. 311.07.

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1 (i) A comprehensive plan amendment for the purpose of
 2 designating an urban infill and redevelopment area under s.
 3 163.2517 may be approved without regard to the statutory
 4 limits on the frequency of amendments to the comprehensive
 5 plan.

6 (j) Any comprehensive plan amendment to establish
 7 public school concurrency pursuant to s. 163.3180(13),
 8 including, but not limited to, adoption of a public school
 9 facilities element and adoption of amendments to the capital
 10 improvements element and intergovernmental coordination
 11 element. In order to ensure the consistency of local
 12 government public school facilities elements within a county,
 13 such elements shall be prepared and adopted on a similar time
 14 schedule.

15 (k) A local comprehensive plan amendment directly
 16 related to providing transportation improvements to enhance
 17 life safety on Controlled Access Major Arterial Highways
 18 identified in the Florida Intrastate Highway System, in
 19 counties as defined in s. 125.011, where such roadways have a
 20 high incidence of traffic accidents resulting in serious
 21 injury or death. Any such amendment shall not include any
 22 amendment modifying the designation on a comprehensive
 23 development plan land use map nor any amendment modifying the
 24 allowable densities or intensities of any land.

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

30 (m) A comprehensive plan amendment that addresses
 31 criteria or compatibility of land uses adjacent to or in close

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1 proximity to military installations in a local government's
2 future land use element does not count toward the limitation
3 on the frequency of the plan amendments.

4 (n) Any local government comprehensive plan amendment
5 establishing or implementing a rural land stewardship area
6 pursuant to the provisions of s. 163.3177(11)(d).

7 (o) A comprehensive plan amendment that is submitted
8 by an area designated by the Governor as a rural area of
9 critical economic concern under s. 288.0656(7) and that meets
10 the economic development objectives may be approved without
11 regard to the statutory limits on the frequency of adoption of
12 amendments to the comprehensive plan.

13 Section 8. Subsections (2) and (10) of section
14 163.3191, Florida Statutes, are amended to read:

15 163.3191 Evaluation and appraisal of comprehensive
16 plan.--

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

22 (a) Population growth and changes in land area,
23 including annexation, since the adoption of the original plan
24 or the most recent update amendments.

25 (b) The extent of vacant and developable land.

26 (c) The financial feasibility of implementing the
27 comprehensive plan and of providing needed infrastructure to
28 achieve and maintain adopted level-of-service standards and
29 sustain concurrency management systems through the capital
30 improvements element, as well as the ability to address
31 infrastructure backlogs and meet the demands of growth on

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1 public services and facilities.

2 (d) The location of existing development in relation
3 to the location of development as anticipated in the original
4 plan, or in the plan as amended by the most recent evaluation
5 and appraisal report update amendments, such as within areas
6 designated for urban growth.

7 (e) An identification of the major issues for the
8 jurisdiction and, where pertinent, the potential social,
9 economic, and environmental impacts.

10 (f) Relevant changes to the state comprehensive plan,
11 the requirements of this part, the minimum criteria contained
12 in chapter 9J-5, Florida Administrative Code, and the
13 appropriate strategic regional policy plan since the adoption
14 of the original plan or the most recent evaluation and
15 appraisal report update amendments.

16 (g) An assessment of whether the plan objectives
17 within each element, as they relate to major issues, have been
18 achieved. The report shall include, as appropriate, an
19 identification as to whether unforeseen or unanticipated
20 changes in circumstances have resulted in problems or
21 opportunities with respect to major issues identified in each
22 element and the social, economic, and environmental impacts of
23 the issue.

24 (h) A brief assessment of successes and shortcomings
25 related to each element of the plan.

26 (i) The identification of any actions or corrective
27 measures, including whether plan amendments are anticipated to
28 address the major issues identified and analyzed in the
29 report. Such identification shall include, as appropriate,
30 new population projections, new revised planning timeframes, a
31 revised future conditions map or map series, an updated

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1 capital improvements element, and any new and revised goals,
 2 objectives, and policies for major issues identified within
 3 each element. This paragraph shall not require the submittal
 4 of the plan amendments with the evaluation and appraisal
 5 report.

6 (j) A summary of the public participation program and
 7 activities undertaken by the local government in preparing the
 8 report.

9 (k) The coordination of the comprehensive plan with
 10 existing public schools and those identified in the applicable
 11 educational facilities plan adopted pursuant to s. 1013.35.
 12 The assessment shall address, where relevant, the success or
 13 failure of the coordination of the future land use map and
 14 associated planned residential development with public schools
 15 and their capacities, as well as the joint decisionmaking
 16 processes engaged in by the local government and the school
 17 board in regard to establishing appropriate population
 18 projections and the planning and siting of public school
 19 facilities. For those counties or municipalities that do not
 20 have a public schools interlocal agreement or public school
 21 facility element, the assessment shall determine whether the
 22 local government continues to meet the criteria of s.
 23 163.3177(12). If the county or municipality determines that it
 24 no longer meets the criteria, it must adopt appropriate school
 25 concurrency goals, objectives, and policies in its plan
 26 amendments pursuant to the requirements of the public school
 27 facility element, and enter into the existing interlocal
 28 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
 29 order to fully participate in the school concurrency system.
 30 ~~If the issues are not relevant, the local government shall~~
 31 ~~demonstrate that they are not relevant.~~

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1 (1) The extent to which the local government has been
2 successful in identifying alternative water supply projects
3 and traditional water supply projects, including conservation
4 and reuse, necessary to meet the water needs identified in s.
5 373.0361(2)(a) within the local government's jurisdiction. The
6 report must evaluate the degree to which the local government
7 has implemented the work plan for building public, private,
8 and regional water supply facilities, including development of
9 alternative water supplies, ~~The evaluation must consider the~~
10 ~~appropriate water management district's regional water supply~~
11 ~~plan approved pursuant to s. 373.0361. The potable water~~
12 ~~element must be revised to include a work plan, covering at~~
13 ~~least a 10-year planning period, for building any water supply~~
14 ~~facilities that are identified in the element as necessary to~~
15 ~~serve existing and new development and for which the local~~
16 ~~government is responsible.~~

17 (m) If any of the jurisdiction of the local government
18 is located within the coastal high-hazard area, an evaluation
19 of whether any past reduction in land use density impairs the
20 property rights of current residents when redevelopment
21 occurs, including, but not limited to, redevelopment following
22 a natural disaster. The property rights of current residents
23 shall be balanced with public safety considerations. The local
24 government must identify strategies to address redevelopment
25 feasibility and the property rights of affected residents.
26 These strategies may include the authorization of
27 redevelopment up to the actual built density in existence on
28 the property prior to the natural disaster or redevelopment.

29 (n) An assessment of whether the criteria adopted
30 pursuant to s. 163.3177(6)(a) were successful in achieving
31 compatibility with military installations.

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

7 (p) An assessment of the extent to which changes are
 8 needed to develop a common methodology for measuring impacts
 9 on transportation facilities for the purpose of implementing
 10 its concurrency management system in coordination with the
 11 municipalities and counties, as appropriate pursuant to s.
 12 163.3180(10).

13 (10) The governing body shall amend its comprehensive
 14 plan based on the recommendations in the report and shall
 15 update the comprehensive plan based on the components of
 16 subsection (2), pursuant to the provisions of ss. 163.3184,
 17 163.3187, and 163.3189. Amendments to update a comprehensive
 18 plan based on the evaluation and appraisal report shall be
 19 adopted during a single amendment cycle within 18 months after
 20 the report is determined to be sufficient by the state land
 21 planning agency, except the state land planning agency may
 22 grant an extension for adoption of a portion of such
 23 amendments. The state land planning agency may grant a
 24 6-month extension for the adoption of such amendments if the
 25 request is justified by good and sufficient cause as
 26 determined by the agency. An additional extension may also be
 27 granted if the request will result in greater coordination
 28 between transportation and land use, for the purposes of
 29 improving Florida's transportation system, as determined by
 30 the agency in coordination with the Metropolitan Planning
 31 Organization program. Beginning July 1, 2006, failure to

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1 timely adopt and transmit update amendments to the
2 comprehensive plan based on the evaluation and appraisal
3 report shall result in a local government being prohibited
4 from adopting amendments to the comprehensive plan until the
5 evaluation and appraisal report update amendments have been
6 adopted and transmitted to the state land planning agency. The
7 prohibition on plan amendments shall commence when the update
8 amendments to the comprehensive plan are past due. The
9 comprehensive plan as amended shall be in compliance as
10 defined in s. 163.3184(1)(b). Within 6 months after the
11 effective date of the update amendments to the comprehensive
12 plan, the local government shall provide to the state land
13 planning agency and to all agencies designated by rule a
14 complete copy of the updated comprehensive plan.

15 Section 9. Paragraph (b) of subsection (4) of section
16 339.135, Florida Statutes, is amended to read:

17 339.135 Work program; legislative budget request;
18 definitions; preparation, adoption, execution, and
19 amendment.--

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

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

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1 cash forecast for that respective fiscal year.

2 2. The tentative work program shall be developed in
3 accordance with the Florida Transportation Plan required in s.
4 339.155 and must comply with the program funding levels
5 contained in the program and resource plan.

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

30 4. The tentative work program must include a balanced
31 36-month forecast of cash and expenditures and a 5-year

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1 finance plan supporting the tentative work program.

2 Section 10. The Office of Program Policy Analysis and
3 Government Accountability shall perform a study on adjustments
4 to the boundaries of Florida Regional Planning Councils,
5 Florida Water Management Districts, and Department of
6 Transportation Districts. The purpose of this study is to
7 organize these regional boundaries to be more coterminous with
8 one another, creating a more unified system of regional
9 boundaries. This study must be completed by December 31, 2005,
10 and submitted to the President of the Senate, the Speaker of
11 the House of Representatives, and the Governor by January 15,
12 2006.

13 Section 11. Section 163.3247, Florida Statutes, is
14 created to read:

15 163.3247 Century Commission for a Sustainable
16 Florida.--

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

19 (2) FINDINGS AND INTENT.--The Legislature finds and
20 declares that the population of this state is expected to more
21 than double over the next 100 years, with commensurate impacts
22 to the state's natural resources and public infrastructure.
23 Consequently, it is in the best interests of the people of the
24 state to ensure sound planning for the proper placement of
25 this growth and protection of the state's land, water, and
26 other natural resources since such resources are essential to
27 our collective quality of life and a strong economy. The
28 state's growth management system should foster economic
29 stability through regional solutions and strategies, urban
30 renewal and infill, and the continued viability of
31 agricultural economies, while allowing for rural economic

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1 development and protecting the unique characteristics of rural
 2 areas, and should reduce the complexity of the regulatory
 3 process while carrying out the intent of the laws and
 4 encouraging greater citizen participation.

5 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
 6 CREATION; ORGANIZATION.--The Century Commission for a
 7 Sustainable Florida is created as a standing body to help the
 8 citizens of this state envision and plan their collective
 9 future with an eye towards both 25-year and 50-year horizons.

10 (a) The commission shall consist of fifteen members,
 11 five appointed by the Governor, five appointed by the
 12 President of the Senate, and five appointed by the Speaker of
 13 the House of Representatives. Appointments shall be made no
 14 later than October 1, 2005. The membership must represent
 15 local governments, school boards, developers and homebuilders,
 16 the business community, the agriculture community, the
 17 environmental community, and other appropriate stakeholders.
 18 One member shall be designated by the Governor as chair of the
 19 commission. Any vacancy that occurs on the commission must be
 20 filled in the same manner as the original appointment and
 21 shall be for the unexpired term of that commission seat.
 22 Members shall serve 4-year terms, except that, initially, to
 23 provide for staggered terms, the Governor, the President of
 24 the Senate, and the Speaker of the House of Representatives,
 25 shall each appoint one member to serve a 2-year term, two
 26 members to serve 3-year terms, and two members to serve 4-year
 27 terms. All subsequent appointments shall be for 4-year terms.
 28 An appointee may not serve more than 6 years.

29 (b) The first meeting of the commission shall be held
 30 no later than December 1, 2005, and shall meet at the call of
 31 the chair but not less frequently than three times per year in

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1 different regions of the state to solicit input from the
2 public or any other individuals offering testimony relevant to
3 the issues to be considered.

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

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

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

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

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

26 (c) Bring together people representing varied
27 interests to develop a shared image of the state and its
28 developed and natural areas. The process should involve
29 exploring the impact of the estimated population increase and
30 other emerging trends and issues; creating a vision for the
31 future; and developing a strategic action plan to achieve that

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1 vision using 25-year and 50-year intermediate planning
2 timeframes.

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

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

12 (f) Annually, beginning January 16, 2007, and every
13 year thereafter on the same date, provide to the Governor, the
14 President of the Senate, and the Speaker of the House of
15 Representatives a written report containing specific
16 recommendations for addressing growth management in the state,
17 including executive and legislative recommendations. Further,
18 the report shall contain discussions regarding the need for
19 intergovernmental cooperation and the balancing of
20 environmental protection and future development and
21 recommendations on issues, including, but not limited to,
22 recommendations regarding dedicated sources of funding for
23 sewer facilities, water supply and quality, transportation
24 facilities that are not adequately addressed by the Strategic
25 Intermodal System, and educational infrastructure to support
26 existing development and projected population growth.

27 (g) Beginning with the 2007 Regular Session of the
28 Legislature, the President of the Senate and Speaker of the
29 House of Representatives shall create a joint select
30 committee, the task of which shall be to review the findings
31 and recommendations of the Century Commission for a

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1 Sustainable Florida for potential action.

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

3 (a) The Secretary of Community Affairs shall select an
4 executive director of the commission, and the executive
5 director shall serve at the pleasure of the secretary under
6 the supervision and control of the commission.

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

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

13 Section 12. Section 339.2819, Florida Statutes, is
14 created to read:

15 339.2819 Transportation Regional Incentive Program.--

16 (1) There is created within the Department of
17 Transportation a Transportation Regional Incentive Program for
18 the purpose of providing funds to improve regionally
19 significant transportation facilities in regional
20 transportation areas created pursuant to s. 339.155(5).

21 (2) The percentage of matching funds provided from the
22 Transportation Regional Incentive Program shall be 50 percent
23 of project costs, or up to 50 percent of the nonfederal share
24 of the eligible project cost for a public transportation
25 facility project.

26 (3) The department shall allocate funding available
27 for the Transportation Regional Incentive Program to the
28 districts based on a factor derived from equal parts of
29 population and motor fuel collections for eligible counties in
30 regional transportation areas created pursuant to s.
31 339.155(5).

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1 (4)(a) Projects to be funded with Transportation

2 Regional Incentive Program funds shall, at a minimum:

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

6 2. Be identified in the capital improvements element
7 of a comprehensive plan that has been determined to be in
8 compliance with part II of chapter 163, after July 1, 2005, or
9 to implement a long-term concurrency management system adopted
10 by a local government in accordance with s. 163.3177(9).

11 Further, the project shall be in compliance with local
12 government comprehensive plan policies relative to corridor
13 management.

14 3. Be consistent with the Strategic Intermodal System
15 Plan developed under s. 339.64.

16 4. Have a commitment for local, regional, or private
17 financial matching funds as a percentage of the overall
18 project cost.

19 (b) In allocating Transportation Regional Incentive
20 Program funds, priority shall be given to projects that:

21 1. Provide connectivity to the Strategic Intermodal
22 System developed under s. 339.64.

23 2. Support economic development and the movement of
24 goods in rural areas of critical economic concern designated
25 under s. 288.0656(7).

26 3. Are subject to a local ordinance that establishes
27 corridor management techniques, including access management
28 strategies, right-of-way acquisition and protection measures,
29 appropriate land use strategies, zoning, and setback
30 requirements for adjacent land uses.

31 4. Improve connectivity between military installations

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1 and the Strategic Highway Network or the Strategic Rail
2 Corridor Network.

3 (5) Funds paid into the State Transportation Trust
4 Fund pursuant to s. 201.15(1)(d) for the purposes of the
5 Transportation Regional Incentive Program are hereby annually
6 appropriated for expenditure to support that program.

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

9 337.107 Contracts for right-of-way services.--The
10 department may enter into contracts pursuant to s. 287.055 for
11 right-of-way services on transportation corridors and
12 transportation facilities, or the department may include
13 right-of-way services as part of design-build contracts
14 awarded under s. 337.11. Right-of-way services include
15 negotiation and acquisition services, appraisal services,
16 demolition and removal of improvements, and asbestos-abatement
17 services.

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

20 337.107 Contracts for right-of-way services.--The
21 department may enter into contracts pursuant to s. 287.055 for
22 right-of-way services on transportation corridors and
23 transportation facilities, ~~or the department may include~~
24 ~~right-of-way services as part of design-build contracts~~
25 ~~awarded under s. 337.11.~~ Right-of-way services include
26 negotiation and acquisition services, appraisal services,
27 demolition and removal of improvements, and asbestos-abatement
28 services.

29 Section 15. Paragraph (a) of subsection (7) of section
30 337.11, Florida Statutes, is amended to read:

31 337.11 Contracting authority of department; bids;

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1 emergency repairs, supplemental agreements, and change orders;
 2 combined design and construction contracts; progress payments;
 3 records; requirements of vehicle registration.--

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

22 Section 16. Effective July 1, 2007, paragraph (a) of
 23 subsection (7) of section 337.11, Florida Statutes, as amended
 24 by this act, is amended to read:

25 337.11 Contracting authority of department; bids;
 26 emergency repairs, supplemental agreements, and change orders;
 27 combined design and construction contracts; progress payments;
 28 records; requirements of vehicle registration.--

29 (7)(a) If the head of the department determines that
 30 it is in the best interests of the public, the department may
 31 combine the ~~right-of-way services and~~ design and construction

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

17 Section 17. Paragraphs (l), (m), and (n) are added to
18 subsection (24) of section 380.06, Florida Statutes, to read:

19 380.06 Developments of regional impact.--

20 (24) STATUTORY EXEMPTIONS.--

21 (l) Any proposed development within an urban service
22 boundary established under s. 163.3177(14) is exempt from the
23 provisions of this section if the local government having
24 jurisdiction over the area where the development is proposed
25 has adopted the urban service boundary and has entered into a
26 binding agreement with adjacent jurisdictions and the
27 Department of Transportation regarding the mitigation of
28 impacts on state and regional transportation facilities, and
29 has adopted a proportionate share methodology pursuant to s.
30 163.3180(16).

31 (m) Any proposed development within a rural land

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1 stewardship area created under s. 163.3177(11)(d) is exempt
 2 from the provisions of this section if the local government
 3 that has adopted the rural land stewardship area has entered
 4 into a binding agreement with jurisdictions that would be
 5 impacted and the Department of Transportation regarding the
 6 mitigation of impacts on state and regional transportation
 7 facilities, and has adopted a proportionate share methodology
 8 pursuant to s. 163.3180(16).

9 (n) Any proposed development or redevelopment within
 10 an area designated as an urban infill and redevelopment area
 11 under s. 163.2517 is exempt from the provisions of this
 12 section if the local government has entered into a binding
 13 agreement with jurisdictions that would be impacted and the
 14 Department of Transportation regarding the mitigation of
 15 impacts on state and regional transportation facilities, and
 16 has adopted a proportionate share methodology pursuant to s.
 17 163.3180(16).

18 Section 18. Subsections (3), (7), and (8) of section
 19 1013.33, Florida Statutes, are amended to read:

20 1013.33 Coordination of planning with local governing
 21 bodies.--

22 (3) At a minimum, the interlocal agreement must
 23 address interlocal-agreement requirements in s.
 24 163.3180(13)(g), except for exempt local governments as
 25 provided in s. 163.3177(12), and must address the following
 26 issues:

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

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1 objective of the process.

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

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

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

21 (e) A process for the school board to inform the local
22 government regarding the effect of comprehensive plan
23 amendments on school capacity. The capacity reporting must be
24 consistent with laws and rules regarding measurement of school
25 facility capacity and must also identify how the district
26 school board will meet the public school demand based on the
27 facilities work program adopted pursuant to s. 1013.35.

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

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

4 (h) A procedure for the resolution of disputes between
5 the district school board and local governments, which may
6 include the dispute resolution processes contained in chapters
7 164 and 186.

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

11
12 ~~A signatory to the interlocal agreement may elect not to~~
13 ~~include a provision meeting the requirements of paragraph (e);~~
14 ~~however, such a decision may be made only after a public~~
15 ~~hearing on such election, which may include the public hearing~~
16 ~~in which a district school board or a local government adopts~~
17 ~~the interlocal agreement. An interlocal agreement entered into~~
18 ~~pursuant to this section must be consistent with the adopted~~
19 ~~comprehensive plan and land development regulations of any~~
20 ~~local government that is a signatory.~~

21 (7) Except as provided in subsection (8),
22 municipalities meeting the exemption criteria in s.
23 163.3177(12) ~~having no established need for a new facility and~~
24 ~~meeting the following criteria~~ are exempt from the
25 requirements of subsections (2), (3), and (4).~~±~~

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

28 (b) ~~The district school board's 5-year facilities work~~
29 ~~program and the long-term 10-year and 20-year work programs,~~
30 ~~as provided in s. 1013.35, demonstrate that no new school~~
31 ~~facility is needed in the municipality. In addition, the~~

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1 ~~district school board must verify in writing that no new~~
2 ~~school facility will be needed in the municipality within the~~
3 ~~5-year and 10-year timeframes.~~

4 (8) At the time of the evaluation and appraisal
5 report, each exempt municipality shall assess the extent to
6 which it continues to meet the criteria for exemption under s.
7 163.3177(12) ~~subsection (7)~~. If the municipality continues to
8 meet these criteria ~~and the district school board verifies in~~
9 ~~writing that no new school facilities will be needed within~~
10 ~~the 5-year and 10-year timeframes~~, the municipality shall
11 continue to be exempt from the interlocal-agreement
12 requirement. Each municipality exempt under s. 163.3177(12)
13 ~~subsection (7)~~ must comply with the provisions of subsections
14 (2)-(8) within 1 year after the district school board
15 proposes, in its 5-year district facilities work program, a
16 new school within the municipality's jurisdiction.

17 Section 19. Subsection (2) of section 206.46, Florida
18 Statutes, is amended to read:

19 206.46 State Transportation Trust Fund.--

20 (2) Notwithstanding any other provisions of law, from
21 the revenues deposited into the State Transportation Trust
22 Fund a maximum of 7 percent in each fiscal year shall be
23 transferred into the Right-of-Way Acquisition and Bridge
24 Construction Trust Fund created in s. 215.605, as needed to
25 meet the requirements of the documents authorizing the bonds
26 issued or proposed to be issued under ss. 215.605 and 337.276
27 or at a minimum amount sufficient to pay for the debt service
28 coverage requirements of outstanding bonds. Notwithstanding
29 the 7 percent annual transfer authorized in this subsection,
30 the annual amount transferred under this subsection shall not
31 exceed an amount necessary to provide the required debt

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1 service coverage levels for a maximum debt service not to
 2 exceed ~~\$275~~~~\$200~~ million. Such transfer shall be payable
 3 primarily from the motor and diesel fuel taxes transferred to
 4 the State Transportation Trust Fund from the Fuel Tax
 5 Collection Trust Fund.

6 Section 20. Subsection (1) of section 339.08, Florida
 7 Statutes, is amended to read:

8 339.08 Use of moneys in State Transportation Trust
 9 Fund.--

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

14 (a) To pay administrative expenses of the department,
 15 including administrative expenses incurred by the several
 16 state transportation districts, but excluding administrative
 17 expenses of commuter rail authorities that do not operate rail
 18 service.

19 (b) To pay the cost of construction of the State
 20 Highway System.

21 (c) To pay the cost of maintaining the State Highway
 22 System.

23 (d) To pay the cost of public transportation projects
 24 in accordance with chapter 341 and ss. 332.003-332.007.

25 (e) To reimburse counties or municipalities for
 26 expenditures made on projects in the State Highway System as
 27 authorized by s. 339.12(4) upon legislative approval.

28 (f) To pay the cost of economic development
 29 transportation projects in accordance with s. 288.063.

30 (g) To lend or pay a portion of the operating,
 31 maintenance, and capital costs of a revenue-producing

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1 transportation project that is located on the State Highway
2 System or that is demonstrated to relieve traffic congestion
3 on the State Highway System.

4 (h) To match any federal-aid funds allocated for any
5 other transportation purpose, including funds allocated to
6 projects not located in the State Highway System.

7 (i) To pay the cost of county road projects selected
8 in accordance with the Small County Road Assistance Program
9 created in s. 339.2816.

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

14 (k) To provide loans and credit enhancements for use
15 in constructing and improving highway transportation
16 facilities selected in accordance with the state-funded
17 infrastructure bank created in s. 339.55.

18 (l) To pay the cost of projects on the Florida
19 Strategic Intermodal System created in s. 339.61.

20 (m) To pay the cost of transportation projects
21 selected in accordance with the Transportation Regional
22 Incentive Program created in s. 339.2819.

23 (n)(m) To pay other lawful expenditures of the
24 department.

25 Section 21. Paragraphs (c), (d), and (e) are added to
26 subsection (5) of section 339.155, Florida Statutes, to read:

27 339.155 Transportation planning.--

28 (5) ADDITIONAL TRANSPORTATION PLANS.--

29 (c) Regional transportation plans may be developed in
30 regional transportation areas in accordance with an interlocal
31 agreement entered into pursuant to s. 163.01 by two or more

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1 contiguous metropolitan planning organizations; one or more
 2 metropolitan planning organizations and one or more contiguous
 3 counties, none of which is a member of a metropolitan planning
 4 organization; a multicounty regional transportation authority
 5 created by or pursuant to law; two or more contiguous counties
 6 that are not members of a metropolitan planning organization;
 7 or metropolitan planning organizations comprised of three or
 8 more counties.

9 (d) The interlocal agreement must, at a minimum,
 10 identify the entity that will coordinate the development of
 11 the regional transportation plan; delineate the boundaries of
 12 the regional transportation area; provide the duration of the
 13 agreement and specify how the agreement may be terminated,
 14 modified, or rescinded; describe the process by which the
 15 regional transportation plan will be developed; and provide
 16 how members of the entity will resolve disagreements regarding
 17 interpretation of the interlocal agreement or disputes
 18 relating to the development or content of the regional
 19 transportation plan. Such interlocal agreement shall become
 20 effective upon its recordation in the official public records
 21 of each county in the regional transportation area.

22 (e) The regional transportation plan developed
 23 pursuant to this section must, at a minimum, identify
 24 regionally significant transportation facilities located
 25 within a regional transportation area and contain a
 26 prioritized list of regionally significant projects. The
 27 level-of-service standards for facilities to be funded under
 28 this subsection shall be adopted by the appropriate local
 29 government in accordance with s. 163.3180(10). The projects
 30 shall be adopted into the capital improvements schedule of the
 31 local government comprehensive plan pursuant to s.

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1 163.3177(3).

2 Section 22. Section 339.175, Florida Statutes, is
3 amended to read:

4 339.175 Metropolitan planning organization.--It is the
5 intent of the Legislature to encourage and promote the safe
6 and efficient management, operation, and development of
7 surface transportation systems that will serve the mobility
8 needs of people and freight within and through urbanized areas
9 of this state while minimizing transportation-related fuel
10 consumption and air pollution. To accomplish these objectives,
11 metropolitan planning organizations, referred to in this
12 section as M.P.O.'s, shall develop, in cooperation with the
13 state and public transit operators, transportation plans and
14 programs for metropolitan areas. The plans and programs for
15 each metropolitan area must provide for the development and
16 integrated management and operation of transportation systems
17 and facilities, including pedestrian walkways and bicycle
18 transportation facilities that will function as an intermodal
19 transportation system for the metropolitan area, based upon
20 the prevailing principles provided in s. 334.046(1). The
21 process for developing such plans and programs shall provide
22 for consideration of all modes of transportation and shall be
23 continuing, cooperative, and comprehensive, to the degree
24 appropriate, based on the complexity of the transportation
25 problems to be addressed. To ensure that the process is
26 integrated with the statewide planning process, M.P.O.'s shall
27 develop plans and programs that identify transportation
28 facilities that should function as an integrated metropolitan
29 transportation system, giving emphasis to facilities that
30 serve important national, state, and regional transportation
31 functions. For the purposes of this section, those facilities

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1 include the facilities on the Strategic Intermodal System
2 designated under s. 339.63 and facilities for which projects
3 have been identified pursuant to s. 339.2819(4).

4 (1) DESIGNATION.--

5 (a)1. An M.P.O. shall be designated for each urbanized
6 area of the state; however, this does not require that an
7 individual M.P.O. be designated for each such area. Such
8 designation shall be accomplished by agreement between the
9 Governor and units of general-purpose local government
10 representing at least 75 percent of the population of the
11 urbanized area; however, the unit of general-purpose local
12 government that represents the central city or cities within
13 the M.P.O. jurisdiction, as defined by the United States
14 Bureau of the Census, must be a party to such agreement.

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

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

27 (c) The jurisdictional boundaries of an M.P.O. shall
28 be determined by agreement between the Governor and the
29 applicable M.P.O. The boundaries must include at least the
30 metropolitan planning area, which is the existing urbanized
31 area and the contiguous area expected to become urbanized

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1 within a 20-year forecast period, and may encompass the entire
 2 metropolitan statistical area or the consolidated metropolitan
 3 statistical area.

4 (d) In the case of an urbanized area designated as a
 5 nonattainment area for ozone or carbon monoxide under the
 6 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
 7 the metropolitan planning area in existence as of the date of
 8 enactment of this paragraph shall be retained, except that the
 9 boundaries may be adjusted by agreement of the Governor and
 10 affected metropolitan planning organizations in the manner
 11 described in this section. If more than one M.P.O. has
 12 authority within a metropolitan area or an area that is
 13 designated as a nonattainment area, each M.P.O. shall consult
 14 with other M.P.O.'s designated for such area and with the
 15 state in the coordination of plans and programs required by
 16 this section.

17
 18 Each M.P.O. required under this section must be fully
 19 operative no later than 6 months following its designation.

20 (2) VOTING MEMBERSHIP.--

21 (a) The voting membership of an M.P.O. shall consist
 22 of not fewer than 5 or more than 19 apportioned members, the
 23 exact number to be determined on an equitable
 24 geographic-population ratio basis by the Governor, based on an
 25 agreement among the affected units of general-purpose local
 26 government as required by federal rules and regulations. The
 27 Governor, in accordance with 23 U.S.C. s. 134, may also
 28 provide for M.P.O. members who represent municipalities to
 29 alternate with representatives from other municipalities
 30 within the metropolitan planning area that do not have members
 31 on the M.P.O. County commission members shall compose not less

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1 than one-third of the M.P.O. membership, except for an M.P.O.
2 with more than 15 members located in a county with a
3 five-member county commission or an M.P.O. with 19 members
4 located in a county with no more than 6 county commissioners,
5 in which case county commission members may compose less than
6 one-third percent of the M.P.O. membership, but all county
7 commissioners must be members. All voting members shall be
8 elected officials of general-purpose governments, except that
9 an M.P.O. may include, as part of its apportioned voting
10 members, a member of a statutorily authorized planning board,
11 an official of an agency that operates or administers a major
12 mode of transportation, or an official of the Florida Space
13 Authority. The county commission shall compose not less than
14 20 percent of the M.P.O. membership if an official of an
15 agency that operates or administers a major mode of
16 transportation has been appointed to an M.P.O.

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

28 (c) Any other provision of this section to the
29 contrary notwithstanding, a chartered county with over 1
30 million population may elect to reapportion the membership of
31 an M.P.O. whose jurisdiction is wholly within the county. The

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1 charter county may exercise the provisions of this paragraph
2 if:

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

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

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

12
13 Any charter county that elects to exercise the provisions of
14 this paragraph shall notify the Governor in writing.

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

30 (3) APPORTIONMENT.--

31 (a) The Governor shall, with the agreement of the

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

20 (b) Except for members who represent municipalities on
21 the basis of alternating with representatives from other
22 municipalities that do not have members on the M.P.O. as
23 provided in paragraph (2)(a), the members of an M.P.O. shall
24 serve 4-year terms. Members who represent municipalities on
25 the basis of alternating with representatives from other
26 municipalities that do not have members on the M.P.O. as
27 provided in paragraph (2)(a) may serve terms of up to 4 years
28 as further provided in the interlocal agreement described in
29 paragraph (1)(b). The membership of a member who is a public
30 official automatically terminates upon the member's leaving
31 his or her elective or appointive office for any reason, or

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1 may be terminated by a majority vote of the total membership
 2 of a county or city governing entity represented by the
 3 member. A vacancy shall be filled by the original appointing
 4 entity. A member may be reappointed for one or more
 5 additional 4-year terms.

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

11 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
 12 responsibility of an M.P.O. is to manage a continuing,
 13 cooperative, and comprehensive transportation planning process
 14 that, based upon the prevailing principles provided in s.
 15 334.046(1), results in the development of plans and programs
 16 which are consistent, to the maximum extent feasible, with the
 17 approved local government comprehensive plans of the units of
 18 local government the boundaries of which are within the
 19 metropolitan area of the M.P.O. An M.P.O. shall be the forum
 20 for cooperative decisionmaking by officials of the affected
 21 governmental entities in the development of the plans and
 22 programs required by subsections (5), (6), (7), and (8).

23 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 24 privileges, and authority of an M.P.O. are those specified in
 25 this section or incorporated in an interlocal agreement
 26 authorized under s. 163.01. Each M.P.O. shall perform all
 27 acts required by federal or state laws or rules, now and
 28 subsequently applicable, which are necessary to qualify for
 29 federal aid. It is the intent of this section that each M.P.O.
 30 shall be involved in the planning and programming of
 31 transportation facilities, including, but not limited to,

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1 airports, intercity and high-speed rail lines, seaports, and
2 intermodal facilities, to the extent permitted by state or
3 federal law.

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

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

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

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

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

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

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

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

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

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

28 6. Promote efficient system management and operation;
29 and

30 7. Emphasize the preservation of the existing
31 transportation system.

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

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

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

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

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

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

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

20 (d) Each M.P.O. shall appoint a technical advisory
21 committee that includes planners; engineers; representatives
22 of local aviation authorities, port authorities, and public
23 transit authorities or representatives of aviation
24 departments, seaport departments, and public transit
25 departments of municipal or county governments, as applicable;
26 the school superintendent of each county within the
27 jurisdiction of the M.P.O. or the superintendent's designee;
28 and other appropriate representatives of affected local
29 governments. In addition to any other duties assigned to it by
30 the M.P.O. or by state or federal law, the technical advisory
31 committee is responsible for considering safe access to

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1 schools in its review of transportation project priorities,
2 long-range transportation plans, and transportation
3 improvement programs, and shall advise the M.P.O. on such
4 matters. In addition, the technical advisory committee shall
5 coordinate its actions with local school boards and other
6 local programs and organizations within the metropolitan area
7 which participate in school safety activities, such as locally
8 established community traffic safety teams. Local school
9 boards must provide the appropriate M.P.O. with information
10 concerning future school sites and in the coordination of
11 transportation service.

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

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

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

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

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1 state or federal law.

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

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

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

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

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

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

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1 2. Any M.P.O. may join with any other M.P.O. or any
2 individual political subdivision to coordinate activities or
3 to achieve any federal or state transportation planning or
4 development goals or purposes consistent with federal or state
5 law. When an M.P.O. determines that it is appropriate to join
6 with another M.P.O. or any political subdivision to coordinate
7 activities, the M.P.O. or political subdivision shall enter
8 into an interlocal agreement pursuant to s. 163.01, which, at
9 a minimum, creates a separate legal or administrative entity
10 to coordinate the transportation planning or development
11 activities required to achieve the goal or purpose; provide
12 the purpose for which the entity is created; provide the
13 duration of the agreement and the entity, and specify how the
14 agreement may be terminated, modified, or rescinded; describe
15 the precise organization of the entity, including who has
16 voting rights on the governing board, whether alternative
17 voting members are provided for, how voting members are
18 appointed, and what the relative voting strength is for each
19 constituent M.P.O. or political subdivision; provide the
20 manner in which the parties to the agreement will provide for
21 the financial support of the entity and payment of costs and
22 expenses of the entity; provide the manner in which funds may
23 be paid to and disbursed from the entity; and provide how
24 members of the entity will resolve disagreements regarding
25 interpretation of the interlocal agreement or disputes
26 relating to the operation of the entity. Such interlocal
27 agreement shall become effective upon its recordation in the
28 official public records of each county in which a member of
29 the entity created by the interlocal agreement has a voting
30 member. This paragraph does not require any M.P.O.'s to merge,
31 combine, or otherwise join together as a single M.P.O.

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

20 (a) Identify transportation facilities, including, but
21 not limited to, major roadways, airports, seaports,
22 spaceports, commuter rail systems, transit systems, and
23 intermodal or multimodal terminals that will function as an
24 integrated metropolitan transportation system. The long-range
25 transportation plan must give emphasis to those transportation
26 facilities that serve national, statewide, or regional
27 functions, and must consider the goals and objectives
28 identified in the Florida Transportation Plan as provided in
29 s. 339.155. If a project is located within the boundaries of
30 more than one M.P.O., the M.P.O.'s must coordinate plans
31 regarding the project in the long-range transportation plan.

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

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

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

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

28 (d) Indicate, as appropriate, proposed transportation
29 enhancement activities, including, but not limited to,
30 pedestrian and bicycle facilities, scenic easements,
31 landscaping, historic preservation, mitigation of water

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1 pollution due to highway runoff, and control of outdoor
2 advertising.

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

10

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

20 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
21 shall, in cooperation with the state and affected public
22 transportation operators, develop a transportation improvement
23 program for the area within the jurisdiction of the M.P.O. In
24 the development of the transportation improvement program,
25 each M.P.O. must provide the public, affected public agencies,
26 representatives of transportation agency employees, freight
27 shippers, providers of freight transportation services,
28 private providers of transportation, representatives of users
29 of public transit, and other interested parties with a
30 reasonable opportunity to comment on the proposed
31 transportation improvement program.

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1 (a) Each M.P.O. is responsible for developing,
2 annually, a list of project priorities and a transportation
3 improvement program. The prevailing principles to be
4 considered by each M.P.O. when developing a list of project
5 priorities and a transportation improvement program are:
6 preserving the existing transportation infrastructure;
7 enhancing Florida's economic competitiveness; and improving
8 travel choices to ensure mobility. The transportation
9 improvement program will be used to initiate federally aided
10 transportation facilities and improvements as well as other
11 transportation facilities and improvements including transit,
12 rail, aviation, spaceport, and port facilities to be funded
13 from the State Transportation Trust Fund within its
14 metropolitan area in accordance with existing and subsequent
15 federal and state laws and rules and regulations related
16 thereto. The transportation improvement program shall be
17 consistent, to the maximum extent feasible, with the approved
18 local government comprehensive plans of the units of local
19 government whose boundaries are within the metropolitan area
20 of the M.P.O. and include those projects programmed pursuant
21 to s. 339.2819(4).

22 (b) Each M.P.O. annually shall prepare a list of
23 project priorities and shall submit the list to the
24 appropriate district of the department by October 1 of each
25 year; however, the department and a metropolitan planning
26 organization may, in writing, agree to vary this submittal
27 date. The list of project priorities must be formally reviewed
28 by the technical and citizens' advisory committees, and
29 approved by the M.P.O., before it is transmitted to the
30 district. The approved list of project priorities must be used
31 by the district in developing the district work program and

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1 must be used by the M.P.O. in developing its transportation
2 improvement program. The annual list of project priorities
3 must be based upon project selection criteria that, at a
4 minimum, consider the following:

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

6 2. The Strategic Intermodal System Plan developed
7 under s. 339.64.

8 3. The priorities developed pursuant to s.
9 339.2819(4).

10 ~~4.3.~~ The results of the transportation management
11 systems; and

12 ~~5.4.~~ The M.P.O.'s public-involvement procedures.

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

15 1. Include projects and project phases to be funded
16 with state or federal funds within the time period of the
17 transportation improvement program and which are recommended
18 for advancement during the next fiscal year and 4 subsequent
19 fiscal years. Such projects and project phases must be
20 consistent, to the maximum extent feasible, with the approved
21 local government comprehensive plans of the units of local
22 government located within the jurisdiction of the M.P.O. For
23 informational purposes, the transportation improvement program
24 shall also include a list of projects to be funded from local
25 or private revenues.

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

30 3. Provide a financial plan that demonstrates how the
31 transportation improvement program can be implemented;

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

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

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

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

30 7. Indicate how the improvements are consistent, to
 31 the maximum extent feasible, with affected seaport, airport,

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1 and spaceport master plans and with public transit development
2 plans of the units of local government located within the
3 jurisdiction of the M.P.O. If a project is located within the
4 boundaries of more than one M.P.O., the M.P.O.'s must
5 coordinate plans regarding the project in the transportation
6 improvement program.

7 (d) Projects included in the transportation
8 improvement program and that have advanced to the design stage
9 of preliminary engineering may be removed from or rescheduled
10 in a subsequent transportation improvement program only by the
11 joint action of the M.P.O. and the department. Except when
12 recommended in writing by the district secretary for good
13 cause, any project removed from or rescheduled in a subsequent
14 transportation improvement program shall not be rescheduled by
15 the M.P.O. in that subsequent program earlier than the 5th
16 year of such program.

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

26 (f) The adopted annual transportation improvement
27 program for M.P.O.'s in nonattainment or maintenance areas
28 must be submitted to the district secretary and the Department
29 of Community Affairs at least 90 days before the submission of
30 the state transportation improvement program by the department
31 to the appropriate federal agencies. The annual transportation

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1 improvement program for M.P.O.'s in attainment areas must be
2 submitted to the district secretary and the Department of
3 Community Affairs at least 45 days before the department
4 submits the state transportation improvement program to the
5 appropriate federal agencies; however, the department, the
6 Department of Community Affairs, and a metropolitan planning
7 organization may, in writing, agree to vary this submittal
8 date. The Governor or the Governor's designee shall review
9 and approve each transportation improvement program and any
10 amendments thereto.

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

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

29 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
30 develop, in cooperation with the department and public
31 transportation providers, a unified planning work program that

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1 lists all planning tasks to be undertaken during the program
2 year. The unified planning work program must provide a
3 complete description of each planning task and an estimated
4 budget therefor and must comply with applicable state and
5 federal law.

6 (9) AGREEMENTS.--

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

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

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

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

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

31 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY

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1 COUNCIL.--

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

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

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

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

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

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

23 4. Establish bylaws and adopt rules pursuant to ss.
24 120.536(1) and 120.54 to implement provisions of law
25 conferring powers or duties upon it.

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

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

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1 carrying out the urbanized area transportation and systematic
2 planning processes instituted pursuant to s. 339.155.

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

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

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

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

27 339.55 State-funded infrastructure bank.--

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

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1 and improving transportation facilities.

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

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

10 (b) Projects of the Transportation Regional Incentive
11 Program which are identified pursuant to s. 339.2819(4).

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

15 (4)(3) Loans from the bank may bear interest at or
16 below market interest rates, as determined by the department.
17 Repayment of any loan from the bank shall commence not later
18 than 5 years after the project has been completed or, in the
19 case of a highway project, the facility has opened to traffic,
20 whichever is later, and shall be repaid in no more than 30
21 years.

22 (5)(4) ~~Except as provided in s. 339.137,~~ To be
23 eligible for consideration, projects must be consistent, to
24 the maximum extent feasible, with local metropolitan planning
25 organization plans and local government comprehensive plans
26 and must provide a dedicated repayment source to ensure the
27 loan is repaid to the bank.

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

31 (7)(5) The department may consider, but is not limited

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1 to, the following criteria for evaluation of projects for
2 assistance from the bank:

3 (a) The credit worthiness of the project.

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

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

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

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

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

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

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

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

28 ~~(8)(6)~~ Loan assistance provided by the bank shall be
29 included in the department's work program developed in
30 accordance with s. 339.135.

31 ~~(9)(7)~~ The department is authorized to adopt rules to

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1 implement the state-funded infrastructure bank.

2 (10) Funds paid into the State Transportation Trust
3 Fund pursuant to s. 201.15(1)(d) for the purposes of the State
4 Infrastructure Bank are hereby annually appropriated for
5 expenditure to support that program.

6 Section 24. Subsection (7) is added to section
7 1013.64, Florida Statutes, to read:

8 1013.64 Funds for comprehensive educational plant
9 needs; construction cost maximums for school district capital
10 projects.--Allocations from the Public Education Capital
11 Outlay and Debt Service Trust Fund to the various boards for
12 capital outlay projects shall be determined as follows:

13 (7) Moneys distributed to the Public Education Capital
14 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
15 to fund the Classrooms for Kids Program created in s. 1013.735
16 and the High Growth County District Capital Outlay Assistance
17 Grant Program created in s. 1013.738, shall be distributed as
18 provided by those sections.

19 Section 25. Paragraph (a) of subsection (2) of section
20 1013.65, Florida Statutes, is amended to read:

21 1013.65 Educational and ancillary plant construction
22 funds; Public Education Capital Outlay and Debt Service Trust
23 Fund; allocation of funds.--

24 (2)(a) The Public Education Capital Outlay and Debt
25 Service Trust Fund shall be comprised of the following
26 sources, which are hereby appropriated to the trust fund:

- 27 1. Proceeds, premiums, and accrued interest from the
28 sale of public education bonds and that portion of the
29 revenues accruing from the gross receipts tax as provided by
30 s. 9(a)(2), Art. XII of the State Constitution, as amended,
31 interest on investments, and federal interest subsidies.

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1 2. General revenue funds appropriated to the fund for
2 educational capital outlay purposes.

3 3. All capital outlay funds previously appropriated
4 and certified forward pursuant to s. 216.301.

5 4.a. Funds paid pursuant to s. 201.15(1)(d).

6 b. The sum of \$41.75 million of such funds shall be
7 appropriated annually for expenditure to fund the Classrooms
8 for Kids Program created in s. 1013.735 and shall be
9 distributed as provided by that section.

10 c. Thirty million dollars of such funds are hereby
11 annually appropriated for expenditure to fund the High Growth
12 County District Capital Outlay Assistance Grant Program
13 created in s. 1013.738 and shall be distributed as provided in
14 that section.

15 Section 26. Subsection (1) of section 201.15, Florida
16 Statutes, is amended to read:

17 201.15 Distribution of taxes collected.--All taxes
18 collected under this chapter shall be distributed as follows
19 and shall be subject to the service charge imposed in s.
20 215.20(1), except that such service charge shall not be levied
21 against any portion of taxes pledged to debt service on bonds
22 to the extent that the amount of the service charge is
23 required to pay any amounts relating to the bonds:

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

27 (a) Amounts as shall be necessary to pay the debt
28 service on, or fund debt service reserve funds, rebate
29 obligations, or other amounts payable with respect to
30 Preservation 2000 bonds issued pursuant to s. 375.051 and
31 Florida Forever bonds issued pursuant to s. 215.618, shall be

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1 paid into the State Treasury to the credit of the Land
2 Acquisition Trust Fund to be used for such purposes. The
3 amount transferred to the Land Acquisition Trust Fund for such
4 purposes shall not exceed \$300 million in fiscal year
5 1999-2000 and thereafter for Preservation 2000 bonds and bonds
6 issued to refund Preservation 2000 bonds, and \$300 million in
7 fiscal year 2000-2001 and thereafter for Florida Forever
8 bonds. The annual amount transferred to the Land Acquisition
9 Trust Fund for Florida Forever bonds shall not exceed \$30
10 million in the first fiscal year in which bonds are issued.
11 The limitation on the amount transferred shall be increased by
12 an additional \$30 million in each subsequent fiscal year, but
13 shall not exceed a total of \$300 million in any fiscal year
14 for all bonds issued. It is the intent of the Legislature that
15 all bonds issued to fund the Florida Forever Act be retired by
16 December 31, 2030. Except for bonds issued to refund
17 previously issued bonds, no series of bonds may be issued
18 pursuant to this paragraph unless such bonds are approved and
19 the debt service for the remainder of the fiscal year in which
20 the bonds are issued is specifically appropriated in the
21 General Appropriations Act. For purposes of refunding
22 Preservation 2000 bonds, amounts designated within this
23 section for Preservation 2000 and Florida Forever bonds may be
24 transferred between the two programs to the extent provided
25 for in the documents authorizing the issuance of the bonds.
26 The Preservation 2000 bonds and Florida Forever bonds shall be
27 equally and ratably secured by moneys distributable to the
28 Land Acquisition Trust Fund pursuant to this section, except
29 to the extent specifically provided otherwise by the documents
30 authorizing the issuance of the bonds. No moneys transferred
31 to the Land Acquisition Trust Fund pursuant to this paragraph,

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1 or earnings thereon, shall be used or made available to pay
2 debt service on the Save Our Coast revenue bonds.

3 (b) The remainder of the moneys distributed under this
4 subsection, after the required payment under paragraph (a),
5 shall be paid into the State Treasury to the credit of the
6 Save Our Everglades Trust Fund in amounts necessary to pay
7 debt service, provide reserves, and pay rebate obligations and
8 other amounts due with respect to bonds issued under s.
9 215.619.

10 (c) The remainder of the moneys distributed under this
11 subsection, after the required payments under paragraphs (a)
12 and (b), shall be paid into the State Treasury to the credit
13 of the Land Acquisition Trust Fund and may be used for any
14 purpose for which funds deposited in the Land Acquisition
15 Trust Fund may lawfully be used. Payments made under this
16 paragraph shall continue until the cumulative amount credited
17 to the Land Acquisition Trust Fund for the fiscal year under
18 this paragraph and paragraph (2)(b) equals 70 percent of the
19 current official forecast for distributions of taxes collected
20 under this chapter pursuant to subsection (2). As used in this
21 paragraph, the term "current official forecast" means the most
22 recent forecast as determined by the Revenue Estimating
23 Conference. If the current official forecast for a fiscal year
24 changes after payments under this paragraph have ended during
25 that fiscal year, no further payments are required under this
26 paragraph during the fiscal year.

27 (d) The remainder of the moneys distributed under this
28 subsection, after the required payments under paragraphs (a),
29 (b), and (c), shall be paid into the State Treasury to the
30 credit of:

31 1. The State Transportation Trust Fund in the

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1 Department of Transportation in the amount of \$541.75 million
2 in each fiscal year, to be paid in quarterly installments and
3 used for the following specified purposes notwithstanding any
4 other law to the contrary:

5 a. For the purposes of capital funding for the New
6 Starts Transit Program, authorized by Title 49, U.S.C. 5309
7 and specified in s. 341.051, 10 percent of these funds;

8 b. For the purposes of the Small County Outreach
9 Program specified in s. 339.2818, 5 percent of these funds;

10 c. For the purposes of the Strategic Intermodal System
11 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
12 percent of these funds after allocating for the New Starts

13 Transit Program described in sub-subparagraph a. and the Small
14 County Outreach Program described in sub-subparagraph b.; and

15 d. For the purposes of the Transportation Regional
16 Incentive Program specified in s. 339.2819, 25 percent of
17 these funds after allocating for the New Starts Transit
18 Program described in sub-subparagraph a. and the Small County
19 Outreach Program described in sub-subparagraph b.

20 2. The Water Protection and Sustainability Program
21 Trust Fund in the Department of Environmental Protection in
22 the amount of \$100 million in each fiscal year, to be paid in
23 quarterly installments and used as required by s. 403.890.

24 3. The Public Education Capital Outlay and Debt
25 Service Trust Fund in the Department of Education in the
26 amount of \$105 million in each fiscal year, to be paid in
27 monthly installments with \$75 million used to fund the
28 Classrooms for Kids Program created in s. 1013.735, and \$30
29 million to be used to fund the High Growth County District
30 Capital Outlay Assistance Grant Program created in s.
31 1013.738. If required, new facilities constructed under the

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1 Classroom for Kids Program must meet the requirements of s.
2 1013.372.

3 4. The Grants and Donations Trust Fund in the
4 Department of Community Affairs in the amount of \$3.25 million
5 in each fiscal year to be paid in monthly installments, with
6 \$3 million to be used to fund technical assistance to local
7 governments and school boards on the requirements and
8 implementation of this act and \$250,000 to be used to fund the
9 Century Commission established in s. 163.3247.

10
11 Moneys distributed pursuant to this paragraph may not be
12 pledged for debt service unless such pledge is approved by
13 referendum of the voters.

14 (e)(d) The remainder of the moneys distributed under
15 this subsection, after the required payments under paragraphs
16 (a), (b), ~~and~~ (c), and (d), shall be paid into the State
17 Treasury to the credit of the General Revenue Fund of the
18 state to be used and expended for the purposes for which the
19 General Revenue Fund was created and exists by law or to the
20 Ecosystem Management and Restoration Trust Fund or to the
21 Marine Resources Conservation Trust Fund as provided in
22 subsection (11).

23 Section 27. (1) The following appropriations are made
24 for the 2005-2006 fiscal year only from the General Revenue
25 Fund, from revenues deposited into the fund pursuant to
26 section 201.15(1)(e), Florida Statutes, on a nonrecurring
27 basis and in quarterly installments:

28 (a) To the State Transportation Trust Fund in the
29 Department of Transportation, \$575 million.

30 (b) To the Water Protection and Sustainability Program
31 Trust Fund in the Department of Environmental Protection, \$100

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1 million or if the Water Protection and Sustainability Trust
2 Fund is not created, to the Ecosystem Management and
3 Restoration Trust Fund in the Department of Environmental
4 Protection.

5 (c) To the Public Education Capital Outlay and Debt
6 Service Trust Fund in the Department of Education, \$71.65
7 million.

8 (d) To the Grants and Donations Trust Fund in the
9 Department of Community Affairs, \$3.35 million.

10 (2) The following appropriations are made for the
11 2005-2006 fiscal year only on a nonrecurring basis:

12 (a) From the State Transportation Trust Fund in the
13 Department of Transportation:

14 1. Two hundred million dollars for the purposes
15 specified in sections 339.61, 339.62, 339.63, and 339.64,
16 Florida Statutes.

17 2. Two hundred seventy-five million dollars for the
18 purposes specified in section 339.2819, Florida Statutes.

19 3. One hundred million dollars for the purposes
20 specified in section 339.55, Florida Statutes.

21 4. Twenty-five million for the purposes specified in
22 section 339.2817, Florida Statutes.

23 (b) From the Water Protection and Sustainability
24 Program Trust Fund or, if that trust fund is not created, from
25 the Ecosystem Management and Restoration Trust Fund, in the
26 Department of Environmental Protection, \$100 million for the
27 purposes specified in section 403.890, Florida Statutes.

28 (c) From the Public Education Capital Outlay and Debt
29 Service Trust Fund in the Department of Education, the sum of
30 \$71.65 million with \$41.65 million for the purpose of funding
31 the Classrooms for Kids Program created in section 1013.735,

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1 Florida Statutes and \$30 million to be used to fund the High
2 Growth County District Capital Outlay Assistance Grant Program
3 created in section 1013.738, Florida Statutes. Notwithstanding
4 the requirements of sections 1013.64 and 1013.65, Florida
5 Statutes, these moneys may not be distributed as part of the
6 comprehensive plan for the Public Education Capital Outlay and
7 Debt Service Trust Fund. If required, new facilities
8 constructed under the Classroom for Kids Program must meet the
9 requirements of section 1013.372, Florida Statutes.

10 (d) From the Grants and Donations Trust Fund in the
11 Department of Community Affairs:

12 1. Three million dollars to provide technical
13 assistance to local governments and school boards on the
14 requirements and implementation of this act. The department
15 shall provide a report to the Governor, the President of the
16 Senate, and the Speaker of the House of Representatives by
17 February 1, 2006, on the progress made toward implementing
18 this act and a recommendation on whether additional funds
19 should be appropriated to provide additional technical
20 assistance.

21 2. Two hundred and fifty thousand dollars to support
22 the Century Commission, created by section 163.3247, Florida
23 Statutes.

24 3. Fifty thousand dollars to support the School
25 Concurrency Task Force.

26 4. Fifty thousand dollars to support the Impact Fee
27 Task Force.

28 Section 28. Beginning in fiscal year 2005-2006, the
29 Department of Transportation shall allocate sufficient funds
30 to implement the provisions relating to transportation in this
31 act. The department shall amend the tentative work program for

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1 2005-2006. Before amending the tentative work program, the
2 department shall submit a budget amendment pursuant to section
3 339.135(7), Florida Statutes. Notwithstanding the provisions
4 of section 216.301(1), Florida Statutes, the funds
5 appropriated from general revenue to the State Transportation
6 Trust Fund in this act shall not revert at the end of fiscal
7 year 2005-2006.

8 Section 29. The Legislature finds that planning for
9 and adequately funding infrastructure is critically important
10 for the safety and welfare of the residents of Florida.
11 Therefore, the Legislature finds that the provisions of this
12 act fulfill an important state interest.

13 Section 30. School Concurrency Task Force.--

14 (1) The School Concurrency Task Force is created to
15 review the requirements for school concurrency in law and make
16 recommendations regarding streamlining the process and
17 procedures for establishing school concurrency. The task force
18 shall also examine the methodology and processes used for the
19 funding of construction of public schools and make
20 recommendations on revisions to provisions of law and rules
21 which will help ensure that schools are built and available
22 when the expected demands of growth produce the need for new
23 school facilities.

24 (2) The task force shall be composed of 11 members.
25 The membership must represent local governments, school
26 boards, developers and homebuilders, the business community,
27 the agriculture community, the environmental community, and
28 other appropriate stakeholders. The task force shall include
29 two members appointed by the Governor, two members appointed
30 by the President of the Senate, two members appointed by the
31 Speaker of the House of Representatives, one member appointed

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1 by the Florida School Boards Association, one member appointed
2 by the Florida Association of Counties, and one member
3 appointed by the Florida League of Cities. The Secretary of
4 the Department of Community Affairs, or a senior management
5 designee, and the Commissioner of Education, or a senior
6 management designee, shall also be ex officio nonvoting
7 members on the task force.

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

12 Section 31. Florida Impact Fee Review Task Force.--

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

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

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

24 1. Five voting members selected by the President of
25 the Senate and five voting members selected by the Speaker of
26 the House of Representative, none of whom may be a member of
27 the Legislature at the time of the appointment, as follows:
28 one member of a county commission, one member of a city
29 commission or council, one member of a local school board, one
30 member of the development community, and one member of the
31 homebuilding community. The Governor shall appoint two

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1 members, one of whom shall be an affordable housing advocate
2 who shall have no current or past direct relationship to local
3 government, school boards, or the development or homebuilding
4 industries. The Governor shall designate one of his or her
5 appointees as the chair.

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

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

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

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

18 (c) Task Force members shall not receive remuneration
19 for their services, but are entitled to reimbursement by the
20 Legislative Committee on Intergovernmental Relations for
21 travel and per diem expenses in accordance with section
22 112.061, Florida Statutes.

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

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

30 (b) Application and relative burden of impact fees in
31 different areas of the state in relation to other methods of

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1 financing new infrastructure.

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

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

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

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

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

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

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

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

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

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

30 (c) Whether there should be statutory direction on the
31 accounting and reporting of the collection and expenditure of

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1 all impact fees.

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

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

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

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

11
12 If the task force makes a recommendation for statutory
13 direction, the report shall also contain the task force's
14 recommendation for statutory changes.

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

23 (8) Effective July 1, 2005, the sum of \$50,000 is
24 appropriated, for fiscal year 2005-2006 only, from the
25 Department of Community Affairs' Grants and Donations Trust
26 Fund to the Legislative Committee on Intergovernmental
27 Relations to fund the per diem and travel expenses of the task
28 force pursuant to section 112.061, Florida Statutes.

29 Section 32. Subsection (4) of section 339.2817,
30 Florida Statutes, is amended to read:

31 339.2817 County Incentive Grant Program.--

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1 (4) The department shall provide 50 percent of project
 2 costs for eligible projects. ~~percentage of matching funds~~
 3 ~~provided from the County Incentive Grant Program to the~~
 4 ~~eligible county will be based on the following:~~

5 ~~(a) For projects on the Florida Intrastate Highway~~
 6 ~~System the department shall provide 60 percent of project~~
 7 ~~costs.~~

8 ~~(b) For projects on the State Highway System the~~
 9 ~~department shall provide 50 percent of project costs.~~

10 ~~(c) For local projects which are demonstrated to~~
 11 ~~relieve traffic congestion on the State Highway System the~~
 12 ~~department shall provide 35 percent of project costs.~~

13 Section 33. Subsection (6) is added to section
 14 339.2818, Florida Statutes, to read:

15 339.2818 Small County Outreach Program.--

16 (6) Funds paid into the State Transportation Trust
 17 Fund pursuant to s. 201.15(1)(d) for the purposes of the Small
 18 County Outreach Program are hereby annually appropriated for
 19 expenditure to support the Small County Outreach Program.

20 Section 34. Subsection (6) is added to section
 21 341.051, Florida Statutes, to read:

22 341.051 Administration and financing of public transit
 23 and intercity bus service programs and projects.--

24 (6) ANNUAL APPROPRIATION.--Funds paid into the State
 25 Transportation Trust Fund pursuant to s. 201.15(1)(d) for the
 26 New Starts Transit Program are hereby annually appropriated
 27 for expenditure to support the New Starts Transit Program.

28
 29 For purposes of this section, the term "net operating costs"
 30 means all operating costs of a project less any federal funds,
 31 fares, or other sources of income to the project.

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1 Section 35. Subsection (3) is added to section 339.61,
2 Florida Statutes, to read:

3 339.61 Florida Strategic Intermodal System;
4 legislative findings, declaration, and intent.--

5 (3) Funds paid into the State Transportation Trust
6 Fund pursuant to s. 201.15(1)(d) for the purposes of the
7 Florida Strategic Intermodal System are hereby annually
8 appropriated for expenditure to support that program.

9 Section 36. Section 403.891, Florida Statutes, is
10 created to read:

11 403.891 Annual appropriation from the Water Protection
12 and Sustainability Trust Fund.--

13 (1) Funds paid into the Water Protection and
14 Sustainability Trust Fund pursuant to s. 201.15(1)(d) are
15 hereby annually appropriated for expenditure for the purposes
16 for which the Water Protection and Sustainability Trust Fund
17 is established.

18 (2) If the Water Protection and Sustainability Trust
19 Fund is not created, such funds are hereby annually
20 appropriated for expenditure from the Ecosystem Management and
21 Restoration Trust Fund solely for the purposes established in
22 s. 403.890.

23 Section 37. Section 1013.738, Florida Statutes, is
24 created to read:

25 1013.738 High Growth District District Capital Outlay
26 Assistance Grant Program.--

27 (1) Subject to funds provided in the General
28 Appropriations Act, the High Growth District Capital Outlay
29 Assistance Grant Program is hereby established. Funds provided
30 pursuant to this section may only be used to construct new
31 student stations.

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1 (2) In order to qualify for a grant, a school district
2 must meet the following criteria:

3 (a) The district must have levied the full 2 mills of
4 nonvoted discretionary capital outlay millage authorized in s.
5 1011.71(2), for each of the past 4 fiscal years.

6 (b) Fifty percent of the revenue derived from the
7 2-mill nonvoted discretionary capital outlay millage for the
8 past 4 fiscal years, when divided by the district's growth in
9 capital outlay FTE students over this period, produces a value
10 that is less than the average cost per student station
11 calculated pursuant to s. 1013.72(2), and weighted by
12 statewide growth in capital outlay FTE students in elementary,
13 middle, and high schools for the past 4 fiscal years.

14 (c) The district must have equaled or exceeded twice
15 the statewide average of growth in capital outlay FTE students
16 over this same 4-year period.

17 (d) The Commissioner of Education must have released
18 all funds allocated to the district from the Classrooms First
19 Program authorized in s. 1013.68, and these funds were fully
20 expended by the district as of February 1 of the current
21 fiscal year.

22 (e) The total capital outlay FTE students of the
23 district is greater than 15,000 students.

24 (3) The funds provided in the General Appropriations
25 Act shall be allocated pursuant to the following methodology:

26 (a) For each eligible district, the Department of
27 Education shall calculate the value of 50 percent of the
28 revenue derived from the 2-mill nonvoted discretionary capital
29 outlay millage for the past 4 fiscal years divided by the
30 increase in capital outlay FTE students for the same period.

31 (b) The Department of Education shall determine, for

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1 each eligible district, the amount that must be added to the
2 value calculated pursuant to paragraph (a) to produce the
3 weighted average value per student station calculated pursuant
4 to paragraph (2)(b).

5 (c) The value calculated for each eligible district
6 pursuant to paragraph (b) shall be multiplied by the average
7 increase in capital outlay FTE students for the past 4 fiscal
8 years to determine the maximum amount of a grant that may be
9 awarded to a district pursuant to this section.

10 (d) In the event the funds provided in the General
11 Appropriations Act are insufficient to fully fund the maximum
12 grants calculated pursuant to paragraph (c), the Department of
13 Education shall allocate the funds based on each district's
14 prorated share of the total maximum award amount calculated
15 for all eligible districts.

16 (4) Moneys distributed to the Public Education Capital
17 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
18 for the High Growth District Capital Outlay Assistance Grant
19 Program created in this section shall be distributed as
20 provided by this section.

21 Section 38. Subsection (3) is added to section
22 380.115, Florida Statutes, to read:

23 380.115 Vested rights and duties; effect of chs.
24 2002-20 and 2002-296.--

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

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1 Section 39. Unless the developer elects otherwise in
2 writing, the provisions of this act amending chapters 163 and
3 380, Florida Statutes, shall not apply to any developments of
4 regional impact for which a development order has been issued
5 prior to the effective date of this act or for which a
6 development of regional impact application has been submitted
7 prior to May 1, 2005.

8 Section 40. From the funds paid into the Grants and
9 Donations Trust Fund of the Department of Community Affairs
10 pursuant to section 201.15(1)(d), Florida Statutes, \$3 million
11 is hereby annually appropriated to provide technical
12 assistance to local governments and school boards concerning
13 the requirements and implementation of this act, and \$250,000
14 is hereby annually appropriated to support the Century
15 Commission, created by section 163.3247, Florida Statutes.

16 Section 41. This act shall take effect July 1, 2005.
17
18

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

20 And the title is amended as follows:

21 Lines 4272 through 2279 delete those lines
22

23 and insert:

24 A bill to be entitled
25 An act relating to infrastructure planning and
26 funding; amending s. 163.3164, F.S.; defining
27 the term "financial feasibility"; amending s.
28 163.3177, F.S.; revising requirements for the
29 capital improvements element of a comprehensive
30 plan; requiring a schedule of capital
31 improvements; providing a deadline for certain

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1 amendments; providing an exception; providing
2 for sanctions; requiring incorporation of
3 selected water supply projects in the
4 comprehensive plan; authorizing planning for
5 multijurisdictional water supply facilities;
6 providing requirements for counties and
7 municipalities with respect to the public
8 school facilities element; requiring an
9 interlocal agreement; providing for a waiver
10 under certain circumstances; exempting certain
11 municipalities from such requirements;
12 requiring that the state land planning agency
13 establish a schedule for adopting and updating
14 the public school facilities element; revising
15 the requirements and criteria for establishing
16 a rural land stewardship area; revising the
17 requirements for designating a stewardship
18 receiving area to address listed species;
19 revising requirements for an ordinance adopting
20 a plan amendment to create a rural land
21 stewardship area; encouraging local governments
22 to include a community vision and an urban
23 service boundary as a component of their
24 comprehensive plans; providing an exception;
25 repealing s. 163.31776, F.S., relating to the
26 public educational facilities element; amending
27 s. 163.31777, F.S.; revising the requirements
28 for the public schools interlocal agreement to
29 conform to changes made by the act; requiring
30 the school board to provide certain information
31 to the local government; amending s. 163.3180,

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1 F.S.; revising requirements for concurrency;
2 providing for schools to be subject to
3 concurrency requirements; requiring that an
4 adequate water supply be available for new
5 development; revising requirements for
6 transportation facilities; requiring that the
7 Department of Transportation be consulted
8 regarding certain level-of-service standards;
9 revising criteria and providing guidelines for
10 transportation concurrency exception areas;
11 requiring a local government to consider the
12 transportation level-of-service standards of
13 adjacent jurisdictions for certain roads;
14 providing a process to monitor de minimis
15 impacts; revising the requirements for a
16 long-term transportation concurrency management
17 system; providing for a long-term school
18 concurrency management system; requiring that
19 school concurrency be established on less than
20 a districtwide basis within 5 years; providing
21 certain exceptions; authorizing a local
22 government to approve a development order if
23 the developer executes a commitment to mitigate
24 the impacts on public school facilities;
25 providing for the adoption of a transportation
26 concurrency management system by ordinance;
27 providing requirements for proportionate
28 fair-share mitigation; providing an exception;
29 amending s. 163.3184, F.S.; prescribing
30 authority of local governments to adopt plan
31 amendments after adopting community vision and

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1 an urban service boundary; providing for small
2 scale plan amendment review under certain
3 circumstances; providing exemptions; providing
4 concurrency exemption for certain DRI projects;
5 amending s. 163.3191, F.S.; providing
6 additional requirements for the evaluation and
7 assessment of the comprehensive plan for
8 counties and municipalities that do not have a
9 public schools interlocal agreement; revising
10 requirements for the evaluation and appraisal
11 report; providing time limit for amendments
12 relating to the report; amending s. 339.135,
13 F.S., relating to tentative work programs of
14 the Department of Transportation; conforming
15 provisions to changes made by the act;
16 requiring the Office of Program Policy Analysis
17 and Government Accountability to perform a
18 study of the boundaries of specified state
19 entities; requiring a report to the
20 Legislature; creating s. 163.3247, F.S.;
21 providing a popular name; providing legislative
22 findings and intent; creating the Century
23 Commission for certain purposes; providing for
24 appointment of commission members; providing
25 for terms; providing for meetings and votes of
26 members; requiring members to serve without
27 compensation; providing for per diem and travel
28 expenses; providing powers and duties of the
29 commission; requiring the creation of a joint
30 select committee of the Legislature; providing
31 purposes; requiring the Secretary of Community

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1 Affairs to select an executive director of the
2 commission; requiring the Department of
3 Community Affairs to provide staff for the
4 commission; providing for other agency staff
5 support for the commission; creating s.
6 339.2819, F.S.; creating the Transportation
7 Regional Incentive Program within the
8 Department of Transportation; providing
9 matching funds for projects meeting certain
10 criteria; amending s. 337.107, F.S.; allowing
11 the inclusion of right-of-way services in
12 certain design-build contracts; amending s.
13 337.107, F.S., effective July 1, 2007;
14 eliminating the inclusion of right-of-way
15 services and as part of design-build contracts
16 under certain circumstances; amending s.
17 337.11, F.S.; allowing the Department of
18 Transportation to include right-of-way services
19 and design and construction into a single
20 contract; providing an exception; delaying
21 construction activities in certain
22 circumstances; amending s. 337.11, F.S.,
23 effective July 1, 2007; deleting language
24 allowing right-of-way services and design and
25 construction phases to be combined for certain
26 projects; deleting an exception; amending s.
27 380.06, F.S.; providing exceptions; amending s.
28 1013.33, F.S.; conforming provisions to changes
29 made by the act; amending s. 206.46, F.S.;
30 increasing the threshold for maximum debt
31 service for transfers in the State

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1 Transportation Trust Fund; amending s. 339.08,
2 F.S.; providing for expenditure of moneys in
3 the State Transportation Trust Fund; amending
4 s. 339.155, F.S.; providing for the development
5 of regional transportation plans in Regional
6 Transportation Areas; amending s. 339.175,
7 F.S.; making conforming changes to provisions
8 of the act; amending s. 339.55, F.S.; providing
9 for loans for certain projects from the
10 state-funded infrastructure bank within the
11 Department of Transportation; amending s.
12 1013.64, F.S.; providing for the expenditure of
13 funds in the Public Education Capital Outlay
14 and Debt Service Trust Fund; amending s.
15 1013.65, F.S.; providing funding for the
16 Classrooms for Kids Program; amending s.
17 201.15, F.S.; providing for the expenditure of
18 certain excise taxes on documents; providing
19 for appropriations for the 2005-2006 fiscal
20 year on a nonrecurring basis for certain
21 purposes; specifying the evidentiary standard a
22 local government must meet when defending a
23 challenge to an ordinance establishing an
24 impact fee; requiring the Department of
25 Transportation to amend the tentative work
26 program and budget for 2005-2006; prohibits
27 reversion of certain funds; providing a
28 declaration of important state interest;
29 creating s. 1013.789, F.S.; establishing the
30 High Growth County Construction Account
31 program; amending s. 339.2818, F.S.; providing

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1 for an annual appropriation from the State
2 Transportation Trust Fund for purposes of
3 funding the Small County Outreach Program;
4 amending s. 341.051, F.S.; providing for an
5 annual appropriation from the State
6 Transportation Trust Fund for purposes of
7 funding the New Starts Transit Program;
8 amending s. 339.61, F.S.; providing for
9 appropriations from the State Transportation
10 Trust Fund; creating s. 403.891, F.S.;

11 appropriating funds to the Water Protection and
12 Sustainability Trust Fund; creating s. 1013.78,
13 F.S.; creating the High Growth District Capital
14 Outlay Assistance Grant Program; providing for
15 grants to school districts meeting certain
16 criteria; Amending s. 380.115, F.S.; allowing
17 an applicant under the development-of-regional
18 impact program to proceed under that program
19 after an optional sector plan is adopted;
20 grandfathering certain developments of regional
21 impact from the provisions of this act relating
22 to chs. 163 and 380, F.S.; providing annual
23 appropriations from the Grants and Donations
24 Trust Fund for purposes of implementing the act
25 and supporting the Century Commission;
26 providing an effective date.

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