

Bill No. CS for SB 360

Barcode 854092

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Bennett) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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 or planned 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

1 capital improvements and be available during the established  
2 planning period of the comprehensive plan.

3           Section 2. Subsections (2) and (3), paragraphs (a),  
4 (c), and (h) of subsection (6), and subsection (12) of section  
5 163.3177, Florida Statutes, are amended, and subsections (13)  
6 and (14) are added to that section, to read:

7           163.3177 Required and optional elements of  
8 comprehensive plan; studies and surveys.--

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

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

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

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

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

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1 4. Standards for the management of debt.

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

19 6. The schedule must include transportation  
20 improvements included in the applicable metropolitan planning  
21 organization's transportation improvement program adopted  
22 pursuant to s. 339.175(7) to the extent that such improvements  
23 are relied upon to ensure concurrency and financial  
24 feasibility. The schedule must also be coordinated with the  
25 applicable metropolitan planning organization's long-range  
26 transportation plan adopted pursuant to s. 339.175(6).

27 (b) The capital improvements element shall be reviewed  
28 on an annual basis and modified as necessary in accordance  
29 with s. 163.3187 or s. 163.3189, in order to maintain a  
30 financially feasible 5-year schedule of capital improvements  
31 which are necessary to ensure that adopted level-of-service

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1 standards are achieved and maintained except that corrections,  
 2 updates, and modifications concerning costs, revenue sources,  
 3 or acceptance of facilities pursuant to dedications which are  
 4 consistent with the plan; or the date of construction of any  
 5 facility enumerated in the capital improvements element may be  
 6 accomplished by ordinance and shall not be deemed to be  
 7 amendments to the local comprehensive plan. A copy of the  
 8 ordinance shall be transmitted to the state land planning  
 9 agency. An amendment to the comprehensive plan is required to  
 10 update the schedule on an annual basis or to eliminate, defer,  
 11 or delay the construction for any facility listed in the  
 12 5-year schedule. All public facilities shall be consistent  
 13 with the capital improvements element. Amendments to implement  
 14 this section must be filed no later than December 1, 2007.  
 15 Thereafter, a local government may not amend its comprehensive  
 16 plan, except for plan amendments to update the schedule, plan  
 17 amendments to meet new requirements under this part, and  
 18 emergency amendments pursuant to s. 163.3187(1)(a), after  
 19 December 1 of every year and thereafter, unless and until the  
 20 local government has adopted the annual update and the annual  
 21 update to the schedule of capital improvements is found in  
 22 compliance.

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

31 (d) If a local government adopts a long-term

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

8 (6) In addition to the requirements of subsections  
 9 (1)-(5), the comprehensive plan shall include the following  
 10 elements:

11 (a) A future land use plan element designating  
 12 proposed future general distribution, location, and extent of  
 13 the uses of land for residential uses, commercial uses,  
 14 industry, agriculture, recreation, conservation, education,  
 15 public buildings and grounds, other public facilities, and  
 16 other categories of the public and private uses of land.  
 17 Counties are encouraged to designate rural land stewardship  
 18 areas, pursuant to the provisions of paragraph (11)(d), as  
 19 overlays on the future land use map. Each future land use  
 20 category must be defined in terms of uses included, and must  
 21 include standards to be followed in the control and  
 22 distribution of population densities and building and  
 23 structure intensities. The proposed distribution, location,  
 24 and extent of the various categories of land use shall be  
 25 shown on a land use map or map series which shall be  
 26 supplemented by goals, policies, and measurable objectives.  
 27 The future land use plan shall be based upon surveys, studies,  
 28 and data regarding the area, including the amount of land  
 29 required to accommodate anticipated growth; the projected  
 30 population of the area; the character of undeveloped land; the  
 31 availability of water supplies, public facilities, and

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1 services; the need for redevelopment, including the renewal of  
2 blighted areas and the elimination of nonconforming uses which  
3 are inconsistent with the character of the community; the  
4 compatibility of uses on lands adjacent to or closely  
5 proximate to military installations; and, in rural  
6 communities, the need for job creation, capital investment,  
7 and economic development that will strengthen and diversify  
8 the community's economy. The future land use plan may  
9 designate areas for future planned development use involving  
10 combinations of types of uses for which special regulations  
11 may be necessary to ensure development in accord with the  
12 principles and standards of the comprehensive plan and this  
13 act. The future land use plan element shall include criteria  
14 to be used to achieve the compatibility of adjacent or closely  
15 proximate lands with military installations. In addition, for  
16 rural communities, the amount of land designated for future  
17 planned industrial use shall be based upon surveys and studies  
18 that reflect the need for job creation, capital investment,  
19 and the necessity to strengthen and diversify the local  
20 economies, and shall not be limited solely by the projected  
21 population of the rural community. The future land use plan of  
22 a county may also designate areas for possible future  
23 municipal incorporation. The land use maps or map series shall  
24 generally identify and depict historic district boundaries and  
25 shall designate historically significant properties meriting  
26 protection. The future land use element must clearly identify  
27 the land use categories in which public schools are an  
28 allowable use. When delineating the land use categories in  
29 which public schools are an allowable use, a local government  
30 shall include in the categories sufficient land proximate to  
31 residential development to meet the projected needs for

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1 schools in coordination with public school boards and may  
2 establish differing criteria for schools of different type or  
3 size. Each local government shall include lands contiguous to  
4 existing school sites, to the maximum extent possible, within  
5 the land use categories in which public schools are an  
6 allowable use. ~~All comprehensive plans must comply with the~~  
7 ~~school siting requirements of this paragraph no later than~~  
8 ~~October 1, 1999.~~ The failure by a local government to comply  
9 with these school siting requirements ~~by October 1, 1999,~~ will  
10 result in the prohibition of the local government's ability to  
11 amend the local comprehensive plan, except for plan amendments  
12 described in s. 163.3187(1)(b), until the school siting  
13 requirements are met. Amendments proposed by a local  
14 government for purposes of identifying the land use categories  
15 in which public schools are an allowable use ~~or for adopting~~  
16 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~  
17 are exempt from the limitation on the frequency of plan  
18 amendments contained in s. 163.3187. The future land use  
19 element shall include criteria that encourage the location of  
20 schools proximate to urban residential areas to the extent  
21 possible and shall require that the local government seek to  
22 collocate public facilities, such as parks, libraries, and  
23 community centers, with schools to the extent possible and to  
24 encourage the use of elementary schools as focal points for  
25 neighborhoods. For schools serving predominantly rural  
26 counties, defined as a county with a population of 100,000 or  
27 fewer, an agricultural land use category shall be eligible for  
28 the location of public school facilities if the local  
29 comprehensive plan contains school siting criteria and the  
30 location is consistent with such criteria. Local governments  
31 required to update or amend their comprehensive plan to

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1 include criteria and address compatibility of adjacent or  
 2 closely proximate lands with existing military installations  
 3 in their future land use plan element shall transmit the  
 4 update or amendment to the department by June 30, 2006.

5 (c) A general sanitary sewer, solid waste, drainage,  
 6 potable water, and natural groundwater aquifer recharge  
 7 element correlated to principles and guidelines for future  
 8 land use, indicating ways to provide for future potable water,  
 9 drainage, sanitary sewer, solid waste, and aquifer recharge  
 10 protection requirements for the area. The element may be a  
 11 detailed engineering plan including a topographic map  
 12 depicting areas of prime groundwater recharge. The element  
 13 shall describe the problems and needs and the general  
 14 facilities that will be required for solution of the problems  
 15 and needs. The element shall also include a topographic map  
 16 depicting any areas adopted by a regional water management  
 17 district as prime groundwater recharge areas for the Floridan  
 18 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
 19 shall be given special consideration when the local government  
 20 is engaged in zoning or considering future land use for said  
 21 designated areas. For areas served by septic tanks, soil  
 22 surveys shall be provided which indicate the suitability of  
 23 soils for septic tanks. By December 1, 2006, the element must  
 24 be consistent with ~~consider~~ the appropriate water management  
 25 district's regional water supply plan approved pursuant to s.  
 26 373.0361. If the local government chooses to prepare its own  
 27 water supply analysis, it shall submit a description of the  
 28 data and methodology used to generate the analysis to the  
 29 state land planning agency with its plan when the plan is due  
 30 for compliance review unless it has submitted it for advance  
 31 review. The state land planning agency shall evaluate the



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

31 (h)1. An intergovernmental coordination element

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

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

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

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

31         2. The intergovernmental coordination element shall

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

20           3. To foster coordination between special districts  
21 and local general-purpose governments as local general-purpose  
22 governments implement local comprehensive plans, each  
23 independent special district must submit a public facilities  
24 report to the appropriate local government as required by s.  
25 189.415.

26           4.a. Local governments ~~adopting a public educational~~  
27 ~~facilities element pursuant to s. 163.31776~~ must execute an  
28 interlocal agreement with the district school board, the  
29 county, and nonexempt municipalities pursuant to s. 163.31777  
30 ~~as defined by s. 163.31776(1), which includes the items listed~~  
31 ~~in s. 163.31777(2)~~. The local government shall amend the

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1 intergovernmental coordination element to provide that  
2 coordination between the local government and school board is  
3 pursuant to the agreement and shall state the obligations of  
4 the local government under the agreement.

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

7         5. The state land planning agency shall establish a  
8 schedule for phased completion and transmittal of plan  
9 amendments to implement subparagraphs 1., 2., and 3. from all  
10 jurisdictions so as to accomplish their adoption by December  
11 31, 1999. A local government may complete and transmit its  
12 plan amendments to carry out these provisions prior to the  
13 scheduled date established by the state land planning agency.  
14 The plan amendments are exempt from the provisions of s.  
15 163.3187(1).

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

20             a. Identifies all existing or proposed interlocal  
21 service-delivery agreements regarding the following:  
22 education; sanitary sewer; public safety; solid waste;  
23 drainage; potable water; parks and recreation; and  
24 transportation facilities.

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

30         7. Within 6 months after submission of the report, the  
31 Department of Community Affairs shall, through the appropriate

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1 regional planning council, coordinate a meeting of all local  
2 governments within the regional planning area to discuss the  
3 reports and potential strategies to remedy any identified  
4 deficiencies or duplications.

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

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

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

18           (a) Each county and each municipality within the  
19 county unless exempt or subject to a waiver, must adopt a  
20 consistent public school facilities element and enter the  
21 interlocal agreement pursuant to s. 163.31777. The state land  
22 planning agency shall provide a waiver to a county and to the  
23 municipalities within the county if the utilization rate for  
24 all schools within the school district is no greater than 100  
25 percent and the projected 5-year capital outlay full-time  
26 equivalent student growth rate is less than 10 percent. The  
27 state land planning agency may, at its discretion, allow for a  
28 single school to exceed the 100-percent limitation if it can  
29 be demonstrated that the utilization rate for that single  
30 school is not greater than 105 percent. A municipality in a  
31 nonexempt county is exempt if the municipality meets all of

1 the following criteria for having no significant impact on  
2 school attendance:

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

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

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

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

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

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

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

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

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

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

- 19 1. The procedure for an annual update process;
- 20 2. The procedure for school site selection;
- 21 3. The procedure for school permitting;
- 22 4. Provision ~~for~~ of supporting infrastructure  
 23 necessary to support proposed schools, including potable  
 24 water, wastewater, drainage, solid waste, transportation, and  
 25 means by which to assure safe access to schools, including  
 26 sidewalks, bicycle paths, turn lanes, and signalization;
- 27 5. Provision for colocation of other public  
 28 facilities, such as parks, libraries, and community centers,  
 29 in proximity to public schools;
- 30 6. Provision for location of schools proximate to  
 31 residential areas and to complement patterns of development,

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1 including the location of future school sites so they serve as  
2 community focal points;

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

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

9         9. Coordination with the future land use element.

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

20         (h) The state land planning agency shall establish a  
21 phased schedule for adoption of the public school facilities  
22 element and the required updates to the public schools  
23 interlocal agreement pursuant to s. 163.31777. The schedule  
24 shall provide for each county and local government within the  
25 county to adopt the element and update to the agreement no  
26 later than December 1, 2008. Plan amendments to adopt a public  
27 school facilities element are exempt from the provisions of s.  
28 163.3187(1).

29         (13) Local governments are encouraged to develop a  
30 community vision that provides for sustainable growth,  
31 recognizes its fiscal constraints, and protects its natural



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1 resources. At the request of a local government, the  
2 applicable regional planning council shall provide assistance  
3 in the development of a community vision.

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

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

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

18 2. Priorities for economic development;

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

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

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

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

27 7. Provisions for adequate workforce housing;

28 8. An efficient, interconnected multimodal  
29 transportation system; and

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

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

4           1. Strategies to preserve open space, environmentally  
5 sensitive lands, and agricultural lands, including innovative  
6 planning and development strategies, such as the transfer of  
7 development rights;

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

12           3. Incentives for workforce housing;

13           4. Designation of an urban service boundary pursuant  
14 to subsection (2); and

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

19       (d) The community vision must reflect the community's  
20 shared concept for growth and development of the community,  
21 including visual representations depicting the desired  
22 land-use patterns and character of the community during a  
23 10-year planning timeframe. The community vision must also  
24 take into consideration economic viability of the vision and  
25 private property interests.

26       (e) After the workshops and public hearings required  
27 under paragraph (a) are held, the local government may amend  
28 its comprehensive plan to include the community vision as a  
29 component in the plan. This plan amendment must be transmitted  
30 and adopted pursuant to the procedures in ss. 163.3184 and  
31 163.3189 at public hearings of the governing body other than

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1 those identified in paragraph (a).

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

5 (g) A county that has adopted a community vision as a  
6 component of the comprehensive plan and the plan amendment  
7 incorporating the vision has been found in compliance may levy  
8 a local option fuel tax under s. 336.025(1)(b) by a majority  
9 vote of its governing body.

10 (h) A county that has adopted a community vision as a  
11 component of the comprehensive plan and the plan amendment  
12 incorporating the vision has been found in compliance may levy  
13 the ninth-cent fuel tax under s. 336.021(1)(a) by a majority  
14 vote of its governing body.

15 (14) Local governments are also encouraged to  
16 designate an urban service boundary. This area must be  
17 appropriate for compact, contiguous urban development within a  
18 10-year planning timeframe. The urban service area boundary  
19 must be identified on the future land use map or map series.  
20 The local government shall demonstrate that the land included  
21 within the urban service boundary is served or is planned to  
22 be served with adequate public facilities and services based  
23 on the local government's adopted level-of-service standards  
24 by adopting a 10-year facilities plan in the capital  
25 improvements element which is financially feasible within the  
26 10-year planning timeframe. The local government shall  
27 demonstrate that the amount of land within the urban service  
28 boundary does not exceed the amount of land needed to  
29 accommodate the projected population growth at densities  
30 consistent with the adopted comprehensive plan within the  
31 10-year planning timeframe.

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

10       (b)1. After the workshops and public meetings required  
 11 under paragraph (a) are held, the local government may amend  
 12 its comprehensive plan to include the urban service boundary.  
 13 This plan amendment must be transmitted and adopted pursuant  
 14 to the procedures in ss. 163.3184 and 163.3189 at meetings of  
 15 the governing body other than those required under paragraph  
 16 (a).

17       2. This subsection does not prohibit new development  
 18 outside an urban service boundary. However, a local government  
 19 that establishes an urban service boundary under this  
 20 subsection is encouraged to require a full-cost accounting  
 21 analysis for any new development outside the boundary and to  
 22 consider the results of that analysis when adopting a plan  
 23 amendment for property outside the established urban service  
 24 boundary.

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

28       (d) A county that has adopted a community vision under  
 29 subsection (13) and an urban service boundary under this  
 30 subsection as part of its comprehensive plan and the plan  
 31 amendment incorporating the vision and the urban service

1 boundary has been found in compliance may levy the charter  
2 county transit system surtax under s. 212.055(1) by a majority  
3 vote of the governing body.

4 (e) A county that has adopted a community vision under  
5 subsection (13) and an urban service boundary under this  
6 subsection and the plan amendment incorporating the vision and  
7 the urban service boundary has been found in compliance may  
8 levy the local government infrastructure surtax under s.  
9 212.055(2) by a majority vote of its governing body.

10 (f) A small county that has adopted a community vision  
11 under subsection (13) and an urban service boundary under this  
12 subsection and the plan amendment incorporating the vision and  
13 the urban service boundary has been found in compliance may  
14 levy the local government infrastructure surtax under s.  
15 212.055(2) and the small county surtax under s. 212.055(3) by  
16 a majority vote of its governing body for a combined rate of  
17 up to 2 percent.

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

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

22 163.31777 Public schools interlocal agreement.--

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

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

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1 distribution of jurisdiction-wide growth forecasts is a major  
2 objective of the process.

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

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

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

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

29 (f) Participation of the local governments in the  
30 preparation of the annual update to the district school  
31 board's 5-year district facilities work program and

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1 educational plant survey prepared pursuant to s. 1013.35.

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

5 (h) A procedure for the resolution of disputes between  
6 the district school board and local governments, which may  
7 include the dispute resolution processes contained in chapters  
8 164 and 186.

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

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

22 (5) Any local government transmitting a public school  
23 element to implement school concurrency pursuant to the  
24 requirements of s. 163.3180 before the effective date of this  
25 section is not required to amend the element or any interlocal  
26 agreement to conform with the provisions of this section if  
27 the element is adopted prior to or within 1 year after the  
28 effective date of this section and remains in effect until the  
29 county conducts its evaluation and appraisal report and  
30 identifies changes necessary to more fully conform to the  
31 provisions of this section.

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

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

8           ~~(b) The district school board's 5-year facilities work~~  
 9 ~~program and the long-term 10-year and 20-year work programs,~~  
 10 ~~as provided in s. 1013.35, demonstrate that no new school~~  
 11 ~~facility is needed in the municipality. In addition, the~~  
 12 ~~district school board must verify in writing that no new~~  
 13 ~~school facility will be needed in the municipality within the~~  
 14 ~~5-year and 10-year timeframes.~~

15           (7) At the time of the evaluation and appraisal  
 16 report, each exempt municipality shall assess the extent to  
 17 which it continues to meet the criteria for exemption under s.  
 18 163.3177(12) subsection (6). If the municipality continues to  
 19 meet these criteria ~~and the district school board verifies in~~  
 20 ~~writing that no new school facilities will be needed within~~  
 21 ~~the 5-year and 10-year timeframes~~, the municipality shall  
 22 continue to be exempt from the interlocal-agreement  
 23 requirement. Each municipality exempt under s. 163.3177(12)  
 24 ~~subsection (6)~~ must comply with the provisions of this section  
 25 within 1 year after the district school board proposes, in its  
 26 5-year district facilities work program, a new school within  
 27 the municipality's jurisdiction.

28           Section 5. Paragraph (a) of subsection (1), subsection  
 29 (2), paragraph (c) of subsection (4), subsections (5), (6),  
 30 (7), (9), (10), (13), and (15) of section 163.3180, Florida  
 31 Statutes, are amended, and subsections (16) and (17) are added



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1 to that section, to read:

2 163.3180 Concurrency.--

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

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

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

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1 ~~certificate of occupancy or its functional equivalent.~~

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

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

17 (4)

18 (c) The concurrency requirement, except as it relates  
19 to transportation facilities, as implemented in local  
20 government comprehensive plans, may be waived by a local  
21 government for urban infill and redevelopment areas designated  
22 pursuant to s. 163.2517 if such a waiver does not endanger  
23 public health or safety as defined by the local government in  
24 its local government comprehensive plan. The waiver shall be  
25 adopted as a plan amendment pursuant to the process set forth  
26 in s. 163.3187(3)(a). A local government may grant a  
27 concurrency exception pursuant to subsection (5) for  
28 transportation facilities located within these urban infill  
29 and redevelopment areas.

30 (5)(a) The Legislature finds that under limited  
31 circumstances dealing with transportation facilities,

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1 countervailing planning and public policy goals may come into  
2 conflict with the requirement that adequate public facilities  
3 and services be available concurrent with the impacts of such  
4 development. The Legislature further finds that often the  
5 unintended result of the concurrency requirement for  
6 transportation facilities is the discouragement of urban  
7 infill development and redevelopment. Such unintended results  
8 directly conflict with the goals and policies of the state  
9 comprehensive plan and the intent of this part. Therefore,  
10 exceptions from the concurrency requirement for transportation  
11 facilities may be granted as provided by this subsection.

12 (b) A local government may grant an exception from the  
13 concurrency requirement for transportation facilities if the  
14 proposed development is otherwise consistent with the adopted  
15 local government comprehensive plan and is a project that  
16 promotes public transportation or is located within an area  
17 designated in the comprehensive plan for:

- 18 1. Urban infill development,
- 19 2. Urban redevelopment,
- 20 3. Downtown revitalization, or
- 21 4. Urban infill and redevelopment under s. 163.2517.

22 (c) The Legislature also finds that developments  
23 located within urban infill, urban redevelopment, existing  
24 urban service, or downtown revitalization areas or areas  
25 designated as urban infill and redevelopment areas under s.  
26 163.2517 which pose only special part-time demands on the  
27 transportation system should be excepted from the concurrency  
28 requirement for transportation facilities. A special  
29 part-time demand is one that does not have more than 200  
30 scheduled events during any calendar year and does not affect  
31 the 100 highest traffic volume hours.

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1           (d) A local government shall establish guidelines in  
 2 the comprehensive plan for granting the exceptions authorized  
 3 in paragraphs (b) and (c) and subsections (7) and (15) shall  
 4 be consistent with and support a comprehensive strategy  
 5 adopted in the plan to promote the purpose of the exceptions.

6           (e) The local government shall adopt into the plan and  
 7 implement strategies to support and fund mobility within the  
 8 designated exception area, including alternative modes of  
 9 transportation. The plan amendment shall also demonstrate how  
 10 strategies will support the purpose of the exception and how  
 11 mobility within the designated exception area will be  
 12 provided. In addition, the strategies must address urban  
 13 design; appropriate land use mixes, including intensity and  
 14 density; and network connectivity plans needed to promote  
 15 urban infill, redevelopment, or downtown revitalization. The  
 16 comprehensive plan amendment designating the concurrency  
 17 exception area shall be accompanied by data and analysis  
 18 justifying the size of the area.

19           (f) Prior to the designation of concurrency exception  
 20 area, the Department of Transportation shall be consulted by  
 21 the local government to assess the impact that the proposed  
 22 exception area is expected to have on the adopted level of  
 23 service standards established for Strategic Intermodal System  
 24 facilities, as defined in s. 339.64. Further, the local  
 25 government shall, in cooperation with the Department of  
 26 Transportation, develop a plan to mitigate any impacts to the  
 27 Strategic Intermodal System, including, if appropriate, the  
 28 development of a long-term concurrency management system  
 29 pursuant to ss. 163.3177(3)(d) and 163.3180(9). in the  
 30 comprehensive plan. These guidelines must include  
 31 consideration of the impacts on the Florida Intrastate Highway

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1 ~~System, as defined in s. 338.001.~~ The exceptions may be  
 2 available only within the specific geographic area of the  
 3 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
 4 any affected person may challenge a plan amendment  
 5 establishing these guidelines and the areas within which an  
 6 exception could be granted.

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

12 (6) The Legislature finds that a de minimis impact is  
 13 consistent with this part. A de minimis impact is an impact  
 14 that would not affect more than 1 percent of the maximum  
 15 volume at the adopted level of service of the affected  
 16 transportation facility as determined by the local government.  
 17 No impact will be de minimis if the sum of existing roadway  
 18 volumes and the projected volumes from approved projects on a  
 19 transportation facility would exceed 110 percent of the  
 20 maximum volume at the adopted level of service of the affected  
 21 transportation facility; provided however, that an impact of a  
 22 single family home on an existing lot will constitute a de  
 23 minimis impact on all roadways regardless of the level of the  
 24 deficiency of the roadway. ~~Local governments are encouraged to~~  
 25 ~~adopt methodologies to encourage de minimis impacts on~~  
 26 ~~transportation facilities within an existing urban service~~  
 27 ~~area.~~ Further, no impact will be de minimis if it would exceed  
 28 the adopted level-of-service standard of any affected  
 29 designated hurricane evacuation routes. Each local government  
 30 shall maintain sufficient records to ensure that the  
 31 110-percent criteria is not exceeded. Each local government

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1 shall submit annually, with its updated capital improvements  
 2 element, a summary of the de minimus records. If the state  
 3 land planning agency determines that the 110-percent criteria  
 4 has been exceeded, the state land planning agency shall notify  
 5 the local government of the exceedance and that no further de  
 6 minimis exceptions for the applicable roadway may be granted  
 7 until such time as the volume is reduced below the 110  
 8 percent. The local government shall provide proof of this  
 9 reduction to the state land planning agency before issuing  
 10 further de minimis exceptions.

11 (7) In order to promote infill development and  
 12 redevelopment, one or more transportation concurrency  
 13 management areas may be designated in a local government  
 14 comprehensive plan. A transportation concurrency management  
 15 area must be a compact geographic area with an existing  
 16 network of roads where multiple, viable alternative travel  
 17 paths or modes are available for common trips. A local  
 18 government may establish an areawide level-of-service standard  
 19 for such a transportation concurrency management area based  
 20 upon an analysis that provides for a justification for the  
 21 areawide level of service, how urban infill development or  
 22 redevelopment will be promoted, and how mobility will be  
 23 accomplished within the transportation concurrency management  
 24 area. Prior to the designation of a concurrency management  
 25 area, the Department of Transportation shall be consulted by  
 26 the local government to assess the impact that the proposed  
 27 management exception area is expected to have on the adopted  
 28 level of service standards established for Strategic  
 29 Intermodal System facilities, as defined in s. 339.64.  
 30 Further, the local government shall, in cooperation with the  
 31 Department of Transportation, develop a plan to mitigate any

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1 impacts to the Strategic Intermodal System, including, if  
 2 appropriate, the development of a long-term concurrency  
 3 management system pursuant to ss. 163.3177(3)(d) and  
 4 163.3180(9). Transportation concurrency management areas  
 5 existing prior to July 1, 2005, shall meet, at a minimum, the  
 6 provisions of this section by July 1, 2006, or at the time of  
 7 the comprehensive plan update pursuant to the evaluation and  
 8 appraisal report, whichever occurs last. The state land  
 9 planning agency shall amend chapter 9J-5, Florida  
 10 Administrative Code, to be consistent with this subsection.

11 (9)(a) Each local government may adopt as a part of  
 12 its plan, ~~a~~ long-term transportation and school concurrency  
 13 management systems ~~system~~ with a planning period of up to 10  
 14 years for specially designated districts or areas where  
 15 significant backlogs exist. The plan may include interim  
 16 level-of-service standards on certain facilities and shall ~~may~~  
 17 rely on the local government's schedule of capital  
 18 improvements for up to 10 years as a basis for issuing  
 19 development orders that authorize commencement of construction  
 20 permits in these designated districts or areas. The  
 21 concurrency management system. ~~It~~ must be designed to correct  
 22 existing deficiencies and set priorities for addressing  
 23 backlogged facilities. The concurrency management system ~~It~~  
 24 must be financially feasible and consistent with other  
 25 portions of the adopted local plan, including the future land  
 26 use map.

27 (b) If a local government has a transportation or  
 28 school facility backlog for existing development which cannot  
 29 be adequately addressed in a 10-year plan, the state land  
 30 planning agency may allow it to develop a plan and long-term  
 31 schedule of capital improvements covering ~~of~~ up to 15 years

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1 for good and sufficient cause, based on a general comparison  
2 between that local government and all other similarly situated  
3 local jurisdictions, using the following factors:

- 4 1. The extent of the backlog.
- 5 2. For roads, whether the backlog is on local or state  
6 roads.
- 7 3. The cost of eliminating the backlog.
- 8 4. The local government's tax and other  
9 revenue-raising efforts.

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

14 (d) If the local government adopts a long-term  
15 concurrency management system, it must evaluate the system  
16 periodically. At a minimum, the local government must assess  
17 its progress toward improving levels of service within the  
18 long-term concurrency management district or area in the  
19 evaluation and appraisal report and determine any changes that  
20 are necessary to accelerate progress in meeting acceptable  
21 levels of service.

22 (10) With regard to roadway facilities on the  
23 ~~Strategic Intermodal Florida Intrastate Highway System as~~  
24 ~~defined in s. 338.001, with concurrence from the Department of~~  
25 ~~Transportation, the level-of-service standard for general~~  
26 ~~lanes in urbanized areas, as defined in s. 334.03(36), may be~~  
27 ~~established by the local government in the comprehensive plan.~~  
28 ~~For all other facilities on the Florida Intrastate Highway~~  
29 ~~System, local governments shall adopt the level-of-service~~  
30 ~~standard established by the Department of Transportation by~~  
31 ~~rule. For all other roads on the State Highway System, local~~



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1 governments shall establish an adequate level-of-service  
 2 standard that need not be consistent with any level-of-service  
 3 standard established by the Department of Transportation. In  
 4 establishing adequate level-of-service standards for any  
 5 arterial roads, or collector roads as appropriate, which  
 6 traverse multiple jurisdictions, local governments shall  
 7 consider compatibility with the roadway facility's adopted  
 8 level-of-service standards in adjacent jurisdictions. Each  
 9 local government within a county shall use a common and  
 10 professionally accepted methodology for measuring impacts on  
 11 transportation facilities for the purposes of implementing its  
 12 concurrency management system. Counties are encouraged to  
 13 coordinate with adjacent counties for the purpose of using  
 14 common methodologies for measuring impacts on transportation  
 15 facilities for the purpose of implementing their concurrency  
 16 management systems.

17 (13) School concurrency, ~~if imposed by local option,~~  
 18 shall be established on a districtwide basis and shall include  
 19 all public schools in the district and all portions of the  
 20 district, whether located in a municipality or an  
 21 unincorporated area unless exempt from the public school  
 22 facilities element pursuant to s. 163.3177(12). The  
 23 application of school concurrency to development shall be  
 24 based upon the adopted comprehensive plan, as amended. All  
 25 local governments within a county, except as provided in  
 26 paragraph (f), shall adopt and transmit to the state land  
 27 planning agency the necessary plan amendments, along with the  
 28 interlocal agreement, for a compliance review pursuant to s.  
 29 163.3184(7) and (8). ~~School concurrency shall not become~~  
 30 ~~effective in a county until all local governments, except as~~  
 31 ~~provided in paragraph (f), have adopted the necessary plan~~

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1 ~~amendments, which together with the interlocal agreement, are~~  
 2 ~~determined to be in compliance with the requirements of this~~  
 3 ~~part.~~ The minimum requirements for school concurrency are the  
 4 following:

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

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

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

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

30           3. Local governments and school boards shall have the  
 31 option to utilize tiered level-of-service standards to allow

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1 time to achieve an adequate and desirable level of service as  
2 circumstances warrant.

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

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

26 2. For local governments applying school concurrency  
27 on a less than districtwide basis, such as utilizing school  
28 attendance zones or larger school concurrency service areas,  
29 local governments and school boards shall have the burden to  
30 demonstrate that the utilization of school capacity is  
31 maximized to the greatest extent possible in the comprehensive

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1 plan and amendment, taking into account transportation costs  
 2 and court-approved desegregation plans, as well as other  
 3 factors. In addition, in order to achieve concurrency within  
 4 the service area boundaries selected by local governments and  
 5 school boards, the service area boundaries, together with the  
 6 standards for establishing those boundaries, shall be  
 7 identified ~~and~~, included as supporting data and analysis for,  
 8 ~~and adopted as part of the comprehensive plan. Any subsequent~~  
 9 ~~change to the service area boundaries for purposes of a school~~  
 10 ~~concurrency system shall be by plan amendment and shall be~~  
 11 ~~exempt from the limitation on the frequency of plan amendments~~  
 12 ~~in s. 163.3187(1).~~

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

26           (d) Financial feasibility.--The Legislature recognizes  
 27 that financial feasibility is an important issue because the  
 28 premise of concurrency is that the public facilities will be  
 29 provided in order to achieve and maintain the adopted  
 30 level-of-service standard. This part and chapter 9J-5, Florida  
 31 Administrative Code, contain specific standards to determine

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1 the financial feasibility of capital programs. These standards  
2 were adopted to make concurrency more predictable and local  
3 governments more accountable.

4       1. A comprehensive plan amendment seeking to impose  
5 school concurrency shall contain appropriate amendments to the  
6 capital improvements element of the comprehensive plan,  
7 consistent with the requirements of s. 163.3177(3) and rule  
8 9J-5.016, Florida Administrative Code. The capital  
9 improvements element shall set forth a financially feasible  
10 public school capital facilities program, established in  
11 conjunction with the school board, that demonstrates that the  
12 adopted level-of-service standards will be achieved and  
13 maintained.

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

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

25       (e) Availability standard.--Consistent with the public  
26 welfare, a local government may not deny a development order  
27 or its functional equivalent ~~permit~~ authorizing residential  
28 development for failure to achieve and maintain the  
29 level-of-service standard for public school capacity in a  
30 local option school concurrency system where adequate school  
31 facilities will be in place or under actual construction

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1 within 3 years after permit issuance of subdivision or site  
2 plan approval, or its functional equivalent. However, in  
3 accordance with s. 163.3180(16)(a) where adequate school  
4 facilities are not in place or under construction within 3  
5 years after subdivision or site plan approval, or its  
6 functional equivalent, the development order shall be approved  
7 if the developer executes a development order may be approved  
8 if the developer executes a legally binding commitment to  
9 provide mitigation proportionate to the demand for public  
10 school facilities to be created by actual development of the  
11 property, including, but not limited to, the options described  
12 in subparagraph 1. Options for proportionate-share mitigation  
13 of impacts on public school facilities shall be established in  
14 the public school facilities element and the interlocal  
15 agreement pursuant to s. 163.31777.

16 1. Appropriate mitigation options include the  
17 contribution of land; the construction, expansion, or payment  
18 for land acquisition or construction of a public school  
19 facility; or the creation of mitigation banking based on the  
20 construction of a public school facility in exchange for the  
21 right to sell capacity credits. Such options must include  
22 execution by the applicant and the local government of a  
23 binding development agreement that constitutes a legally  
24 binding commitment to pay proportionate-share mitigation for  
25 the additional residential units approved by the local  
26 government in a development order and actually developed on  
27 the property, taking into account residential density allowed  
28 on the property prior to the plan amendment that increased  
29 overall residential density. The district school board shall  
30 be a party to such an agreement. As a condition of its entry  
31 into such a development agreement, the local government may

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1 require the landowner to agree to continuing renewal of the  
2 agreement upon its expiration.

3 2. If the education facilities plan and the public  
4 educational facilities element authorize a contribution of  
5 land; the construction, expansion, or payment for land  
6 acquisition; or the construction or expansion of a public  
7 school facility, or a portion thereof, as proportionate-share  
8 mitigation, the local government shall credit such a  
9 contribution, construction, expansion, or payment toward any  
10 other impact fee or exaction imposed by local ordinance for  
11 the same need, on a dollar-for-dollar basis at fair market  
12 value.

13 3. Any proportionate-share mitigation must be directed  
14 by the school board toward a school capacity improvement  
15 identified in a financially feasible 5-year district work plan  
16 and which satisfies the demands created by that development in  
17 accordance with a binding developer's agreement.

18 (f) Intergovernmental coordination.--

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

30 a. The municipality has issued development orders for  
31 fewer than 50 residential dwelling units during the preceding

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1 5 years, or the municipality has generated fewer than 25  
2 additional public school students during the preceding 5  
3 years.

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

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

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

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

25 (g) Interlocal agreement for school concurrency.--When  
26 establishing concurrency requirements for public schools, a  
27 local government must enter into an interlocal agreement that  
28 ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6)(h)1.  
29 and 2. and 163.31777 and the requirements of this subsection.  
30 The interlocal agreement shall acknowledge both the school  
31 board's constitutional and statutory obligations to provide a



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1 uniform system of free public schools on a countywide basis,  
 2 and the land use authority of local governments, including  
 3 their authority to approve or deny comprehensive plan  
 4 amendments and development orders. The interlocal agreement  
 5 shall be submitted to the state land planning agency by the  
 6 local government as a part of the compliance review, along  
 7 with the other necessary amendments to the comprehensive plan  
 8 required by this part. In addition to the requirements of ss.  
 9 ~~s.~~ 163.3177(6)(h) and 163.31777, the interlocal agreement  
 10 shall meet the following requirements:

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

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

24           ~~2.3.~~ Establish a process for the development of siting  
 25 criteria which encourages the location of public schools  
 26 proximate to urban residential areas to the extent possible  
 27 and seeks to collocate schools with other public facilities  
 28 such as parks, libraries, and community centers to the extent  
 29 possible.

30           ~~3.4.~~ Specify uniform, districtwide level-of-service  
 31 standards for public schools of the same type and the process

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1 for modifying the adopted level-of-service standards.

2 ~~4.5.~~ Establish a process for the preparation,  
3 amendment, and joint approval by each local government and the  
4 school board of a public school capital facilities program  
5 which is financially feasible, and a process and schedule for  
6 incorporation of the public school capital facilities program  
7 into the local government comprehensive plans on an annual  
8 basis.

9 ~~5.6.~~ Define the geographic application of school  
10 concurrency. If school concurrency is to be applied on a less  
11 than districtwide basis in the form of concurrency service  
12 areas, the agreement shall establish criteria and standards  
13 for the establishment and modification of school concurrency  
14 service areas. The agreement shall also establish a process  
15 and schedule for the mandatory incorporation of the school  
16 concurrency service areas and the criteria and standards for  
17 establishment of the service areas into the local government  
18 comprehensive plans. The agreement shall ensure maximum  
19 utilization of school capacity, taking into account  
20 transportation costs and court-approved desegregation plans,  
21 as well as other factors. The agreement shall also ensure the  
22 achievement and maintenance of the adopted level-of-service  
23 standards for the geographic area of application throughout  
24 the 5 years covered by the public school capital facilities  
25 plan and thereafter by adding a new fifth year during the  
26 annual update.

27 ~~6.7.~~ Establish a uniform districtwide procedure for  
28 implementing school concurrency which provides for:

- 29 a. The evaluation of development applications for  
30 compliance with school concurrency requirements, including  
31 information provided by the school board on affected schools,

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1 impact on levels of service, and programmed improvements for  
2 affected schools and any options to provide sufficient  
3 capacity;

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

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

9         ~~7.8. Include provisions relating to termination,~~  
10 ~~suspension, and amendment of the agreement. The agreement~~  
11 ~~shall provide that if the agreement is terminated or~~  
12 ~~suspended, the application of school concurrency shall be~~  
13 ~~terminated or suspended.~~

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

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

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1 government shall, in cooperation with the Department of  
 2 Transportation, develop a plan to mitigate any impacts to the  
 3 Strategic Intermodal System, including the development of a  
 4 long-term concurrency management system pursuant to ss.  
 5 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
 6 districts existing prior to July 1, 2005, shall meet, at a  
 7 minimum, the provisions of this section by July 1, 2006, or at  
 8 the time of the comprehensive plan update pursuant to the  
 9 evaluation and appraisal report, whichever occurs last.

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

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

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1 financially feasible over the development or redevelopment  
2 timeframe for the district and that community design features  
3 within the district provide convenient interconnection for a  
4 multimodal transportation system. Local governments may issue  
5 development permits in reliance upon all planned community  
6 design capital improvements that are financially feasible over  
7 the development or redevelopment timeframe for the district,  
8 without regard to the period of time between development or  
9 redevelopment and the scheduled construction of the capital  
10 improvements. A determination of financial feasibility shall  
11 be based upon currently available funding or funding sources  
12 that could reasonably be expected to become available over the  
13 planning period.

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

19 (16) It is the intent of the Legislature to provide an  
20 alternative method by which the impacts of development can be  
21 mitigated by the cooperative efforts of the public and private  
22 sector with respect to transportation, including transit where  
23 applicable, public schools, and parks and recreation. Any  
24 methodology used to calculate proportionate share  
25 contributions must ensure that a development is only assessed  
26 to fund improvements to facilities or services that are  
27 reasonably attributable to the impacts of such development.

28 (a) The local government shall authorize in its  
29 comprehensive plan mitigation methodologies to satisfy  
30 concurrency requirements as an alternative to meeting  
31 level-of-service standards. Options may include, but are not

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1 limited to, proportionate share of funds, land or public  
 2 facilities necessary to accommodate any impacts having a  
 3 rational nexus to the proposed development and the need to  
 4 construct new facilities or add to the present system of  
 5 public facilities reasonably attributable to the proposed  
 6 development. A local government may not approve a development  
 7 under this subsection unless it can demonstrate that adequate  
 8 provision to relieve level-of-service pressure on the public  
 9 facilities needed to accommodate the impacts of the proposed  
 10 development have or can be made within a reasonable time.

11       (b) The local government may authorize in its  
 12 comprehensive plan, methodologies to ensure that proportionate  
 13 share contribution is assessed for impacts created by the  
 14 development prior to a failure to meet level-of-service  
 15 standards. Any such contribution shall be used to fund  
 16 improvements to facilities or services to ensure that  
 17 level-of-service standards are maintained.

18       (c) The comprehensive plan amendment authorizing the  
 19 mitigation shall designate the corridor, district, or area  
 20 subject to the mitigation; shall establish the methodology for  
 21 determining proportionate-share mitigation for development  
 22 impacts on such facilities; and shall establish the methods by  
 23 which such mitigation shall be applied to concurrency  
 24 requirements and implemented through the capital improvements  
 25 element. The methodology shall take into account other  
 26 development contributions, such as impact fees, ad valorem  
 27 taxes, and user fees, to ensure fair application of the  
 28 mitigation requirements.

29       (d) Mitigation for development impacts to facilities  
 30 on the Strategic Intermodal System or other facilities by the  
 31 local government, which are subject to the level-of-service

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1 standard established by the Department of Transportation,  
2 shall require the concurrence of the Department of  
3 Transportation.

4 (e) Mitigation for development impacts to public  
5 schools shall require the concurrence of the local school  
6 board.

7 Section 6. Subsection (17) is added to section  
8 163.3184, Florida Statutes, to read:

9 163.3184 Process for adoption of comprehensive plan or  
10 plan amendment.--

11 (17) A local government that has adopted a community  
12 vision and urban service boundary under s. 163.31773 may adopt  
13 a plan amendment related to map amendments solely to property  
14 within an urban service boundary in the manner described in  
15 ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187,  
16 such that state and regional agency review is eliminated. The  
17 department may not issue an objections, recommendations, and  
18 comments report on proposed plan amendments or a notice of  
19 intent on adopted plan amendments; however, affected persons,  
20 as defined by s. 163.3184(1)(a), may file a petition for  
21 administrative review pursuant to the requirements of s.  
22 163.3187(3)(a) to challenge the compliance of an adopted plan  
23 amendment. This subsection does not apply to a text change to  
24 the goals, policies, or objectives of the local government's  
25 comprehensive plan. Amendments submitted under this subsection  
26 are exempt from the limitation on the frequency of plan  
27 amendments in s. 163.3187.

28 Section 7. Subsections (2) and (10) of section  
29 163.3191, Florida Statutes, are amended to read:

30 163.3191 Evaluation and appraisal of comprehensive  
31 plan.--

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

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

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

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

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

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

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

31           (g) An assessment of whether the plan objectives



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1 within each element, as they relate to major issues, have been  
 2 achieved. The report shall include, as appropriate, an  
 3 identification as to whether unforeseen or unanticipated  
 4 changes in circumstances have resulted in problems or  
 5 opportunities with respect to major issues identified in each  
 6 element and the social, economic, and environmental impacts of  
 7 the issue.

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

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

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

24 (k) The coordination of the comprehensive plan with  
 25 existing public schools and those identified in the applicable  
 26 educational facilities plan adopted pursuant to s. 1013.35.  
 27 The assessment shall address, where relevant, the success or  
 28 failure of the coordination of the future land use map and  
 29 associated planned residential development with public schools  
 30 and their capacities, as well as the joint decisionmaking  
 31 processes engaged in by the local government and the school

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1 board in regard to establishing appropriate population  
 2 projections and the planning and siting of public school  
 3 facilities. For those counties or municipalities that do not  
 4 have a public schools interlocal agreement or public school  
 5 facility element, the assessment shall determine whether the  
 6 local government continues to meet the criteria of s.  
 7 163.3177(12). If the county or municipality determines that it  
 8 no longer meets the criteria, it must adopt appropriate school  
 9 concurrency goals, objectives, and policies in its plan  
 10 amendments pursuant to the requirements of the public school  
 11 facility element, and enter into the existing interlocal  
 12 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
 13 order to fully participate in the school concurrency system.  
 14 ~~If the issues are not relevant, the local government shall~~  
 15 ~~demonstrate that they are not relevant.~~

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

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1 (m) If any of the jurisdiction of the local government  
 2 is located within the coastal high-hazard area, an evaluation  
 3 of whether any past reduction in land use density impairs the  
 4 property rights of current residents when redevelopment  
 5 occurs, including, but not limited to, redevelopment following  
 6 a natural disaster. The property rights of current residents  
 7 shall be balanced with public safety considerations. The local  
 8 government must identify strategies to address redevelopment  
 9 feasibility and the property rights of affected residents.  
 10 These strategies may include the authorization of  
 11 redevelopment up to the actual built density in existence on  
 12 the property prior to the natural disaster or redevelopment.

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

16 (o) The extent to which a concurrency exception area  
 17 designated pursuant to s. 163.3180(5), a concurrency  
 18 management areas designated pursuant to s. 163.3180(7), or a  
 19 multimodal district designated pursuant to s. 163.3180(15) has  
 20 achieved the purpose for which it was created and otherwise  
 21 complies with the provisions of s. 163.3180.

22 (p) An assessment of the extent to which changes are  
 23 needed to develop a common methodology for measuring impacts  
 24 on transportation facilities for the purpose of implementing  
 25 its concurrency management system in coordination with the  
 26 municipalities and counties, as appropriate pursuant to s.  
 27 163.3180(10).

28 (10) The governing body shall amend its comprehensive  
 29 plan based on the recommendations in the report and shall  
 30 update the comprehensive plan based on the components of  
 31 subsection (2), pursuant to the provisions of ss. 163.3184,

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1 163.3187, and 163.3189. Amendments to update a comprehensive  
 2 plan based on the evaluation and appraisal report shall be  
 3 adopted during a single amendment cycle within 18 months after  
 4 the report is determined to be sufficient by the state land  
 5 planning agency, except the state land planning agency may  
 6 grant an extension for adoption of a portion of such  
 7 amendments. The state land planning agency may grant a  
 8 6-month extension for the adoption of such amendments if the  
 9 request is justified by good and sufficient cause as  
 10 determined by the agency. An additional extension may also be  
 11 granted if the request will result in greater coordination  
 12 between transportation and land use, for the purposes of  
 13 improving Florida's transportation system, as determined by  
 14 the agency in coordination with the Metropolitan Planning  
 15 Organization program. Failure to timely adopt update  
 16 amendments to the comprehensive plan based on the evaluation  
 17 and appraisal report shall result in a local government being  
 18 prohibited from adopting amendments to the comprehensive plan  
 19 until the evaluation and appraisal report update amendments  
 20 have been adopted and found in compliance by the state land  
 21 planning agency. The prohibition on plan amendments shall  
 22 commence when the update amendments to the comprehensive plan  
 23 are past due. The comprehensive plan as amended shall be in  
 24 compliance as defined in s. 163.3184(1)(b). Within 6 months  
 25 after the effective date of the update amendments to the  
 26 comprehensive plan, the local government shall provide to the  
 27 state land planning agency and to all agencies designated by  
 28 rule a complete copy of the updated comprehensive plan.

29 Section 8. Effective January 1, 2006, subsections (1),  
 30 (2), (3), and (6) of section 212.055, Florida Statutes, are  
 31 amended to read:

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1           212.055 Discretionary sales surtaxes; legislative  
 2 intent; authorization and use of proceeds.--It is the  
 3 legislative intent that any authorization for imposition of a  
 4 discretionary sales surtax shall be published in the Florida  
 5 Statutes as a subsection of this section, irrespective of the  
 6 duration of the levy. Each enactment shall specify the types  
 7 of counties authorized to levy; the rate or rates which may be  
 8 imposed; the maximum length of time the surtax may be imposed,  
 9 if any; the procedure which must be followed to secure voter  
 10 approval, if required; the purpose for which the proceeds may  
 11 be expended; and such other requirements as the Legislature  
 12 may provide. Taxable transactions and administrative  
 13 procedures shall be as provided in s. 212.054.

14           (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

15           (a)1. Each charter county ~~which adopted a charter~~  
 16 ~~prior to January 1, 1984,~~ and each county the government of  
 17 which is consolidated with that of one or more municipalities,  
 18 may levy a discretionary sales surtax, subject to approval by  
 19 a majority vote of the electorate of the county, a majority  
 20 vote of the governing body, or ~~by~~ a charter amendment approved  
 21 by a majority vote of the electorate of the county.

22           2. Notwithstanding paragraphs (e) and (f), if a  
 23 noncharter county or a charter county has updated its capital  
 24 improvement element no earlier than 2005 and if its  
 25 comprehensive plan has been determined to be in compliance,  
 26 the noncharter county or charter county may levy a  
 27 discretionary sales surtax pursuant to this subsection by  
 28 majority vote of the membership of its governing body or  
 29 subject to a referendum. The proceeds of the surtax may be  
 30 used by the county to fund regionally-significant  
 31 transportation projects identified in the regional

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1 transportation plan developed in accordance with an interlocal  
 2 agreement entered into pursuant to s. 163.01, subject to the  
 3 provisions of subparagraph (d)5. Surtaxes imposed by majority  
 4 vote must be used to supplement, not supplant, existing  
 5 infrastructure funding. A charter county may levy a surtax  
 6 under both this subparagraph and subparagraph 1. for a  
 7 combined rate of up to 1 percent.

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

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

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

17 1. Deposited by the county in the trust fund and shall  
 18 be used for the purposes of development, construction,  
 19 equipment, maintenance, operation, supportive services,  
 20 including a countywide bus system, and related costs of a  
 21 fixed guideway rapid transit system;

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

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1 or bridges;

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

13           4. Used by the charter county for the planning,  
14 development, construction, operation, and maintenance of roads  
15 and bridges in the county; for the planning, development,  
16 expansion, operation, and maintenance of bus and fixed  
17 guideway systems; and for the payment of principal and  
18 interest on bonds issued for the construction of fixed  
19 guideway rapid transit systems, bus systems, roads, or  
20 bridges; and such proceeds may be pledged by the governing  
21 body of the county for bonds issued to refinance existing  
22 bonds or new bonds issued for the construction of such fixed  
23 guideway rapid transit systems, bus systems, roads, or  
24 bridges. Pursuant to an interlocal agreement entered into  
25 pursuant to chapter 163, the governing body of the charter  
26 county may distribute proceeds from the tax to a municipality,  
27 or an expressway or transportation authority created by law to  
28 be expended for the purpose authorized by this paragraph. If  
29 imposed by a majority vote of the governing body and there is  
30 no interlocal agreement with a municipality, distribution of  
31 the surtax proceeds from subparagraphs 1., 2., and 3. and this

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1 subparagraph shall be according to the formula provided in s.  
2 218.62.

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

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

22 1. An advisory board must be created to make  
23 recommendations to the board of county commissioners regarding  
24 infrastructure projects to address the needs of the community.  
25 The governing body of the county shall appoint members to the  
26 advisory board who represent the diversity of the community  
27 and shall include individuals having an interest in business,  
28 finance and accounting, economic development, the environment,  
29 transportation, municipal government, education, and public  
30 safety and growth management professionals. Based on the  
31 estimated amount of the surtax collections, the advisory board



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1 must conduct at least two public workshops to develop a  
 2 project list. Priority shall be given to projects that address  
 3 existing infrastructure deficits identified in a long-term  
 4 concurrency management system adopted by a local government in  
 5 accordance with s. 163.3177(3) or (9) or identified in the  
 6 capital improvements element. A quorum shall consist of a  
 7 majority of the advisory board members and is necessary to  
 8 take any action regarding recommendations to the governing  
 9 board of the local government. The board of county  
 10 commissioners shall provide staff support to the advisory  
 11 board. All advisory board meetings are open to the public, and  
 12 minutes of the meetings shall be available to the public.

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

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

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

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

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

7       6. Once the ordinance adopting the surtax has been  
 8 enacted, the project list can be amended only in the following  
 9 manner. The board of county commissioners must give notice of  
 10 the intent to hold a public hearing to discuss adding or  
 11 removing projects from the list. The board of county  
 12 commissioners must take public testimony on the proposal.  
 13 Action may not be taken at that meeting with regards to the  
 14 proposal to amend the project list. Action may be taken at a  
 15 subsequent noticed public meeting that must be held at least  
 16 14 days after the meeting at which the proposed changes to the  
 17 project list were discussed.

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

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

30       (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

31       (a)1. The governing authority in each county may levy



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(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.

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1 Neither the proceeds nor any interest accrued thereto shall be  
 2 used for operational expenses of any infrastructure, except  
 3 that any county with a population of less than 75,000 that is  
 4 required to close a landfill by order of the Department of  
 5 Environmental Protection may use the proceeds or any interest  
 6 accrued thereto for long-term maintenance costs associated  
 7 with landfill closure. Counties, as defined in s. 125.011(1),  
 8 and charter counties may, in addition, use the proceeds and  
 9 any interest accrued thereto to retire or service indebtedness  
 10 incurred for bonds issued prior to July 1, 1987, for  
 11 infrastructure purposes, and for bonds subsequently issued to  
 12 refund such bonds. Any use of such proceeds or interest for  
 13 purposes of retiring or servicing indebtedness incurred for  
 14 such refunding bonds prior to July 1, 1999, is ratified.

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

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

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

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

30           3. Notwithstanding any other provision of this  
 31 subsection, a discretionary sales surtax imposed or extended

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1 after the effective date of this act may provide for an amount  
 2 not to exceed 15 percent of the local option sales surtax  
 3 proceeds to be allocated for deposit to a trust fund within  
 4 the county's accounts created for the purpose of funding  
 5 economic development projects of a general public purpose  
 6 targeted to improve local economies, including the funding of  
 7 operational costs and incentives related to such economic  
 8 development. The ballot statement must indicate the intention  
 9 to make an allocation under the authority of this  
 10 subparagraph.

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

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

- 28 a. The debt service obligations for any year are met;
- 29 b. The county's comprehensive plan has been determined
- 30 to be in compliance with part II of chapter 163; and
- 31 c. The county has adopted an amendment to the surtax

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1 ordinance pursuant to the procedure provided in s. 125.66  
2 authorizing additional uses of the surtax proceeds and  
3 interest.

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

18           3. Those counties designated as an area of critical  
19 state concern which qualify to use the surtax for any public  
20 purpose may use only up to 10 percent of the surtax proceeds  
21 for any public purpose other than for infrastructure purposes  
22 authorized by this section.

23           (g) Notwithstanding paragraph (d), a county having a  
24 population greater than 75,000 in which the taxable value of  
25 real property is less than 60 percent of the just value of  
26 real property for ad valorem tax purposes for the tax year in  
27 which an infrastructure surtax referendum is placed before the  
28 voters, and the municipalities within such a county, may use  
29 the proceeds and interest of the surtax for operation and  
30 maintenance of parks and recreation programs and facilities  
31 established with the proceeds of the surtax throughout the

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1 duration of the surtax levy or while interest earnings  
2 accruing from the proceeds of the surtax are available for  
3 such use, whichever period is longer.

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

15 1. An advisory board must be created to make  
16 recommendations to the board of county commissioners regarding  
17 infrastructure projects to address the needs of the community.  
18 The governing body of the county shall appoint members to the  
19 advisory board who represent the diversity of the community  
20 and shall include individuals having an interest in business,  
21 economic development, the environment, transportation,  
22 municipal government, education, and public safety and growth  
23 management professionals. Based on the estimated amount of the  
24 surtax collections, the advisory board must conduct at least  
25 two public workshops to develop a project list. Priority shall  
26 be given to projects that address existing infrastructure  
27 deficits. A quorum shall consist of a majority of the advisory  
28 board members and is necessary to take any action regarding  
29 recommendations to the governing board of the local  
30 government. The board of county commissioners shall provide  
31 staff support to the advisory board. All advisory board



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1 meetings are open to the public, and minutes of the meetings  
2 shall be available to the public.

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

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

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

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

28 6. Once the ordinance adopting the surtax has been  
29 enacted, the project list can be amended only in the following  
30 manner. The board of county commissioners must give notice of  
31 the intent to hold a public hearing to discuss adding or

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1 removing projects from the list. The board of county  
 2 commissioners must take public testimony on the proposal.  
 3 Action may not be taken at that meeting with regards to the  
 4 proposal to amend the project list. Action may be taken at a  
 5 subsequent noticed public meeting that must be held at least  
 6 14 days after the meeting at which the proposed changes to the  
 7 project list were discussed.

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

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

21 (3) SMALL COUNTY SURTAX.--

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

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

8  
 9       ....FOR the                               ....-cent sales tax  
 10       ....AGAINST the                           ....-cent sales tax

11  
 12 (c) Pursuant to s. 212.054(4), the proceeds of the  
 13 surtax levied under this subsection shall be distributed to  
 14 the county and the municipalities within the county in which  
 15 the surtax was collected, according to:

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

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

25  
 26 Any change in the distribution formula shall take effect on  
 27 the first day of any month that begins at least 60 days after  
 28 written notification of that change has been made to the  
 29 department.

30 (d)1. If the surtax is levied pursuant to a  
 31 referendum, the proceeds of the surtax and any interest

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

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

20         (e) A school district, county, or municipality that  
 21 receives proceeds under this subsection following a referendum  
 22 may pledge the proceeds for the purpose of servicing new bond  
 23 indebtedness incurred pursuant to law. Local governments may  
 24 use the services of the Division of Bond Finance pursuant to  
 25 the State Bond Act to issue any bonds through the provisions  
 26 of this subsection. A jurisdiction may not issue bonds  
 27 pursuant to this subsection more frequently than once per  
 28 year. A county and municipality may join together to issue  
 29 bonds authorized by this subsection.

30         (f) Notwithstanding any other provision of this  
 31 section, a county shall not levy local option sales surtaxes

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1 authorized in this subsection and subsection ~~subsections (2),~~  
2 ~~(4), and~~ (5) in excess of a combined rate of 1 percent.

3 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

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

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

16  
17 . . . .FOR THE . . . .CENTS TAX  
18 . . . .AGAINST THE . . . .CENTS TAX  
19

20 (c) The resolution providing for the imposition of the  
21 surtax shall set forth a plan for use of the surtax proceeds  
22 for fixed capital expenditures or fixed capital costs  
23 associated with the construction, reconstruction, or  
24 improvement of school facilities and campuses which have a  
25 useful life expectancy of 5 or more years, and any land  
26 acquisition, land improvement, design, and engineering costs  
27 related thereto. Additionally, the plan shall include the  
28 costs of retrofitting and providing for technology  
29 implementation, including hardware and software, for the  
30 various sites within the school district. Surtax revenues may  
31 be used for the purpose of servicing bond indebtedness to

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1 finance projects authorized by this subsection, and any  
2 interest accrued thereto may be held in trust to finance such  
3 projects. Neither the proceeds of the surtax nor any interest  
4 accrued thereto shall be used for operational expenses.

5 (d) Any school board receiving proceeds from ~~imposing~~  
6 the surtax shall implement a freeze on noncapital local school  
7 property taxes, at the millage rate imposed in the year prior  
8 to the implementation of the surtax, for a period of at least  
9 3 years from the date of imposition of the surtax. This  
10 provision shall not apply to existing debt service or required  
11 state taxes.

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

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

20 1. An advisory board must be created to make  
21 recommendations to the board of county commissioners regarding  
22 the use of the surtax proceeds for fixed capital expenditures  
23 or fixed capital costs associated with the construction,  
24 reconstruction, or improvement of school facilities and  
25 campuses that have a useful life expectancy of 5 or more years  
26 and any land acquisition, land improvement, design, and  
27 engineering costs related thereto. The governing body of the  
28 county shall appoint members to the advisory board who  
29 represent the diversity of the community and shall include  
30 individuals with an interest in business, economic  
31 development, the environment, municipal government, education,

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1 and public safety and growth management professionals. Based  
2 on the estimated amount of the surtax collections, the  
3 advisory board will conduct at least two public workshops to  
4 develop a project list. A quorum shall consist of a majority  
5 of the advisory board members and is necessary to take any  
6 action regarding recommendations to the governing board of the  
7 local government. The board of county commissioners shall  
8 provide staff support to the advisory board. All advisory  
9 board meetings are open to the public, and minutes of the  
10 meetings shall be available to the public. The advisory board  
11 shall submit the project list to the school board and the  
12 board of county commissioners. The school board must adopt or  
13 amend the project list by resolution, and must submit the  
14 resolution to the board of county commission.

15       2. After the advisory board submits the project list  
16 to the board of county commissioners, it may be amended by the  
17 board of county commissioners only in the following fashion. A  
18 public notice must be given of the intent to add additional  
19 projects or remove projects recommended by the advisory board.  
20 Actions to amend the project list may be taken at the noticed  
21 public hearing. Once amended, the project list must be  
22 approved at a subsequent meeting. Notice of the intent to  
23 adopt the project list must be given and the project list must  
24 be approved at a subsequent public meeting that cannot be held  
25 sooner than 14 days after the meeting at which the list was  
26 amended. If the school board amends the project list the  
27 county commission shall take into consideration those  
28 recommendations when adding additional projects or removing  
29 projects recommended by the advisory board.

30       3. If the board of county commissioners does not amend  
31 the recommended project list, it may adopt the proposed

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1 project list at a public meeting following public notice of  
2 the intent to adopt the recommendations of the advisory board.

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

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

12 6. Once the ordinance adopting the surtax has been  
13 enacted, the project list can be amended only in the following  
14 manner. The board of county commissioners must give notice of  
15 the intent to hold a public hearing to discuss adding or  
16 removing projects from the list. The board of county  
17 commissioners must take public testimony on the proposal.  
18 Action may not be taken at that meeting with regards to the  
19 proposal to amend the project list. Action may be taken at a  
20 subsequent noticed public meeting that must be held at least  
21 14 days after the meeting at which the proposed changes to the  
22 project list were discussed.

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

28 (g) If the surtax is levied by a majority vote of the  
29 governing body, the school board shall use due diligence and  
30 sound business practices in the design, construction, and use  
31 of educational facilities and may not exceed the maximum



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1 cost-per-student station established in s. 1013.72(2).

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

4 206.41 State taxes imposed on motor fuel.--

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

7 (a) An excise or license tax of 2 cents per net  
8 gallon, which is the tax as levied by s. 16, Art. IX of the  
9 State Constitution of 1885, as amended, and continued by s.  
10 9(c), Art. XII of the 1968 State Constitution, as amended,  
11 which is therein referred to as the "second gas tax," and  
12 which is hereby designated the "constitutional fuel tax."

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

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

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

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

31 3. The department shall notify each terminal supplier,

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1 position holder, wholesaler, and importer of the tax rate  
2 applicable under this paragraph for the 12-month period  
3 beginning January 1.

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

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

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

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

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

28 3. Beginning January 1, 1992, and on January 1 of each  
29 year thereafter, the tax rate provided in subparagraph 2.  
30 shall be adjusted by the percentage change in the average of  
31 the Consumer Price Index issued by the United States

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1 Department of Labor for the most recent 12-month period ending  
2 September 30, compared to the base year average, which is the  
3 average for the 12-month period ending September 30, 1990, and  
4 rounded to the nearest tenth of a cent.

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

9 (g)1. An additional tax is imposed on each net gallon  
10 of motor fuel, which tax is on the privilege of selling motor  
11 fuel and which is designated the "fuel sales tax," at a rate  
12 determined pursuant to this paragraph. Before January 1 of  
13 1997, and of each year thereafter, the department shall  
14 determine the tax rate applicable to the sale of fuel for the  
15 forthcoming 12-month period beginning January 1, rounded to  
16 the nearest tenth of a cent, by adjusting the initially  
17 established tax rate of 6.9 cents per gallon by the percentage  
18 change in the average of the Consumer Price Index issued by  
19 the United States Department of Labor for the most recent  
20 12-month period ending September 30, compared to the base year  
21 average, which is the average for the 12-month period ending  
22 September 30, 1989. However, the tax rate shall not be lower  
23 than 6.9 cents per gallon.

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

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

31 Section 10. Effective January 1, 2006, paragraph (a)

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1 of subsection (1) of section 336.021, Florida Statutes, is  
2 amended to read:

3           336.021 County transportation system; levy of  
4 ninth-cent fuel tax on motor fuel and diesel fuel.--

5           (1)(a) Any county in the state, by majority or  
6 extraordinary vote of the membership of its governing body or  
7 subject to a referendum, may levy the tax imposed by ss.  
8 206.41(1)(d) and 206.87(1)(b). County and municipal  
9 governments may use the moneys received under this paragraph  
10 only for transportation expenditures as defined in s.

11 336.025(7). A county may not levy this surtax by majority vote  
12 of the governing body unless it has adopted a community vision  
13 under s. 163.3177(13). Municipalities within a county that  
14 levies the surtax by a majority vote may not receive surtax  
15 proceeds unless they have also completed this requirement.

16           Section 11. Paragraph (b) of subsection (1) of section  
17 336.025, Florida Statutes, is amended to read:

18           336.025 County transportation system; levy of local  
19 option fuel tax on motor fuel and diesel fuel.--

20           (1)

21           (b) In addition to other taxes allowed by law, there  
22 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,  
23 3-cent, 4-cent, or 5-cent local option fuel tax upon every  
24 gallon of motor fuel sold in a county and taxed under the  
25 provisions of part I of chapter 206. The tax shall be levied  
26 by an ordinance adopted by a majority or majority plus one  
27 vote of the membership of the governing body of the county or  
28 by referendum.

29           1. All impositions and rate changes of the tax shall  
30 be levied before July 1, to be effective January 1 of the  
31 following year. However, levies of the tax which were in

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1 effect on July 1, 2002, and which expire on August 31 of any  
2 year may be reimposed at the current authorized rate effective  
3 September 1 of the year of expiration.

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

27           3. County and municipal governments shall use moneys  
28 received pursuant to this paragraph for transportation  
29 expenditures needed to meet the requirements of the capital  
30 improvements element of an adopted comprehensive plan or for  
31 expenditures needed to meet immediate local transportation

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1 | problems and for other transportation-related expenditures  
 2 | that are critical for building comprehensive roadway networks  
 3 | by local governments. For purposes of this paragraph,  
 4 | expenditures for the construction of new roads, the  
 5 | reconstruction or resurfacing of existing paved roads, or the  
 6 | paving of existing graded roads shall be deemed to increase  
 7 | capacity and such projects shall be included in the capital  
 8 | improvements element of an adopted comprehensive plan.  
 9 | Expenditures for purposes of this paragraph shall not include  
 10 | routine maintenance of roads.

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

16 |       Section 12. Paragraph (b) of subsection (4) of section  
 17 | 339.135, Florida Statutes, is amended to read:

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

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

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

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1 expenditure during the respective fiscal year based on the  
2 cash forecast for that respective fiscal year.

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

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

31           4. The tentative work program must include a balanced

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1 36-month forecast of cash and expenditures and a 5-year  
2 finance plan supporting the tentative work program.

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

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

16       163.3247 Century Commission.--

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

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



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

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

9 (a) The 21-member commission shall be appointed by the  
10 Governor. Four members shall be members of the Legislature who  
11 shall be appointed with the advice and consultation of the  
12 President of the Senate and the Speaker of the House of  
13 Representatives. The Secretary of Community Affairs, the  
14 Commissioner of Agriculture, the Secretary of Transportation,  
15 the Secretary of Environmental Protection, and the Executive  
16 Director of the Fish and Wildlife Conservation Commission, or  
17 their designees, shall also serve as voting members. The other  
18 12 appointments shall reflect the diversity of this state's  
19 citizens, and must include individuals representing each of  
20 the following interests: growth management, business and  
21 economic development, environmental protection, agriculture,  
22 municipal governments, county governments, regional planning  
23 entities, education, public safety, planning professionals,  
24 transportation planners, and urban infill and redevelopment.  
25 One member shall be designated by the Governor as chair of the  
26 commission. Any vacancy that occurs on the commission must be  
27 filled in the same manner as the original appointment and  
28 shall be for the unexpired term of that commission seat.  
29 Members shall serve 4-year terms.

30 (b) The first meeting of the commission shall be held  
31 no later than December 1, 2005, and shall meet at the call of

1 the chair but not less frequently than three times per year in  
2 different regions of the state to solicit input from the  
3 public or any other individuals offering testimony relevant to  
4 the issues to be considered.

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

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

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

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

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

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

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

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

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

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

21 (g) Beginning with the 2007 Regular Session of the  
22 Legislature, the President of the Senate and Speaker of the  
23 House of Representatives shall create a joint select  
24 committee, the task of which shall be to review the findings  
25 and recommendations of the Century Commission for potential  
26 action.

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

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

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

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

7           Section 15. Effective July 1, 2005, the sum of  
8 \$250,000 is appropriated from the General Revenue Fund to the  
9 Department of Community Affairs to provide the necessary staff  
10 and other assistance to the Century Commission required by  
11 section 163.3247, Florida Statutes, as created by this act.

12           Section 16. Subsections (3), (7) and (8) of section  
13 1013.33, Florida Statutes, are amended to read:

14           1013.33 Coordination of planning with local governing  
15 bodies.--

16           (3) At a minimum, the interlocal agreement must  
17 address interlocal-agreement requirements in s.  
18 163.3180(13)(g), except for exempt local governments as  
19 provided in s. 163.3177(12), and must address the following  
20 issues:

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

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

31           (c) Participation by affected local governments with

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1 the district school board in the process of evaluating  
 2 potential school closures, significant renovations to existing  
 3 schools, and new school site selection before land  
 4 acquisition. Local governments shall advise the district  
 5 school board as to the consistency of the proposed closure,  
 6 renovation, or new site with the local comprehensive plan,  
 7 including appropriate circumstances and criteria under which a  
 8 district school board may request an amendment to the  
 9 comprehensive plan for school siting.

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

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

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

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

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

1 164 and 186.

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

5  
6 ~~A signatory to the interlocal agreement may elect not to  
7 include a provision meeting the requirements of paragraph (e);  
8 however, such a decision may be made only after a public  
9 hearing on such election, which may include the public hearing  
10 in which a district school board or a local government adopts  
11 the interlocal agreement. An interlocal agreement entered into  
12 pursuant to this section must be consistent with the adopted  
13 comprehensive plan and land development regulations of any  
14 local government that is a signatory.~~

15 (7) Except as provided in subsection (8),  
16 municipalities meeting the exemption criteria in s.  
17 163.3177(12) ~~having no established need for a new facility and  
18 meeting the following criteria are exempt from the  
19 requirements of subsections (2), (3), and (4).~~

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

22 (b) ~~The district school board's 5-year facilities work  
23 program and the long-term 10-year and 20-year work programs,  
24 as provided in s. 1013.35, demonstrate that no new school  
25 facility is needed in the municipality. In addition, the  
26 district school board must verify in writing that no new  
27 school facility will be needed in the municipality within the  
28 5-year and 10-year timeframes.~~

29 (8) At the time of the evaluation and appraisal  
30 report, each exempt municipality shall assess the extent to  
31 which it continues to meet the criteria for exemption under s.

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1 163.3177(12) ~~subsection (7)~~. If the municipality continues to  
 2 meet these criteria ~~and the district school board verifies in~~  
 3 ~~writing that no new school facilities will be needed within~~  
 4 ~~the 5-year and 10-year timeframes~~, the municipality shall  
 5 continue to be exempt from the interlocal-agreement  
 6 requirement. Each municipality exempt under s. 163.3177(12)  
 7 ~~subsection (7)~~ must comply with the provisions of subsections  
 8 (2)-(8) within 1 year after the district school board  
 9 proposes, in its 5-year district facilities work program, a  
 10 new school within the municipality's jurisdiction.

11 Section 17. Except as otherwise expressly provided in  
 12 this act, this act shall take effect July 1, 2005.

13  
 14

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20 A bill to be entitled  
 21 An act relating to infrastructure planning and  
 22 funding; amending s. 163.3164, F.S.; defining  
 23 the term "financial feasibility"; amending s.  
 24 163.3177, F.S.; revising requirements for the  
 25 capital improvements element of a comprehensive  
 26 plan; requiring a schedule of capital  
 27 improvements; providing a deadline for certain  
 28 amendments; providing an exception; providing  
 29 requirements for a local government that  
 30 prepares its own water supply analysis for  
 31 purposes of an element of the comprehensive

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1 plan; authorizing planning for  
2 multijurisdictional water supply facilities;  
3 providing requirements for counties and  
4 municipalities with respect to the public  
5 school facilities element; requiring an  
6 interlocal agreement; exempting certain  
7 municipalities from such requirements;  
8 requiring that the state land planning agency  
9 establish a schedule for adopting and updating  
10 the public school facilities element;  
11 encouraging local governments to include a  
12 community vision and an urban service boundary  
13 component to their comprehensive plans;  
14 prescribing taxing authority of local  
15 governments doing so; repealing s. 163.31776,  
16 F.S., relating to the public educational  
17 facilities element; amending s. 163.31777,  
18 F.S.; revising the requirements for the public  
19 schools interlocal agreement to conform to  
20 changes made by the act; requiring the school  
21 board to provide certain information to the  
22 local government; amending s. 163.3180, F.S.;

23 revising requirements for concurrency;  
24 providing for schools to be subject to  
25 concurrency requirements; requiring that an  
26 adequate water supply be available for new  
27 development; revising requirements for  
28 transportation facilities; requiring that  
29 certain level-of-service standards established  
30 by the Department of Transportation be  
31 maintained; providing guidelines under which a



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1 local government may grant an exception to the  
2 comprehensive plan; revising criteria and  
3 providing guidelines for transportation  
4 concurrency exception areas; providing a  
5 process to monitor de minimus impacts; revising  
6 the requirements for a long-term transportation  
7 concurrency management system; providing for a  
8 long-term school concurrency management system;  
9 requiring that school concurrency be  
10 established districtwide; providing certain  
11 exceptions; authorizing a local government to  
12 approve a development order if the developer  
13 executes a commitment to mitigate the impacts  
14 on public school facilities; providing  
15 requirements for such proportionate-share  
16 mitigation; revising requirements for  
17 interlocal agreements with respect to public  
18 school facilities; providing mitigation options  
19 for transportation facilities; amending s.  
20 163.3184, F.S.; prescribing authority of local  
21 governments to adopt plan amendments after  
22 adopting community vision and an urban service  
23 boundary; providing for expedited plan  
24 amendment review under certain circumstances;  
25 revising agency review and challenge timeframes  
26 for certain amendments; amending s. 163.3191,  
27 F.S.; providing additional requirements for the  
28 evaluation and assessment of the comprehensive  
29 plan for counties and municipalities that do  
30 not have a public schools interlocal agreement;  
31 revising requirements for the evaluation and

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1 appraisal report; providing time limit for  
2 amendments relating to the report; amending s.  
3 212.055, F.S.; revising permissible rates for  
4 charter county transit system surtax; revising  
5 methods for approving such a surtax; providing  
6 for a noncharter county to levy this surtax  
7 under certain circumstances; limiting the  
8 expenditure of the proceeds to a specified area  
9 under certain circumstances; revising methods  
10 for approving a local government infrastructure  
11 surtax; limiting the expenditure of the  
12 proceeds to a specified area under certain  
13 circumstances; revising a ceiling on rates of  
14 small county surtaxes; revising methods for  
15 approving a school capital outlay surtax;  
16 amending s. 206.41, F.S.; providing for annual  
17 adjustment of the ninth-cent fuel tax and local  
18 option fuel tax; amending s. 336.021, F.S.;  
19 revising methods for approving such a fuel tax;  
20 limiting authority of a county to impose the  
21 ninth-cent fuel tax without adopting a  
22 community vision; amending s. 336.025, F.S.;  
23 limiting authority of a county to impose the  
24 local option fuel tax without adopting a  
25 community vision; revising methods for  
26 approving such a fuel tax; amending s. 339.135,  
27 F.S., relating to tentative work programs of  
28 the Department of Transportation; conforming  
29 provisions to changes made by the act;  
30 requiring the Office of Program Policy Analysis  
31 and Government Accountability to perform a

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1 study of the boundaries of specified state  
2 entities; requiring a report to the  
3 Legislature; creating s. 163.3247, F.S.;  
4 providing a popular name; providing legislative  
5 findings and intent; creating the Century  
6 Commission for certain purposes; providing for  
7 appointment of commission members; providing  
8 for terms; providing for meetings and votes of  
9 members; requiring members to serve without  
10 compensation; providing for per diem and travel  
11 expenses; providing powers and duties of the  
12 commission; requiring the creation of a joint  
13 select committee of the Legislature; providing  
14 purposes; requiring the Secretary of Community  
15 Affairs to select an executive director of the  
16 commission; requiring the Department of  
17 Community Affairs to provide staff for the  
18 commission; providing for other agency staff  
19 support for the commission; providing an  
20 appropriation; amending s. 1013.33, F.S.;  
21 conforming provisions to changes made by the  
22 act; providing effective dates.

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