Proposed Committee Substitute by the Committee on Community Affairs (Technically corrected copy.)

A bill to be entitled

An act relating to infrastructure funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capitol improvements element of a comprehensive plan; providing requirements for a local government that prepares its own water supply analysis for purposes of an element of the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include community vision and an urban service boundary component to their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to

concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that certain level-of-service standards be maintained; providing guidelines under which a local government may grant an exception to the comprehensive plan; revising the types of impact that constitute a de minimis impact; requiring local government to adopt level-of-service standards for roadways on the Strategic Intermodal System; requiring that school concurrency be established districtwide; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate-share mitigation; revising requirements for interlocal agreements with respect to public school facilities; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing a requirement with respect to adoption of a plan amendment that increases residential density; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public

schools interlocal agreement; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; revising methods for approving a local government infrastructure surtax; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing

purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; providing an appropriation; providing effective dates.

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

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

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

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, and impact fees and developer contributions, which are adequate to fund the projected costs of the capital improvements necessary to ensure that adopted level-of-service standards are achieved and maintained. The revenue sources must be included in the 5-year schedule of capital improvements and be available during the established planning period of the comprehensive plan.

Section 2. Subsections (2), (3), (6), and (12) of section 163.3177, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

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

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

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

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

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

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

4. Standards for the management of debt.

5. A schedule of capital improvements which recognizes and includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility but which are necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by

being guaranteed in an enforceable development agreement pursuant to paragraph (10)(h) and shall be reflected in the schedule of capital improvements. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be consistent, to the maximum extent feasible, with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b) The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189, in order to maintain a financially feasible 5-year schedule of capital improvements which are necessary to ensure that adopted level-of-service standards are achieved and maintained except that corrections~~,~~ ~~updates,~~ and modifications concerning costs~~,~~, revenue sources, or~~;~~ acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction of any facility enumerated in the capital improvements element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning

agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be filed no later than December 1, 2007. Thereafter, a local government may not amend its comprehensive plan, except for plan amendments to update the schedule, plan amendments to meet new requirements under this part, and emergency amendments pursuant to s. 163.3187(1)(a), after December 1 of every year and thereafter, unless and until the local government has adopted the annual update and the annual update to the schedule of capital improvements is found in compliance.

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

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible and consistent with other portions of the adopted local plan, including the future land-use map.

(6) In addition to the requirements of subsections

(1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may

designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply

with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school-siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

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

334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. By December 1, 2006, the element must be consistent with ~~consider~~ the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. If the local government chooses to prepare its own water supply analysis, it shall submit a description of the data and methodology used to generate the analysis to the state land planning agency with its plan when the plan is due for compliance review unless it has submitted it for advance review. The state land planning agency shall evaluate the

application of the methodology used by a local government in preparing its own water supply analysis and determine whether the particular methodology is professionally accepted. If advance review is requested, the state land planning agency shall provide its findings to the local government within 60 days. The state land planning agency shall be guided by the applicable water management district in its review of any methodology proposed by a local government. The element must identify the water supply sources, including conservation and reuse, necessary to meet existing and projected water-use demand and must include a work plan, covering the comprehensive plan's established ~~at least a 10-year~~ planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which ~~that~~ are identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within 12 months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. Local governments, public and private utilities, regional water supply authorities, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies.

(d) A conservation element for the conservation, use,

and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for at least a 10-year period, considering the appropriate regional water supply plan approved pursuant to s. 373.0361, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.

2. Beaches and shores, including estuarine systems.

3. Rivers, bays, lakes, flood plains, and harbors.

4. Wetlands.

5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities.

(f)1. A housing element consisting of standards,

plans, and principles to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent

information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

2. Continued existence of viable populations of all species of wildlife and marine life.

3. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

4. Avoidance of irreversible and irretrievable loss of coastal zone resources.

5. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

6. Proposed management and regulatory techniques.

7. Limitation of public expenditures that subsidize development in high-hazard coastal areas.

8. Protection of human life against the effects of natural disasters.

9. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

10. Preservation, including sensitive adaptive use of historic and archaeological resources.

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

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

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

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

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

3. To foster coordination between special districts and local general-purpose governments as local general-purpose

governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

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

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

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

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

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following:

education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

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

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

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

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

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a

transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.

2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.

3. Parking facilities.

4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.

5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.

6. The capability to evacuate the coastal population prior to an impending natural disaster.

7. Airports, projected airport and aviation development, and land use compatibility around airports.

8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be

incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level of service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may abandon its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the

development-of-regional-impact development order is void.

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

(a) In order to enact a public school facilities element, the county and each municipality must adopt a consistent public school facilities element and enter the interlocal agreement pursuant to s. 163.31777. The state land planning agency may provide a waiver to a county and to the municipalities within the county if the utilization rate for all schools within the district is less than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may, at its discretion, allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the utilization rate for that single school is not greater than 105 percent and there is no projected growth in the capital outlay full-time equivalent student population over the next 5 years. A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

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

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

3. The municipality has no public schools located

within its boundaries.

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

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

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

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

the goal.

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

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

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

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

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

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

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

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

9. Coordination with the future land use element.

(g)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of

educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year, or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

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

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

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

(b) The local government must discuss the following topics as part of the workshops and public meetings required under paragraph (a):

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

2. Priorities for economic development;

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

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

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

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

7. Provisions for adequate workforce housing;

8. An efficient, interconnected multimodal transportation system; and

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

(c) As part of the workshops and public meetings, the local government must discuss strategies for implementing the topics listed under paragraph (b), including:

1. Strategies to preserve open space, environmentally sensitive lands, and agricultural lands, including a program for the transfer of development rights;

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

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant

to subsection (2); and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land-use patterns and character of the community during a 10-year planning timeframe.

(e) After the workshops and public hearings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as an element in the plan. The plan amendment must be adopted at a meeting of the governing body other than those required under paragraph (a). This plan amendment must be consistent with this part.

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

(g) A county that has adopted a community vision may levy a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax by a majority vote of its governing body in accordance with s. 336.025(1)(b).

(h) A county that has adopted a community vision may levy the ninth-cent fuel tax by a majority vote of its governing body in accordance with s. 336.021(1)(a).

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary

must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible within the 10-year planning timeframe. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

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

(b)1. After the workshops and public hearings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. The plan amendment must be adopted at a meeting of the governing body other than those required under paragraph (a). This plan amendment must be consistent with this part.

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost accounting

analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

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

(d) A county that has adopted a community vision under subsection (13) and an urban service boundary under this subsection as part of its comprehensive plan may levy the charter county transit system surtax by a majority vote of the governing body in accordance with s. 212.055(1).

(e) A county that has adopted a community vision under subsection (13) and an urban service boundary under this subsection may levy the local government infrastructure surtax by a majority vote of its governing body in accordance with s. 212.055(2).

(f) A small county that has adopted a community vision under subsection (13) and an urban service boundary under this subsection may levy the local government infrastructure surtax in accordance with s. 212.055(2) and the small county surtax in accordance with s. 212.055(3) by a majority vote of its governing body for a combined rate of up to 2 percent.

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

Section 4. Section 163.31777, Florida Statutes, is amended to read:

163.31777 Public schools interlocal agreement.--

(1)(a) The county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which

jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities and the SMART Schools Clearinghouse in accordance with a schedule published by the state land planning agency.

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

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school

age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section. Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the

potential for sanctions.

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

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

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

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

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

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

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

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

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

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

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

(3)(a) The Office of Educational Facilities and SMART Schools Clearinghouse shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this

subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

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

(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by

directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

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

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

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

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

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

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

Section 5. Section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.--

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

(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level-of-service analysis. The Department of Community Affairs and the

Department of Transportation shall provide technical assistance to local governments in applying these methodologies.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than ~~the issuance by~~ the local government's approval to commence construction ~~government of a certificate of occupancy~~ or its functional equivalent.

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

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place when the local government approves the commencement of construction of each stage or phase of the development, or the facility must be ~~or~~ under actual construction within 3 ~~not more than 5~~ years after the date of the local government's approval to commence

construction of each stage or phase of the development. ~~issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms "terminals" and "transit facilities" do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement, except as it relates to transportation facilities, as implemented in local

government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. Within the designated urban infill and redevelopment areas, the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64, must be maintained unless a variance pursuant to s. 120.542 has been issued.

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

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted

local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

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

(d) A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (c) in the comprehensive plan. These guidelines must be consistent with and support a comprehensive strategy outlined within applicable chapters of the plan which are intended to promote the purpose of the exception as specified in paragraphs (4)(c) and paragraphs (a)-(c). These guidelines, at a minimum, must address strategies to support and fund alternative modes of transportation to provide for mobility and other measures, such as proportionate-share mitigation or corridor management plans pursuant to s. 337.273, to ensure adequate level-of-service standards for facilities within the designated concurrency exception area. In addition, the guidelines must address urban design; appropriate land use

mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. Designation of the concurrency exception area shall be accompanied by data and analysis justifying the size of the area and demonstrating how subsequent policies will be implemented over a 5-year timeframe. Within the designated concurrency exception area, the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64, must be maintained unless a variance pursuant to s. 120.542 has been issued ~~must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001~~. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(e) Each concurrency-exception area shall meet, at a minimum, the guidelines included in paragraph (d) at the time of its adoption, or the update of the evaluation and appraisal report, whichever occurs first.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected

transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. ~~Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area.~~ Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110-percent criteria is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimus records. If the department determines that the 110-percent criteria has been exceeded, the department shall notify the local government of the exceedance and that no further de-minimus exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the department before issuing further de-minimus exceptions.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or

redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Within the designated transportation concurrency exception area, the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64, must be maintained unless a variance pursuant to s. 120.542 has been issued. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexisting impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

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

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

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

1. The extent of the backlog.

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

3. The cost of eliminating the backlog.

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

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

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system

periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

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

(11) In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all the following factors are shown to exist:

(a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.

(b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

(c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.

(d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

(e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally

significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(i) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

(b) The development of regional impact contains an integrated mix of land uses and is designed to encourage pedestrian or other nonautomotive modes of transportation;

(c) The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required improvements that will benefit a regionally significant transportation facility;

(d) The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

(e) If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the

proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

(13) School concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The development of school concurrency shall be accomplished through a coordinated process including the local school district, local government, and the local planning agency. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this~~

~~part.~~ The minimum requirements for school concurrency are the following:

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

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

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

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

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

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

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

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other

factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and~~,~~ included as supporting data and analysis for~~,~~ ~~and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

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

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

governments more accountable.

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

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

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

(e) Availability standard.--Consistent with the public welfare, a local government may not deny a development order or its functional equivalent ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local option school concurrency system where adequate school facilities will be in place or under actual construction within 3 years after ~~permit~~ issuance of subdivision or site plan approval, or its functional equivalent. However, the

development order may be approved if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquistion or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement pursuant to ss. 163.3220-163.3243 which constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land

acquistion; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

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

(f) Intergovernmental coordination.--

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

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

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit

residential uses that will affect school attendance rates.

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

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

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

(g) Interlocal agreement for school concurrency.--When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the

local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. ~~s.~~ 163.3177(6)(h) and 163.31777, the interlocal agreement shall meet the following requirements:

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

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

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

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

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

incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

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

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

a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools;

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

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

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

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

(14) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system.

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of

residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. Within the multimodal transportation district, the adopted level of service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64, must be maintained unless a variance pursuant to s. 120.542 has been issued. The analysis must take into consideration the impact on the Florida Intrastate Highway System. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources

that could reasonably be expected to become available over the planning period.

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

(16)(a) The Legislature finds that mitigation for the impact of development on transportation facilities may be more effectively achieved by mitigation planning on a corridor-level basis rather than on a project-by-project basis. It is the intent of the Legislature to provide an optional method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

(b) The Department of Transportation, in consultation with the state land planning agency and local governments, shall develop a process and uniform methodology for determining proportionate-share mitigation for development impacts on transportation corridors that traverse one or more political subdivisions.

(c) When authorized in a local government comprehensive plan, local governments may create mitigation banks for designated transportation corridors to satisfy the concurrency provisions of this section, using the process and methodology developed in accordance with paragraph (b). Mitigation bank contributions may only be used for projects within the designated transportation corridors. Transportation corridors shall be designated in the transportation and traffic circulation element of the applicable local government comprehensive plan.

(d) Any mitigation contributions must be directed by the local government toward a transportation capacity improvement within the designated transportation corridor which is identified in the applicable local government's transportation or traffic circulation element. Mitigation contributions shall be used to satisfy the transportation concurrency requirements of this section and may be applied as a credit against impact fees. Mitigation for development impacts to facilities on the State Highway System made pursuant to this subsection shall require the concurrence of the Department of Transportation.

(e) Options for mitigation made pursuant to this subsection shall be established in the transportation element or traffic circulation element. Appropriate transportation mitigation contributions may include public or private funds; the contribution of right-of-way; the construction of a transportation facility, or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for projects to be funded by a developer.

Section 6. Subsection (17) is added to section 163.3184, Florida Statutes, to read:

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

(17) Notwithstanding subsection (6), a local government that has adopted a community vision and urban service boundary under s. 163.31773 may adopt a plan amendment related solely to property within an urban service boundary before transmittal of the plan amendment to the state land planning agency. A plan amendment submitted under this

subsection is limited to a map amendment and may not involve a text change to the goals, policies, or objectives of the local government's comprehensive plan. The local government must transmit the plan amendment to the state land planning agency immediately after the governing body adopts the amendment.

(a) An affected person as defined in paragraph (1)(a) retains the ability to challenge the plan amendment under the terms of this section.

(b) A petitioner may file a petition under subsections (8), (9), and (10) within 60 days after the adoption of the plan amendment.

(c) The state land planning agency may issue written comments relating to the consistency of the amendment with the applicable comprehensive plan and this part within 45 days after receipt of the plan amendment. If the agency comments on the plan amendment, those comments shall be posted on the agency's website, with a hard copy provided upon request.

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

Section 7. Subsections (2) and (10) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.--

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

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan

or the most recent update amendments.

(b) The extent of vacant and developable land.

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

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

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

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

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

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

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

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

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it

no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system. ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant.~~

(l) The report must evaluate whether the local government has been successful in identifying water supply sources, including conservation and reuse, necessary to meet existing and projected water use demand for the comprehensive plan's established planning period. The water supply sources evaluated in the report must be consistent with ~~evaluation must consider~~ the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The report must evaluate the degree to which the local government has implemented the work plan for water supply facilities included in the potable water element. ~~The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are identified in the element as necessary to serve existing and new development and for which the local government is responsible.~~

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local

government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

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

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Failure to timely adopt update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments

have been adopted and found in compliance by the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

Section 8. Effective January 1, 2006, subsections (1), (2), (3), and (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.--It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

(a)1. Each charter county ~~which adopted a charter prior to January 1, 1984,~~ and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county, a majority

vote of the governing body, or ~~by~~ a charter amendment approved by a majority vote of the electorate of the county.

2. Notwithstanding paragraphs (e) and (f), if a noncharter county or a charter county has updated its capital improvement element no earlier than 2005 and if its comprehensive plan has been determined to be in compliance, the noncharter county or charter county may levy a discretionary sales surtax pursuant to this subsection by majority vote of the membership of its governing body or subject to a referendum. The proceeds of the surtax may be used by the county to fund regionally-significant transportation projects identified in the regional transportation plan developed in accordance with an interlocal agreement entered into pursuant to s. 163.01, subject to the provisions of subparagraph (d)5. Surtaxes imposed by majority vote must be used to supplement, not supplant, existing infrastructure funding. A charter county may levy a surtax under both this subparagraph and subparagraph 1.

(b) The rate shall be 0.5 percent or ~~up to~~ 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a

fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the charter county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the charter county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing

body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the charter county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. If imposed by a majority vote of the governing body and there is no interlocal agreement with a municipality, distribution of the surtax proceeds shall be according to the formula provided in s. 218.62.

5. Used by the county to fund regionally-significant transportation projects identified in a regional transportation plan developed in accordance with an interlocal agreement entered into pursuant to s. 163.01 by two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties that are not members of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties; or metropolitan planning organizations comprised of three or more counties. Projects to be funded shall be in compliance with part II of chapter 163 after the effective date of this act or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3177(3) or (9).

(e) Surtaxes imposed by majority vote must be used to supplement, not supplant, existing infrastructure funding. In order to impose the surtax by a majority vote of the governing body, the county must go through the following process:

1. An advisory board must be created to make recommendations to the board of county commissioners regarding infrastructure projects to address the needs of the community. The governing body of the county shall appoint members to the advisory board who represent the diversity of the community and shall include individuals having an interest in business, finance and accounting, economic development, the environment, transportation, municipal government, education, and public safety and growth management professionals. Based on the estimated amount of the surtax collections, the advisory board must conduct at least two public workshops to develop a project list. Priority shall be given to projects that address existing infrastructure deficits identified in a long-term concurrency management system adopted by a local government in accordance with s. 163.3177(3) or (9) or identified in the capital improvements element. A quorum shall consist of a majority of the advisory board members and is necessary to take any action regarding recommendations to the governing board of the local government. The board of county commissioners shall provide staff support to the advisory board. All advisory board meetings are open to the public, and minutes of the meetings shall be available to the public.

2. After the advisory board submits the project list to the board of county commissioners, it may be amended by the board of county commissioners. A public notice must be given of the intent to add additional projects or remove projects recommended by the advisory board. Actions to amend the project list may be taken at the noticed public hearing. Once amended, the list may not be approved at the same meeting at which it was amended. Notice of the intent to adopt the project list must be given and the list must be approved at a

subsequent public meeting that may not be held sooner than 14 days after the meeting at which the project list was amended.

3. If the board of county commissioners does not amend the recommended project list, it may adopt the proposed project list at a public meeting following public notice of the intent to adopt the recommendations of the advisory board.

4. The capital improvement schedule of the local government comprehensive plan shall be updated to reflect the project list pursuant to s. 163.3177(3).

5. Once the project list has been adopted, the board may give notice of the intent to adopt the surtax by ordinance. The board of county commissioners shall conduct a public hearing to allow for public input on the proposed surtax. The ordinance enacting the surtax may not be adopted at the same meeting as that at which the project list is adopted.

6. Once the ordinance adopting the surtax has been enacted, the project list can be amended only in the following manner. The board of county commissioners must give notice of the intent to hold a public hearing to discuss adding or removing projects from the list. The board of county commissioners must take public testimony on the proposal. Action may not be taken at that meeting with regards to the proposal to amend the project list. Action may be taken at a subsequent noticed public meeting that must be held at least 14 days after the meeting at which the proposed changes to the project list were discussed.

7. If the tax is implemented, the advisory board shall monitor the expenditure of the tax proceeds and shall hold semiannual meetings. The advisory board shall also monitor whether the county has maintained or increased the level of

infrastructure expenditures over the previous 5 years.

(f) A county may not levy the surtax by majority vote of the governing body unless it has adopted a community vision and an urban service boundary under s. 163.3177(13) and (14). Municipalities within a charter county that levies the surtax by majority vote may not receive surtax proceeds unless they have also completed these requirements. Surtax proceeds may only be expended within an urban service boundary.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority or ~~and~~ approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be

placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

....FOR the .....-cent sales tax

....AGAINST the .....-cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended

by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. For the purposes of this paragraph, "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities as defined in s. 29.008.

3. Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county's accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f)1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

a. The debt service obligations for any year are met;

b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and

c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes

authorized by this section.

(g) Notwithstanding paragraph (d), a county having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which an infrastructure surtax referendum is placed before the voters, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax throughout the duration of the surtax levy or while interest earnings accruing from the proceeds of the surtax are available for such use, whichever period is longer.

(h) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent. However, a small county may levy the local option sales surtax authorized in this subsection and subsection (3) for a combined rate of up to 2 percent. Surtaxes imposed by majority vote must be used to supplement, not supplant, existing infrastructure funding. In order to impose the surtax by a majority vote of the governing body, the county must go through the following process:

1. An advisory board must be created to make recommendations to the board of county commissioners regarding infrastructure projects to address the needs of the community. The governing body of the county shall appoint members to the advisory board who represent the diversity of the community and shall include individuals having an interest in business, economic development, the environment, transportation,

municipal government, education, and public safety and growth management professionals. Based on the estimated amount of the surtax collections, the advisory board must conduct at least two public workshops to develop a project list. Priority shall be given to projects that address existing infrastructure deficits. A quorum shall consist of a majority of the advisory board members and is necessary to take any action regarding recommendations to the governing board of the local government. The board of county commissioners shall provide staff support to the advisory board. All advisory board meetings are open to the public, and minutes of the meetings shall be available to the public.

2. After the advisory board submits the project list to the board of county commissioners, it may be amended by the board of county commissioners. A public notice must be given of the intent to add additional projects or remove projects recommended by the advisory board. Actions to amend the project list may be taken at the noticed public hearing. Once amended, the project list may not be approved at the same meeting at which it was amended. Notice of the intent to adopt the project list must be given and the list must be approved at a subsequent public meeting that may not be held sooner than 14 days after the meeting at which the list was amended.

3. If the board of county commissioners does not amend the recommended project list, it may adopt the proposed project list at a public meeting following public notice of the intent to adopt the recommendations of the advisory board.

4. The capital improvement schedule of the local government comprehensive plan shall be updated to reflect the project list pursuant to s. 163.3177(3).

5. Once the project list has been adopted, the board

may give notice of the intent to adopt the surtax by ordinance. The board of county commissioners shall conduct a public hearing to allow for public input on the proposed surtax. The ordinance enacting the surtax may not be adopted at the same meeting as that at which the project list is adopted.

6. Once the ordinance adopting the surtax has been enacted, the project list can be amended only in the following manner. The board of county commissioners must give notice of the intent to hold a public hearing to discuss adding or removing projects from the list. The board of county commissioners must take public testimony on the proposal. Action may not be taken at that meeting with regards to the proposal to amend the project list. Action may be taken at a subsequent noticed public meeting that must be held at least 14 days after the meeting at which the proposed changes to the project list were discussed.

7. If the tax is implemented, the advisory board shall monitor the expenditure of the tax proceeds and shall hold semiannual meetings. The advisory board shall also monitor whether the county has maintained or increased the level of infrastructure expenditures over the previous 5 years.

(j) A county may not levy this surtax by majority vote of the governing body unless it has established an urban service boundary under s. 163.3177(14) and has completed the visioning requirements of s. 163.3177(13). Municipalities within a county that levies the surtax by a majority vote may not receive surtax proceeds unless they have also completed these requirements. Surtax proceeds may only be expended within an urban service boundary.

(3) SMALL COUNTY SURTAX.--

(a) The governing authority in each county that has a population of 50,000 or less on April 1, 1992, may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by an extraordinary vote of the members of the county governing authority if the surtax revenues are expended for operating purposes. If the surtax revenues are expended for the purpose of servicing bond indebtedness, the surtax shall be approved by a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement that includes a brief general description of the projects to be funded by the surtax and conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county that enacts an ordinance calling for a referendum on the levy of the surtax for the purpose of servicing bond indebtedness. The following question shall be placed on the ballot:

....FOR the ....-cent sales tax

....AGAINST the ....-cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within the county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a

majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula shall take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. If the surtax is levied pursuant to a referendum, the proceeds of the surtax and any interest accrued thereto may be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, for the purpose of servicing bond indebtedness to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources. However, if the surtax is levied pursuant to an ordinance approved by an extraordinary vote of the members of the county governing authority, the proceeds and any interest accrued thereto may be used for operational expenses of any infrastructure or for any public purpose authorized in the ordinance under which the surtax is levied.

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) A school district, county, or municipality that receives proceeds under this subsection following a referendum

may pledge the proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. A jurisdiction may not issue bonds pursuant to this subsection more frequently than once per year. A county and municipality may join together to issue bonds authorized by this subsection.

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsection ~~subsections (2), (4), and~~ (5) in excess of a combined rate of 1 percent.

(6) SCHOOL CAPITAL OUTLAY SURTAX.--

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum or by majority vote of the county governing body, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

....FOR THE ....CENTS TAX

....AGAINST THE ....CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds

for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

(d) Any school board receiving proceeds from ~~imposing~~ the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(e) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

(f) Surtaxes imposed by majority vote must be used to supplement, not supplant, existing school capital outlay funding. In order to impose the surtax by a majority vote of the county governing body, the county must go through the following process:

1. An advisory board must be created to make recommendations to the board of county commissioners regarding

the use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses that have a useful life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto. The governing body of the county shall appoint members to the advisory board who represent the diversity of the community and shall include individuals with an interest in business, economic development, the environment, municipal government, education, and public safety and growth management professionals. Based on the estimated amount of the surtax collections, the advisory board will conduct at least two public workshops to develop a project list. A quorum shall consist of a majority of the advisory board members and is necessary to take any action regarding recommendations to the governing board of the local government. The board of county commissioners shall provide staff support to the advisory board. All advisory board meetings are open to the public, and minutes of the meetings shall be available to the public.

2. After the advisory board submits the project list to the board of county commissioners, it may be amended by the board of county commissioners only in the following fashion. A public notice must be given of the intent to add additional projects or remove projects recommended by the advisory board. Actions to amend the project list may be taken at the noticed public hearing. Once amended, the project list must be approved at a subsequent meeting. Notice of the intent to adopt the project list must be given and the project list must be approved at a subsequent public meeting that cannot be held sooner than 14 days after the meeting at which the list was

amended.

3. If the board of county commissioners does not amend the recommended project list, it may adopt the proposed project list at a public meeting following public notice of the intent to adopt the recommendations of the advisory board.

4. The capital improvement schedule of the local government comprehensive plan shall be updated to reflect the project list pursuant to s. 163.3177(3).

5. Once the project list has been adopted, the board may give notice of the intent to adopt the surtax by ordinance. The board of county commissioners shall conduct a public hearing to allow for public input on the proposed surtax. Enacting the ordinance for the surtax and adopting the project list may not be accomplished at the same meeting.

6. Once the ordinance adopting the surtax has been enacted, the project list can be amended only in the following manner. The board of county commissioners must give notice of the intent to hold a public hearing to discuss adding or removing projects from the list. The board of county commissioners must take public testimony on the proposal. Action may not be taken at that meeting with regards to the proposal to amend the project list. Action may be taken at a subsequent noticed public meeting that must be held at least 14 days after the meeting at which the proposed changes to the project list were discussed.

7. If the tax is implemented, the advisory board shall monitor the expenditure of the tax proceeds and shall hold semiannual meetings. The advisory board shall also monitor whether the county has maintained or increased the level of school capital outlay expenditures over the previous 5 years.

(g) If the surtax is levied by a majority vote of the

governing body, the school board shall use due diligence and sound business practices in the design, construction, and use of educational facilities and may not exceed the maximum cost-per-student station established in s. 1013.72(2).

Section 9. Subsection (1) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.--

(1) The following taxes are imposed on motor fuel under the circumstances described in subsection (6):

(a) An excise or license tax of 2 cents per net gallon, which is the tax as levied by s. 16, Art. IX of the State Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 State Constitution, as amended, which is therein referred to as the "second gas tax," and which is hereby designated the "constitutional fuel tax."

(b) An additional tax of 1 cent per net gallon, which is designated as the "county fuel tax" and which shall be used for the purposes described in s. 206.60.

(c) An additional tax of 1 cent per net gallon, which is designated as the "municipal fuel tax" and which shall be used for the purposes described in s. 206.605.

(d)1. An additional tax of 1 cent per net gallon may be imposed by each county on motor fuel, which shall be designated as the "ninth-cent fuel tax." This tax shall be levied and used as provided in s. 336.021.

2. Beginning January 1, 2006, and on January 1 of each year thereafter, the tax rate set forth in subparagraph 1. shall be adjusted by the percentage change in the average consumer price index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year, which is the 12-month period ending

September 30, 2005, and rounded to the nearest tenth of a cent.

3. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate applicable under this paragraph for the 12-month period beginning January 1.

(e)1. An additional tax of between 1 cent and 11 cents per net gallon may be imposed on motor fuel by each county, which shall be designated as the "local option fuel tax." This tax shall be levied and used as provided in s. 336.025.

2. Beginning January 1, 2006, and on January 1 of each year thereafter, the tax rate set forth in subparagraph 1. shall be adjusted by the percentage change in the average consumer price index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year, which is the 12-month period ending September 30, 2005, and rounded to the nearest tenth of a cent.

3. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate applicable under this paragraph for the 12-month period beginning January 1.

(f)1. An additional tax designated as the State Comprehensive Enhanced Transportation System Tax is imposed on each net gallon of motor fuel in each county. This tax shall be levied and used as provided in s. 206.608.

2. The rate of the tax in each county shall be equal to two-thirds of the lesser of the sum of the taxes imposed on motor fuel pursuant to paragraphs (d) and (e) in such county or 6 cents, rounded to the nearest tenth of a cent.

3. Beginning January 1, 1992, and on January 1 of each

year thereafter, the tax rate provided in subparagraph 2. shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1990, and rounded to the nearest tenth of a cent.

4. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate applicable under this paragraph for the 12-month period beginning January 1.

(g)1. An additional tax is imposed on each net gallon of motor fuel, which tax is on the privilege of selling motor fuel and which is designated the "fuel sales tax," at a rate determined pursuant to this paragraph. Before January 1 of 1997, and of each year thereafter, the department shall determine the tax rate applicable to the sale of fuel for the forthcoming 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 6.9 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1989. However, the tax rate shall not be lower than 6.9 cents per gallon.

2. The department is authorized to adopt rules and adopt such forms as may be necessary for the administration of this paragraph.

3. The department shall notify each terminal supplier, position holder, wholesaler, and importer of the tax rate

applicable under this paragraph for the 12-month period beginning January 1.

Section 10. Effective January 1, 2006, paragraph (a) of subsection (1) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.--

(1)(a) Any county in the state, by majority or extraordinary vote of the membership of its governing body or subject to a referendum, may levy the tax imposed by ss. 206.41(1)(d) and 206.87(1)(b). County and municipal governments may use the moneys received under this paragraph only for transportation expenditures as defined in s. 336.025(7). A county may not levy this surtax by majority vote of the governing body unless it has adopted a community vision under s. 163.3177(13). Municipalities within a county that levies the surtax by a majority vote may not receive surtax proceeds unless they have also completed this requirement.

Section 11. Paragraph (b) of subsection (1) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.--

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority or majority plus one vote of the membership of the governing body of the county or by referendum.

1. All impositions and rate changes of the tax shall be levied before July 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation

expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

4. A county may not levy this surtax by majority vote of the governing body unless it has adopted a community vision under s. 163.3177(13). Municipalities within a county that levies the surtax by a majority vote may not receive surtax proceeds unless they have also completed this requirement.

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

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

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

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and

planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

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

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

amendment of the capital improvements elements of their local government comprehensive plans.

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

Section 13. The Office of Program Policy Analysis and Government Accountability shall perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The purpose of this study is to organize these regional boundaries to be more coterminous with one another, creating a more unified system of regional boundaries. This study must be completed by December 31, 2005, and submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 15, 2006.

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

163.3247 Century Commission.--

(1) POPULAR NAME.--This section may be cited as the "Century Commission Act."

(2) FINDINGS AND INTENT.--The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic

stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION; CREATION; ORGANIZATION.--The Century Commission is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The 21-member commission shall be appointed by the Governor. Four members shall be members of the Legislature who shall be appointed with the advice and consultation of the President of the Senate and the Speaker of the House of Representatives. The Secretary of Community Affairs, the Commissioner of Agriculture, the Secretary of Transportation, the Secretary of Environmental Protection, and the Executive Director of the Fish and Wildlife Conservation Commission, or their designees, shall also serve as voting members. The other 12 appointments shall reflect the diversity of this state's citizens, and must include individuals representing each of the following interests: growth management, business and economic development, environmental protection, agriculture, municipal governments, county governments, regional planning entities, education, public safety, planning professionals, transportation planners, and urban infill and redevelopment. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat.

Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 4-year terms, and three shall serve 6-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

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

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

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

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

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

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can

best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 25-year and 50-year intermediate planning timeframes.

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

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to solve problems concerning issues relating to growth management.

(f) Annually, beginning January 15, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. This report shall be verbally presented to a joint session of both houses annually as scheduled by the President of the Senate and the Speaker of the House of Representatives.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the

House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for potential action.

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

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

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

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

Section 15. Effective July 1, 2005, the sum of $250,000 is appropriated from the General Revenue Fund to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission required by section 163.3247, Florida Statutes, as created by this act.

Section 16. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.