

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

2

3 Remove everything after the enacting clause, and insert:

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

6 163.3164 Local Government Comprehensive Planning and Land  
7 Development Regulation Act; definitions.--As used in this act:

8 (32) "Financial feasibility" means that sufficient  
9 revenues are currently available or will be available from  
10 committed or planned funding sources available for financing  
11 capital improvements, such as ad valorem taxes, bonds, state and  
12 federal funds, tax revenues, impact fees, and developer  
13 contributions, which are adequate to fund the projected costs of  
14 the capital improvements and as otherwise identified within this  
15 act necessary to ensure that adopted level-of-service standards

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16 | are achieved and maintained within the 5-year schedule of  
17 | capital improvements. The requirement that level-of service  
18 | standards be achieved and maintained shall not apply if the  
19 | proportionate-share process set forth in ss. 163.3180(12), (16),  
20 | and (17) is used.

21 | Section 2. Subsection (3), paragraphs (a), (c), and (h) of  
22 | subsection (6), paragraph (d) of subsection (11), and subsection  
23 | (12) of section 163.3177, Florida Statutes, are amended, and  
24 | subsections (13) and (14) are added to that section, to read:

25 | 163.3177 Required and optional elements of comprehensive  
26 | plan; studies and surveys.--

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

31 | 1. A component which outlines principles for construction,  
32 | extension, or increase in capacity of public facilities, as well  
33 | as a component which outlines principles for correcting existing  
34 | public facility deficiencies, which are necessary to implement  
35 | the comprehensive plan. The components shall cover at least a  
36 | 5-year period.

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

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

44 4. Standards for the management of debt.

45 5. A schedule of capital improvements which includes  
46 publicly funded projects, and which may include privately funded  
47 projects.

48 6. The schedule must include transportation improvements  
49 included in the applicable metropolitan planning organization's  
50 transportation improvement program adopted pursuant to s.  
51 339.175(7) to the extent that such improvements are relied upon  
52 to ensure concurrency and financial feasibility. The schedule  
53 must also be coordinated with the applicable metropolitan  
54 planning organization's long-range transportation plan adopted  
55 pursuant to s. 339.175(6).

56 (b)1. The capital improvements element shall be reviewed  
57 on an annual basis and modified as necessary in accordance with  
58 s. 163.3187 or s. 163.3189 in order to maintain a financially  
59 feasible 5-year schedule of capital improvements. ~~except that~~  
60 ~~Corrections, updates, and modifications concerning costs;~~  
61 ~~revenue sources; or acceptance of facilities pursuant to~~  
62 ~~dedications which are consistent with the plan; or the date of~~  
63 ~~construction of any facility enumerated in the capital~~  
64 ~~improvements schedule element~~ may be accomplished by ordinance  
65 and shall not be deemed to be amendments to the local  
66 comprehensive plan. A copy of the ordinance shall be transmitted  
67 to the state land planning agency. An amendment to the

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68 comprehensive plan is required to update the schedule on an  
69 annual basis or to eliminate, defer, or delay the construction  
70 for any facility listed in the 5-year schedule. All public  
71 facilities shall be consistent with the capital improvements  
72 element. Amendments to implement this section must be adopted  
73 and transmitted no later than December 1, 2007. Thereafter, a  
74 local government may not amend its future land use map, except  
75 for plan amendments to meet new requirements under this part and  
76 emergency amendments pursuant to s. 163.3187(1)(a), after  
77 December 1, 2007, and every year thereafter, unless and until  
78 the local government has adopted the annual update and it has  
79 been transmitted to the state land planning agency.

80 2. Capital improvements element amendments adopted after  
81 the effective date of this act shall require at least two public  
82 hearings before the governing board, the last of which shall be  
83 an adoption hearing as described in s. 163.3184(7). Such  
84 amendments are not subject to the requirements of s.  
85 163.3184(3)-(6). All public comments submitted shall be  
86 forwarded to the department for consideration during the  
87 department's review. Amendments to the 5-year schedule of  
88 capital improvements adopted after the effective date of this  
89 act shall not be subject to challenge by an affected party. If  
90 the department determines that an amendment pursuant to this  
91 subparagraph is not in compliance, the local government may  
92 challenge that determination pursuant to s. 163.3184(10). An  
93 affected party may intervene in such challenge but may not

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94 maintain an independent action if the local government and the  
95 department enter into a compliance agreement.

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

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

110 (6) In addition to the requirements of subsections (1)-(5)  
111 and (12), the comprehensive plan shall include the following  
112 elements:

113 (a) A future land use plan element designating proposed  
114 future general distribution, location, and extent of the uses of  
115 land for residential uses, commercial uses, industry,  
116 agriculture, recreation, conservation, education, public  
117 buildings and grounds, other public facilities, and other  
118 categories of the public and private uses of land. Counties are  
119 encouraged to designate rural land stewardship areas, pursuant  
120 to the provisions of paragraph (11)(d), as overlays on the

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121 future land use map. Each future land use category must be  
122 defined in terms of uses included, and must include standards to  
123 be followed in the control and distribution of population  
124 densities and building and structure intensities. The proposed  
125 distribution, location, and extent of the various categories of  
126 land use shall be shown on a land use map or map series which  
127 shall be supplemented by goals, policies, and measurable  
128 objectives. The future land use plan shall be based upon  
129 surveys, studies, and data regarding the area, including the  
130 amount of land required to accommodate anticipated growth; the  
131 projected population of the area; the character of undeveloped  
132 land; the availability of water supplies, public facilities, and  
133 services; the need for redevelopment, including the renewal of  
134 blighted areas and the elimination of nonconforming uses which  
135 are inconsistent with the character of the community; the  
136 compatibility of uses on lands adjacent to or closely proximate  
137 to military installations; and, in rural communities, the need  
138 for job creation, capital investment, and economic development  
139 that will strengthen and diversify the community's economy. The  
140 future land use plan may designate areas for future planned  
141 development use involving combinations of types of uses for  
142 which special regulations may be necessary to ensure development  
143 in accord with the principles and standards of the comprehensive  
144 plan and this act. The future land use plan element shall  
145 include criteria to be used to achieve the compatibility of  
146 adjacent or closely proximate lands with military installations.  
147 In addition, for rural communities, the amount of land

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148 designated for future planned industrial use shall be based upon  
149 surveys and studies that reflect the need for job creation,  
150 capital investment, and the necessity to strengthen and  
151 diversify the local economies, and shall not be limited solely  
152 by the projected population of the rural community. The future  
153 land use plan of a county may also designate areas for possible  
154 future municipal incorporation. The land use maps or map series  
155 shall generally identify and depict historic district boundaries  
156 and shall designate historically significant properties meriting  
157 protection. The future land use element must clearly identify  
158 the land use categories in which public schools are an allowable  
159 use. When delineating the land use categories in which public  
160 schools are an allowable use, a local government shall include  
161 in the categories sufficient land proximate to residential  
162 development to meet the projected needs for schools in  
163 coordination with public school boards and may establish  
164 differing criteria for schools of different type or size. Each  
165 local government shall include lands contiguous to existing  
166 school sites, to the maximum extent possible, within the land  
167 use categories in which public schools are an allowable use. ~~All~~  
168 ~~comprehensive plans must comply with the school siting~~  
169 ~~requirements of this paragraph no later than October 1, 1999.~~  
170 The failure by a local government to comply with these school  
171 siting requirements ~~by October 1, 1999~~, will result in the  
172 prohibition of the local government's ability to amend the local  
173 comprehensive plan, except for plan amendments described in s.  
174 163.3187(1)(b), until the school siting requirements are met.

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175 Amendments proposed by a local government for purposes of  
176 identifying the land use categories in which public schools are  
177 an allowable use ~~or for adopting or amending the school siting~~  
178 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation  
179 on the frequency of plan amendments contained in s. 163.3187.  
180 The future land use element shall include criteria that  
181 encourage the location of schools proximate to urban residential  
182 areas to the extent possible and shall require that the local  
183 government seek to collocate public facilities, such as parks,  
184 libraries, and community centers, with schools to the extent  
185 possible and to encourage the use of elementary schools as focal  
186 points for neighborhoods. For schools serving predominantly  
187 rural counties, defined as a county with a population of 100,000  
188 or fewer, an agricultural land use category shall be eligible  
189 for the location of public school facilities if the local  
190 comprehensive plan contains school siting criteria and the  
191 location is consistent with such criteria. Local governments  
192 required to update or amend their comprehensive plan to include  
193 criteria and address compatibility of adjacent or closely  
194 proximate lands with existing military installations in their  
195 future land use plan element shall transmit the update or  
196 amendment to the department by June 30, 2006.

197 (c) A general sanitary sewer, solid waste, drainage,  
198 potable water, and natural groundwater aquifer recharge element  
199 correlated to principles and guidelines for future land use,  
200 indicating ways to provide for future potable water, drainage,  
201 sanitary sewer, solid waste, and aquifer recharge protection

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202 requirements for the area. The element may be a detailed  
203 engineering plan including a topographic map depicting areas of  
204 prime groundwater recharge. The element shall describe the  
205 problems and needs and the general facilities that will be  
206 required for solution of the problems and needs. The element  
207 shall also include a topographic map depicting any areas adopted  
208 by a regional water management district as prime groundwater  
209 recharge areas for the Floridan or Biscayne aquifers, pursuant  
210 to s. 373.0395. These areas shall be given special consideration  
211 when the local government is engaged in zoning or considering  
212 future land use for said designated areas. For areas served by  
213 septic tanks, soil surveys shall be provided which indicate the  
214 suitability of soils for septic tanks. Within 18 months after  
215 the governing board approves an updated regional water supply  
216 plan ~~By December 1, 2006,~~ the element must incorporate the  
217 alternative water supply project or projects selected by the  
218 local government from those identified in the regional water  
219 supply plan pursuant to s. 373.0361(2)(a) or proposed by the  
220 local government under s. 373.0361(7)(b) ~~consider the~~  
221 ~~appropriate water management district's regional water supply~~  
222 ~~plan approved pursuant to s. 373.0361.~~ If a local government is  
223 located within two water management districts, the local  
224 government shall adopt its comprehensive plan amendment within  
225 18 months after the later updated regional water supply plan.  
226 The element must identify such alternative water supply projects  
227 and traditional water supply projects and conservation and reuse  
228 necessary to meet the water needs identified in s.

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229 373.0361(2)(a) within the local government's jurisdiction and  
230 include a work plan, covering at least a 10-year planning  
231 period, for building public, private, and regional water supply  
232 facilities, including development of alternative water supplies,  
233 which ~~that~~ are identified in the element as necessary to serve  
234 existing and new development ~~and for which the local government~~  
235 is responsible. The work plan shall be updated, at a minimum,  
236 every 5 years within 18 ~~12~~ months after the governing board of a  
237 water management district approves an updated regional water  
238 supply plan. Amendments to incorporate the work plan do not  
239 count toward the limitation on the frequency of adoption of  
240 amendments to the comprehensive plan. Local governments, public  
241 and private utilities, regional water supply authorities,  
242 special districts, and water management districts are encouraged  
243 to cooperatively plan for the development of multijurisdictional  
244 water supply facilities that are sufficient to meet projected  
245 demands for established planning periods, including the  
246 development of alternative water sources to supplement  
247 traditional sources of ground and surface water supplies.

248 (h)1. An intergovernmental coordination element showing  
249 relationships and stating principles and guidelines to be used  
250 in the accomplishment of coordination of the adopted  
251 comprehensive plan with the plans of school boards, regional  
252 water supply authorities, and other units of local government  
253 providing services but not having regulatory authority over the  
254 use of land, with the comprehensive plans of adjacent  
255 municipalities, the county, adjacent counties, or the region,

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256 | with the state comprehensive plan and with the applicable  
257 | regional water supply plan approved pursuant to s. 373.0361, as  
258 | the case may require and as such adopted plans or plans in  
259 | preparation may exist. This element of the local comprehensive  
260 | plan shall demonstrate consideration of the particular effects  
261 | of the local plan, when adopted, upon the development of  
262 | adjacent municipalities, the county, adjacent counties, or the  
263 | region, or upon the state comprehensive plan, as the case may  
264 | require.

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

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

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

278 |       2. The intergovernmental coordination element shall  
279 | further state principles and guidelines to be used in the  
280 | accomplishment of coordination of the adopted comprehensive plan  
281 | with the plans of school boards and other units of local  
282 | government providing facilities and services but not having

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283 regulatory authority over the use of land. In addition, the  
284 intergovernmental coordination element shall describe joint  
285 processes for collaborative planning and decisionmaking on  
286 population projections and public school siting, the location  
287 and extension of public facilities subject to concurrency, and  
288 siting facilities with countywide significance, including  
289 locally unwanted land uses whose nature and identity are  
290 established in an agreement. Within 1 year of adopting their  
291 intergovernmental coordination elements, each county, all the  
292 municipalities within that county, the district school board,  
293 and any unit of local government service providers in that  
294 county shall establish by interlocal or other formal agreement  
295 executed by all affected entities, the joint processes described  
296 in this subparagraph consistent with their adopted  
297 intergovernmental coordination elements.

298 3. To foster coordination between special districts and  
299 local general-purpose governments as local general-purpose  
300 governments implement local comprehensive plans, each  
301 independent special district must submit a public facilities  
302 report to the appropriate local government as required by s.  
303 189.415.

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

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310 intergovernmental coordination element to provide that  
311 coordination between the local government and school board is  
312 pursuant to the agreement and shall state the obligations of the  
313 local government under the agreement.

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

316 5. The state land planning agency shall establish a  
317 schedule for phased completion and transmittal of plan  
318 amendments to implement subparagraphs 1., 2., and 3. from all  
319 jurisdictions so as to accomplish their adoption by December 31,  
320 1999. A local government may complete and transmit its plan  
321 amendments to carry out these provisions prior to the scheduled  
322 date established by the state land planning agency. The plan  
323 amendments are exempt from the provisions of s. 163.3187(1).

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

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

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

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

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

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

353 (11)

354 (d)1. The department, in cooperation with the Department  
355 of Agriculture and Consumer Services, the Department of  
356 Environmental Protection, water management districts, and  
357 regional planning councils, shall provide assistance to local  
358 governments in the implementation of this paragraph and rule 9J-  
359 5.006(5)(1), Florida Administrative Code. Implementation of  
360 those provisions shall include a process by which the department  
361 may authorize local governments to designate all or portions of  
362 lands classified in the future land use element as predominantly  
363 agricultural, rural, open, open-rural, or a substantively

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364 equivalent land use, as a rural land stewardship area within  
365 which planning and economic incentives are applied to encourage  
366 the implementation of innovative and flexible planning and  
367 development strategies and creative land use planning  
368 techniques, including those contained herein and in rule 9J-  
369 5.006(5)(1), Florida Administrative Code. Assistance may  
370 include, but is not limited to:

371 a. Assistance from the Department of Environmental  
372 Protection and water management districts in creating the  
373 geographic information systems land cover database and aerial  
374 photogrammetry needed to prepare for a rural land stewardship  
375 area;

376 b. Support for local government implementation of rural  
377 land stewardship concepts by providing information and  
378 assistance to local governments regarding land acquisition  
379 programs that may be used by the local government or landowners  
380 to leverage the protection of greater acreage and maximize the  
381 effectiveness of rural land stewardship areas; and

382 c. Expansion of the role of the Department of Community  
383 Affairs as a resource agency to facilitate establishment of  
384 rural land stewardship areas in smaller rural counties that do  
385 not have the staff or planning budgets to create a rural land  
386 stewardship area.

387 2. The state land planning agency ~~department~~ shall  
388 encourage participation by local governments of different sizes  
389 and rural characteristics in establishing and implementing rural  
390 land stewardship areas. It is the intent of the Legislature that

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391 rural land stewardship areas be used to further the following  
392 broad principles of rural sustainability: restoration and  
393 maintenance of the economic value of rural land; control of  
394 urban sprawl; identification and protection of ecosystems,  
395 habitats, and natural resources; promotion of rural economic  
396 activity; maintenance of the viability of Florida's agricultural  
397 economy; and protection of the character of rural areas of  
398 Florida. Rural land stewardship areas may be multicounty in  
399 order to encourage coordinated regional stewardship planning.

400 3. A local government, in conjunction with a regional  
401 planning council, a stakeholder organization of private land  
402 owners, or another local government, shall notify the department  
403 in writing of its intent to designate a rural land stewardship  
404 area. The written notification shall describe the basis for the  
405 designation, including the extent to which the rural land  
406 stewardship area enhances rural land values, controls urban  
407 sprawl, provides necessary open space for agriculture and  
408 protection of the natural environment, promotes rural economic  
409 activity, and maintains rural character and the economic  
410 viability of agriculture.

411 4. A rural land stewardship area shall be not less than  
412 10,000 acres and shall be located outside of municipalities and  
413 established urban growth boundaries, and shall be designated by  
414 plan amendment. The plan amendment designating a rural land  
415 stewardship area shall be subject to review by the Department of  
416 Community Affairs pursuant to s. 163.3184 and shall provide for  
417 the following:

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418 a. Criteria for the designation of receiving areas within  
419 rural land stewardship areas in which innovative planning and  
420 development strategies may be applied. Criteria shall at a  
421 minimum provide for the following: adequacy of suitable land to  
422 accommodate development so as to avoid conflict with  
423 environmentally sensitive areas, resources, and habitats;  
424 compatibility between and transition from higher density uses to  
425 lower intensity rural uses; the establishment of receiving area  
426 service boundaries which provide for a separation between  
427 receiving areas and other land uses within the rural land  
428 stewardship area through limitations on the extension of  
429 services; and connection of receiving areas with the rest of the  
430 rural land stewardship area using rural design and rural road  
431 corridors.

432 b. Goals, objectives, and policies setting forth the  
433 innovative planning and development strategies to be applied  
434 within rural land stewardship areas pursuant to the provisions  
435 of this section.

436 c. A process for the implementation of innovative planning  
437 and development strategies within the rural land stewardship  
438 area, including those described in this subsection and rule 9J-  
439 5.006(5)(1), Florida Administrative Code, which provide for a  
440 functional mix of land uses, including adequate available work  
441 force housing, including low, very-low, and moderate income  
442 housing for the development anticipated in the receiving area  
443 and which are applied through the adoption by the local

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444 government of zoning and land development regulations applicable  
445 to the rural land stewardship area.

446 d. A process which encourages visioning pursuant to s.  
447 163.3167(11) to ensure that innovative planning and development  
448 strategies comply with the provisions of this section.

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

453 5. A receiving area shall be designated by the adoption of  
454 a land development regulation. Prior to the designation of a  
455 receiving area, the local government shall provide the  
456 Department of Community Affairs a period of 30 days in which to  
457 review a proposed receiving area for consistency with the rural  
458 land stewardship area plan amendment and to provide comments to  
459 the local government. At the time of designation of a  
460 stewardship receiving area, a listed species survey will be  
461 performed. If listed species occur on the receiving area site,  
462 the developer shall coordinate with each appropriate local,  
463 state, or federal agency to determine if adequate provisions  
464 have been made to protect those species in accordance with  
465 applicable regulations. In determining the adequacy of  
466 provisions for the protection of listed species and their  
467 habitats, the rural land stewardship area shall be considered as  
468 a whole, and the impacts to areas to be developed as receiving  
469 areas shall be considered together with the environmental

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470 benefits of areas protected as sending areas in fulfilling this  
471 criteria.

472 6. Upon the adoption of a plan amendment creating a rural  
473 land stewardship area, the local government shall, by ordinance,  
474 establish the methodology for the creation, conveyance, and use  
475 of transferable rural land use credits, otherwise referred to as  
476 stewardship credits, the application of ~~assign to the area a~~  
477 ~~certain number of credits, to be known as "transferable rural~~  
478 ~~land use credits,"~~ which shall not constitute a right to develop  
479 land, nor increase density of land, except as provided by this  
480 section. The total amount of transferable rural land use credits  
481 within ~~assigned to~~ the rural land stewardship area must enable  
482 the realization of the long-term vision and goals for ~~correspond~~  
483 ~~to~~ the 25-year or greater projected population of the rural land  
484 stewardship area. Transferable rural land use credits are  
485 subject to the following limitations:

486 a. Transferable rural land use credits may only exist  
487 within a rural land stewardship area.

488 b. Transferable rural land use credits may only be used on  
489 lands designated as receiving areas and then solely for the  
490 purpose of implementing innovative planning and development  
491 strategies and creative land use planning techniques adopted by  
492 the local government pursuant to this section.

493 c. Transferable rural land use credits assigned to a  
494 parcel of land within a rural land stewardship area shall cease  
495 to exist if the parcel of land is removed from the rural land  
496 stewardship area by plan amendment.

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497 d. Neither the creation of the rural land stewardship area  
498 by plan amendment nor the assignment of transferable rural land  
499 use credits by the local government shall operate to displace  
500 the underlying density of land uses assigned to a parcel of land  
501 within the rural land stewardship area; however, if transferable  
502 rural land use credits are transferred from a parcel for use  
503 within a designated receiving area, the underlying density  
504 assigned to the parcel of land shall cease to exist.

505 e. The underlying density on each parcel of land located  
506 within a rural land stewardship area shall not be increased or  
507 decreased by the local government, except as a result of the  
508 conveyance or use of transferable rural land use credits, as  
509 long as the parcel remains within the rural land stewardship  
510 area.

511 f. Transferable rural land use credits shall cease to  
512 exist on a parcel of land where the underlying density assigned  
513 to the parcel of land is utilized.

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

518 h. A change in the density of land use on parcels located  
519 within receiving areas shall be specified in a development order  
520 which reflects the total number of transferable rural land use  
521 credits assigned to the parcel of land and the infrastructure  
522 and support services necessary to provide for a functional mix  
523 of land uses corresponding to the plan of development.

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524 i. Land within a rural land stewardship area may be  
525 removed from the rural land stewardship area through a plan  
526 amendment.

527 j. Transferable rural land use credits may be assigned at  
528 different ratios of credits per acre according to the natural  
529 resource or other beneficial use characteristics of the land and  
530 according to the land use remaining following the transfer of  
531 credits, with the highest number of credits per acre assigned to  
532 the most environmentally valuable land, or in locations where  
533 the retention of ~~and a lesser number of credits to be assigned~~  
534 ~~to~~ open space and agricultural land is a priority, to such  
535 lands.

536 k. The use or conveyance of transferable rural land use  
537 credits must be recorded in the public records of the county in  
538 which the property is located as a covenant or restrictive  
539 easement running with the land in favor of the county and either  
540 the Department of Environmental Protection, Department of  
541 Agriculture and Consumer Services, a water management district,  
542 or a recognized statewide land trust.

543 7. Owners of land within rural land stewardship areas  
544 should be provided incentives to enter into rural land  
545 stewardship agreements, pursuant to existing law and rules  
546 adopted thereto, with state agencies, water management  
547 districts, and local governments to achieve mutually agreed upon  
548 conservation objectives. Such incentives may include, but not be  
549 limited to, the following:

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- 550 a. Opportunity to accumulate transferable mitigation  
551 credits.
- 552 b. Extended permit agreements.
- 553 c. Opportunities for recreational leases and ecotourism.
- 554 d. Payment for specified land management services on  
555 publicly owned land, or property under covenant or restricted  
556 easement in favor of a public entity.
- 557 e. Option agreements for sale to public entities or  
558 private land conservation entities, in either fee or easement,  
559 upon achievement of conservation objectives.

560 8. The department shall report to the Legislature on an  
561 annual basis on the results of implementation of rural land  
562 stewardship areas authorized by the department, including  
563 successes and failures in achieving the intent of the  
564 Legislature as expressed in this paragraph.

565 (12) A public school facilities element adopted to  
566 implement a school concurrency program shall meet the  
567 requirements of this subsection. Each county and each  
568 municipality within the county, unless exempt or subject to a  
569 waiver, must adopt a public school facilities element that is  
570 consistent with those adopted by the other local governments  
571 within the county and enter the interlocal agreement pursuant to  
572 s. 163.31777.

573 (a) The state land planning agency may provide a waiver to  
574 a county and to the municipalities within the county if the  
575 capacity rate for all schools within the school district is no  
576 greater than 100 percent and the projected 5-year capital outlay

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577 full-time equivalent student growth rate is less than 10  
578 percent. The state land planning agency may allow for a single  
579 school to exceed the 100-percent limitation if it can be  
580 demonstrated that the capacity rate for that single school is  
581 not greater than 105 percent. In making this determination, the  
582 state land planning agency shall consider the following  
583 criteria:

584 1. Whether the exceedance is due to temporary  
585 circumstances;

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

589 3. Whether one or more additional schools within the  
590 school district are at or approaching the 100-percent threshold;  
591 and

592 4. The adequacy of the data and analysis submitted to  
593 support the waiver request.

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

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

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

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604       3. The municipality has no public schools located within  
605 its boundaries.

606       ~~(b)(a)~~ A public school facilities element shall be based  
607 upon data and analyses that address, among other items, how  
608 level-of-service standards will be achieved and maintained. Such  
609 data and analyses must include, at a minimum, such items as: the  
610 interlocal agreement adopted pursuant to s. 163.31777 and the 5-  
611 year school district facilities work program adopted pursuant to  
612 s. 1013.35; the educational plant survey prepared pursuant to s.  
613 1013.31 and an existing educational and ancillary plant map or  
614 map series; information on existing development and development  
615 anticipated for the next 5 years and the long-term planning  
616 period; an analysis of problems and opportunities for existing  
617 schools and schools anticipated in the future; an analysis of  
618 opportunities to collocate future schools with other public  
619 facilities such as parks, libraries, and community centers; an  
620 analysis of the need for supporting public facilities for  
621 existing and future schools; an analysis of opportunities to  
622 locate schools to serve as community focal points; projected  
623 future population and associated demographics, including  
624 development patterns year by year for the upcoming 5-year and  
625 long-term planning periods; and anticipated educational and  
626 ancillary plants with land area requirements.

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

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

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

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

638            1. The procedure for an annual update process;

639            2. The procedure for school site selection;

640            3. The procedure for school permitting;

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

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

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

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

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

658 9. Coordination with the future land use element.

659 (g)(f) The element shall include one or more future  
660 conditions maps which depict the anticipated location of  
661 educational and ancillary plants, including the general location  
662 of improvements to existing schools or new schools anticipated  
663 over the 5-year, or long-term planning period. The maps will of  
664 necessity be general for the long-term planning period and more  
665 specific for the 5-year period. Maps indicating general  
666 locations of future schools or school improvements may not  
667 prescribe a land use on a particular parcel of land.

668 (h) The state land planning agency shall establish a  
669 phased schedule for adoption of the public school facilities  
670 element and the required updates to the public schools  
671 interlocal agreement pursuant to s. 163.31777. The schedule  
672 shall provide for each county and local government within the  
673 county to adopt the element and update to the agreement no later  
674 than December 1, 2008. Plan amendments to adopt a public school  
675 facilities element are exempt from the provisions of s.  
676 163.3187(1).

677 (i) Failure to adopt the public school facility element,  
678 to enter into an approved interlocal agreement as required by  
679 subparagraph (6)(h)2. and 163.31777, or to amend the  
680 comprehensive plan as necessary to implement school concurrency,  
681 according to the phased schedule, shall result in a local

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682 government being prohibited from adopting amendments to the  
683 comprehensive plan which increase residential density until the  
684 necessary amendments have been adopted and transmitted to the  
685 state land planning agency.

686 (j) The state land planning agency may issue the school  
687 board a notice to show cause why sanctions should not be  
688 enforced for failure to enter into an approved interlocal  
689 agreement as required by s. 163.31777 or for failure to  
690 implement the provisions of this act relating to public school  
691 concurrency. The school board may be subject to sanctions  
692 imposed by the Administration Commission directing the  
693 Department of Education to withhold from the district school  
694 board an equivalent amount of funds for school construction  
695 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
696 1013.72.

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

703 (a) As part of the process of developing a community  
704 vision under this section, the local government must hold two  
705 public meetings with at least one of those meetings before the  
706 local planning agency. Before those public meetings, the local  
707 government must hold at least one public workshop with  
708 stakeholder groups such as neighborhood associations, community

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709 organizations, businesses, private property owners, housing and  
710 development interests, and environmental organizations.

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

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

716 2. Priorities for economic development;

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

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

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

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

725 7. Provisions for adequate workforce housing;

726 8. An efficient, interconnected multimodal transportation  
727 system; and

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

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

733 1. Strategies to preserve open space and environmentally  
734 sensitive lands, and to encourage a healthy agricultural

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- 735 economy, including innovative planning and development  
736 strategies, such as the transfer of development rights;  
737 2. Incentives for mixed-use development, including  
738 increased height and intensity standards for buildings that  
739 provide residential use in combination with office or commercial  
740 space;  
741 3. Incentives for workforce housing;  
742 4. Designation of an urban service boundary pursuant to  
743 subsection (2); and  
744 5. Strategies to provide mobility within the community and  
745 to protect the Strategic Intermodal System, including the  
746 development of a transportation corridor management plan under  
747 s. 337.273.

748 (d) The community vision must reflect the community's  
749 shared concept for growth and development of the community,  
750 including visual representations depicting the desired land-use  
751 patterns and character of the community during a 10-year  
752 planning timeframe. The community vision must also take into  
753 consideration economic viability of the vision and private  
754 property interests.

755 (e) After the workshops and public meetings required under  
756 paragraph (a) are held, the local government may amend its  
757 comprehensive plan to include the community vision as a  
758 component in the plan. This plan amendment must be transmitted  
759 and adopted pursuant to the procedures in ss. 163.3184 and  
760 163.3189 at public hearings of the governing body other than  
761 those identified in paragraph (a).

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762 (f) Amendments submitted under this subsection are exempt  
763 from the limitation on the frequency of plan amendments in s.  
764 163.3187.

765 Section 3. Sections 163.31776 and 339.2817, Florida  
766 Statutes, is repealed.

767 Section 4. Subsections (2), (5), (6), and (7) of section  
768 163.31777, Florida Statutes, are amended to read:

769 163.31777 Public schools interlocal agreement.--

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

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

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

784 (c) Participation by affected local governments with the  
785 district school board in the process of evaluating potential  
786 school closures, significant renovations to existing schools,  
787 and new school site selection before land acquisition. Local  
788 governments shall advise the district school board as to the

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789 consistency of the proposed closure, renovation, or new site  
790 with the local comprehensive plan, including appropriate  
791 circumstances and criteria under which a district school board  
792 may request an amendment to the comprehensive plan for school  
793 siting.

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

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

806 (f) Participation of the local governments in the  
807 preparation of the annual update to the district school board's  
808 5-year district facilities work program and educational plant  
809 survey prepared pursuant to s. 1013.35.

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

813 (h) A procedure for the resolution of disputes between the  
814 district school board and local governments, which may include

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815 the dispute resolution processes contained in chapters 164 and  
816 186.

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

820  
821 ~~A signatory to the interlocal agreement may elect not to include~~  
822 ~~a provision meeting the requirements of paragraph (c); however,~~  
823 ~~such a decision may be made only after a public hearing on such~~  
824 ~~election, which may include the public hearing in which a~~  
825 ~~district school board or a local government adopts the~~  
826 ~~interlocal agreement. An interlocal agreement entered into~~  
827 ~~pursuant to this section must be consistent with the adopted~~  
828 ~~comprehensive plan and land development regulations of any local~~  
829 ~~government that is a signatory.~~

830 (5) Any local government transmitting a public school  
831 element to implement school concurrency pursuant to the  
832 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~  
833 ~~date of this section~~ is not required to amend the element or any  
834 interlocal agreement to conform with the provisions of this  
835 section ~~if the element is adopted prior to or within 1 year~~  
836 ~~after the effective date of this section and remains in effect.~~

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

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

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

851 (7) At the time of the evaluation and appraisal report,  
852 each exempt municipality shall assess the extent to which it  
853 continues to meet the criteria for exemption under s.  
854 163.3177(12) ~~subsection (6)~~. If the municipality continues to  
855 meet these criteria ~~and the district school board verifies in~~  
856 ~~writing that no new school facilities will be needed within the~~  
857 ~~5-year and 10-year timeframes~~, the municipality shall continue  
858 to be exempt from the interlocal-agreement requirement. Each  
859 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must  
860 comply with the provisions of this section within 1 year after  
861 the district school board proposes, in its 5-year district  
862 facilities work program, a new school within the municipality's  
863 jurisdiction.

864 Section 5. Paragraph (a) of subsection (1), subsection  
865 (2), paragraph (c) of subsection (4), subsections (5), (7), (9),  
866 (10), (13), and (15) of section 163.3180, Florida Statutes, are  
867 amended, and subsections (16) and (17) are added to that  
868 section, to read:

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869 163.3180 Concurrency.--

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

880 (2)(a) Consistent with public health and safety, sanitary  
881 sewer, solid waste, drainage, adequate water supplies, and  
882 potable water facilities shall be in place and available to  
883 serve new development no later than the issuance by the local  
884 government of a certificate of occupancy or its functional  
885 equivalent. Prior to approval of a building permit or its  
886 functional equivalent, the local government shall consult with  
887 the applicable water supplier to determine whether adequate  
888 water supplies to serve the new development will be available no  
889 later than the anticipated date of issuance by the local  
890 government of a certificate of occupancy or its functional  
891 equivalent.

892 (b) Consistent with the public welfare, and except as  
893 otherwise provided in this section, parks and recreation  
894 facilities to serve new development shall be in place or under  
895 actual construction no later than 1 year after issuance by the

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896 local government of a certificate of occupancy or its functional  
897 equivalent. However, the acreage for such facilities shall be  
898 dedicated or be acquired by the local government prior to  
899 issuance by the local government of a certificate of occupancy  
900 or its functional equivalent, or funds in the amount of the  
901 developer's fair share shall be committed no later than ~~prior to~~  
902 ~~issuance by the local government's approval to commence~~  
903 construction ~~government of a certificate of occupancy or its~~  
904 ~~functional equivalent.~~

905 (c) Consistent with the public welfare, and except as  
906 otherwise provided in this section, transportation facilities  
907 ~~designated as part of the Florida Intrastate Highway System~~  
908 needed to serve new development shall be in place or under  
909 actual construction within 3 ~~not more than 5~~ years after the  
910 local government approves a building permit or its functional  
911 equivalent that results in traffic generation. For purposes of  
912 this paragraph, if the construction funding needed for  
913 facilities is in the first 3 years of the Department of  
914 Transportation's work program or the local government's schedule  
915 of capital improvements, the under-actual-construction  
916 requirements of this paragraph shall be deemed to have been met.  
917 However, a local government's concurrency management system may  
918 specify that the term "under-actual-construction" refers to the  
919 contents of the first 2 years of the local government's schedule  
920 of capital improvements or the Department of Transportation's  
921 work program ~~issuance by the local government of a certificate~~  
922 ~~of occupancy or its functional equivalent. Other transportation~~

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923 ~~facilities needed to serve new development shall be in place or~~  
924 ~~under actual construction no more than 3 years after issuance by~~  
925 ~~the local government of a certificate of occupancy or its~~  
926 ~~functional equivalent.~~

927 (4)

928 (c) The concurrency requirement, except as it relates to  
929 transportation facilities and public schools, as implemented in  
930 local government comprehensive plans, may be waived by a local  
931 government for urban infill and redevelopment areas designated  
932 pursuant to s. 163.2517 if such a waiver does not endanger  
933 public health or safety as defined by the local government in  
934 its local government comprehensive plan. The waiver shall be  
935 adopted as a plan amendment pursuant to the process set forth in  
936 s. 163.3187(3)(a). A local government may grant a concurrency  
937 exception pursuant to subsection (5) for transportation  
938 facilities located within these urban infill and redevelopment  
939 areas.

940 (5)(a) The Legislature finds that under limited  
941 circumstances dealing with transportation facilities,  
942 countervailing planning and public policy goals may come into  
943 conflict with the requirement that adequate public facilities  
944 and services be available concurrent with the impacts of such  
945 development. The Legislature further finds that often the  
946 unintended result of the concurrency requirement for  
947 transportation facilities is the discouragement of urban infill  
948 development and redevelopment. Such unintended results directly  
949 conflict with the goals and policies of the state comprehensive

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950 plan and the intent of this part. Therefore, exceptions from  
951 the concurrency requirement for transportation facilities may be  
952 granted as provided by this subsection.

953 (b) A local government may grant an exception from the  
954 concurrency requirement for transportation facilities if the  
955 proposed development is otherwise consistent with the adopted  
956 local government comprehensive plan and is a project that  
957 promotes public transportation or is located within an area  
958 designated in the comprehensive plan for:

- 959 1. Urban infill development,
- 960 2. Urban redevelopment,
- 961 3. Downtown revitalization, or
- 962 4. Urban infill and redevelopment under s. 163.2517.

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

973 (d) A local government shall establish guidelines in the  
974 comprehensive plan for granting the exceptions authorized in  
975 paragraphs (b) and (c) and subsections (7) and (15) which must

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976 be consistent with and support a comprehensive strategy adopted  
977 in the plan to promote the purpose of the exceptions.

978 (e) The local government shall adopt into the plan and  
979 implement strategies to support and fund mobility within the  
980 designated exception area, including alternative modes of  
981 transportation. The plan amendment shall also demonstrate how  
982 strategies will support the purpose of the exception and how  
983 mobility within the designated exception area will be provided.  
984 In addition, the strategies must address urban design;  
985 appropriate land use mixes, including intensity and density; and  
986 network connectivity plans needed to promote urban infill,  
987 redevelopment, or downtown revitalization. The comprehensive  
988 plan amendment designating the concurrency exception area shall  
989 be accompanied by data and analysis justifying the size of the  
990 area.

991 (f) Prior to the designation of a concurrency exception  
992 area, the Department of Transportation shall be consulted by the  
993 local government to assess the impact that the proposed  
994 exception area is expected to have on the adopted level of  
995 service standards established for Strategic Intermodal System  
996 facilities, as defined in s. 339.64, and roadway facilities  
997 funded in accordance with s. 339.28171. Further, the local  
998 government shall, in cooperation with the Department of  
999 Transportation, develop a plan to mitigate any impacts to the  
1000 Strategic Intermodal System, including, if appropriate, the  
1001 development of a long-term concurrency management system  
1002 pursuant to ss. 163.3177(3)(d) and 163.3180(9). ~~in the~~

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1003 ~~comprehensive plan. These guidelines must include consideration~~  
1004 ~~of the impacts on the Florida Intrastate Highway System, as~~  
1005 ~~defined in s. 338.001.~~ The exceptions may be available only  
1006 within the specific geographic area of the jurisdiction  
1007 designated in the plan. Pursuant to s. 163.3184, any affected  
1008 person may challenge a plan amendment establishing these  
1009 guidelines and the areas within which an exception could be  
1010 granted.

1011 (g) Transportation concurrency exception areas existing  
1012 prior to July 1, 2005, shall meet, at a minimum, the provisions  
1013 of this section by July 1, 2006, or at the time of the  
1014 comprehensive plan update pursuant to the evaluation and  
1015 appraisal report, whichever occurs last.

1016 (h) It is a high state priority that urban infill and  
1017 redevelopment be promoted and provide incentives. By promoting  
1018 the revitalization of existing communities of this state, a more  
1019 efficient maximization of space and facilities may be achieved  
1020 and urban sprawl will be discouraged. If a local government  
1021 creates a long-term vision pursuant to s. 163.3177(13)(a)-(d)  
1022 for its community, the transportation facilities concurrency  
1023 requirements of paragraph (2)(c) are waived for:

1024 1.a. Urban infill development as designated in the  
1025 comprehensive plan;

1026 b. Urban redevelopment as designated in the comprehensive  
1027 plan;

1028 c. Downtown revitalization as designated in the  
1029 comprehensive plan; or

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1030 d. Urban infill and redevelopment under s. 163.2517 as  
1031 designated in the comprehensive plan.

1032  
1033 Further, the local government shall, in cooperation with the  
1034 Department of Transportation, develop a plan to mitigate any  
1035 impacts to the Strategic Intermodal System, including, if  
1036 appropriate, the development of a long-term concurrency  
1037 management system pursuant to ss. 163.3177(3)(d) and  
1038 163.3180(9).

1039 2. Municipalities that are at least 90 percent built-out.  
1040 For purposes of this exemption:

1041 a. The term "built-out" means that 90 percent of the  
1042 property within the municipality's boundaries, excluding lands  
1043 that are designated as conservation, preservation, recreation,  
1044 or public facilities categories, have been developed, or are the  
1045 subject of an approved development order that has received a  
1046 building permit and the municipality has an average density of 5  
1047 units per acre for residential developments.

1048 b. The municipality must have adopted an ordinance that  
1049 provides the methodology for determining its built-out  
1050 percentage, declares that transportation concurrency  
1051 requirements are waived within its municipal boundary or within  
1052 a designated area of the municipality, and addresses multimodal  
1053 options and strategies, including alternative modes of  
1054 transportation within the municipality. Prior to the adoption of  
1055 the ordinance, the Department of Transportation shall be  
1056 consulted by the local government to assess the impact that the

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1057 waiver of the transportation concurrency requirements is  
1058 expected to have on the adopted level-of-service standards  
1059 established for Strategic Intermodal System facilities, as  
1060 defined in s. 339.64. Further, the local government shall, in  
1061 cooperation with the Department of Transportation, develop a  
1062 plan to mitigate any impacts to the Strategic Intermodal System,  
1063 including, if appropriate, the development of a long-term  
1064 concurrency management system pursuant to ss. 163.3177(3)(d) and  
1065 163.3180(9).

1066 c. If a municipality annexes any property, the  
1067 municipality must recalculate its built-out percentage pursuant  
1068 to the methodology set forth in its ordinance to verify whether  
1069 the annexed property may be included within this exemption.

1070 d. If transportation concurrency requirements are waived  
1071 under this subparagraph, the municipality must adopt a  
1072 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which  
1073 updates its transportation element to reflect the transportation  
1074 concurrency requirements waiver and must submit a copy of its  
1075 ordinance adopted in subparagraph b. to the state land planning  
1076 agency.

1077 3. The community vision created pursuant to s.  
1078 13.3177(13)(a)-(d) is not required to be adopted into the  
1079 comprehensive plan for this transportation facilities  
1080 concurrency waiver to apply.

1081 (7) In order to promote infill development and  
1082 redevelopment, one or more transportation concurrency management  
1083 areas may be designated in a local government comprehensive

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1084 | plan. A transportation concurrency management area must be a  
1085 | compact geographic area with an existing network of roads where  
1086 | multiple, viable alternative travel paths or modes are available  
1087 | for common trips. A local government may establish an areawide  
1088 | level-of-service standard for such a transportation concurrency  
1089 | management area based upon an analysis that provides for a  
1090 | justification for the areawide level of service, how urban  
1091 | infill development or redevelopment will be promoted, and how  
1092 | mobility will be accomplished within the transportation  
1093 | concurrency management area. Prior to the designation of a  
1094 | concurrency management area, the Department of Transportation  
1095 | shall be consulted by the local government to assess the impact  
1096 | that the proposed concurrency management area is expected to  
1097 | have on the adopted level of service standards established for  
1098 | Strategic Intermodal System facilities, as defined in s. 339.64,  
1099 | and roadway facilities funded in accordance with s. 339.28171.  
1100 | Further, the local government shall, in cooperation with the  
1101 | Department of Transportation, develop a plan to mitigate any  
1102 | impacts to the Strategic Intermodal System, including, if  
1103 | appropriate, the development of a long-term concurrency  
1104 | management system pursuant to ss. 163.3177(3)(d) and  
1105 | 163.3180(9). Transportation concurrency management areas  
1106 | existing prior to July 1, 2005, shall meet, at a minimum, the  
1107 | provisions of this section by July 1, 2006, or at the time of  
1108 | the comprehensive plan update pursuant to the evaluation and  
1109 | appraisal report, whichever occurs last. The state land planning

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1110 agency shall amend chapter 9J-5, Florida Administrative Code, to  
1111 be consistent with this subsection.

1112 (9)(a) Each local government may adopt as a part of its  
1113 plan, a long-term transportation and school concurrency  
1114 management systems system with a planning period of up to 10  
1115 years for specially designated districts or areas where  
1116 significant backlogs exist. The plan may include interim level-  
1117 of-service standards on certain facilities and shall ~~may~~ rely on  
1118 the local government's schedule of capital improvements for up  
1119 to 10 years as a basis for issuing development orders that  
1120 authorize commencement of construction ~~permits~~ in these  
1121 designated districts or areas. The concurrency management  
1122 system. ~~It~~ must be designed to correct existing deficiencies and  
1123 set priorities for addressing backlogged facilities. The  
1124 concurrency management system ~~It~~ must be financially feasible  
1125 and consistent with other portions of the adopted local plan,  
1126 including the future land use map.

1127 (b) If a local government has a transportation or school  
1128 facility backlog for existing development which cannot be  
1129 adequately addressed in a 10-year plan, the state land planning  
1130 agency may allow it to develop a plan and long-term schedule of  
1131 capital improvements covering ~~of~~ up to 15 years for good and  
1132 sufficient cause, based on a general comparison between that  
1133 local government and all other similarly situated local  
1134 jurisdictions, using the following factors:

1135 1. The extent of the backlog.

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1136 2. For roads, whether the backlog is on local or state  
1137 roads.

1138 3. The cost of eliminating the backlog.

1139 4. The local government's tax and other revenue-raising  
1140 efforts.

1141 (c) The local government may issue approvals to commence  
1142 construction notwithstanding s. 163.3180, consistent with and in  
1143 areas that are subject to a long-term concurrency management  
1144 system.

1145 (d) If the local government adopts a long-term concurrency  
1146 management system, it must evaluate the system periodically. At  
1147 a minimum, the local government must assess its progress toward  
1148 improving levels of service within the long-term concurrency  
1149 management district or area in the evaluation and appraisal  
1150 report and determine any changes that are necessary to  
1151 accelerate progress in meeting acceptable levels of service or  
1152 providing other methods of transportation.

1153 (10) With regard to roadway facilities on the Strategic  
1154 Intermodal System designated in accordance with ss. 339.61,  
1155 339.62, 339.63, and 339.64 Florida Intrastate Highway System as  
1156 defined in s. 338.001, with concurrence from the Department of  
1157 Transportation, the level-of-service standard for general lanes  
1158 in urbanized areas, as defined in s. 334.03(36), may be  
1159 established by the local government in the comprehensive plan.  
1160 ~~For all other facilities on the Florida Intrastate Highway~~  
1161 ~~System~~, local governments shall adopt the level-of-service  
1162 standard established by the Department of Transportation by

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1163 rule. For all other roads on the State Highway System, local  
1164 governments shall establish an adequate level-of-service  
1165 standard that need not be consistent with any level-of-service  
1166 standard established by the Department of Transportation. In  
1167 establishing adequate level-of-service standards for any  
1168 arterial roads, or collector roads as appropriate, which  
1169 traverse multiple jurisdictions, local governments shall  
1170 consider compatibility with the roadway facility's adopted  
1171 level-of-service standards in adjacent jurisdictions. Each local  
1172 government within a county shall use a professionally accepted  
1173 methodology for measuring impacts on transportation facilities  
1174 for the purposes of implementing its concurrency management  
1175 system. Counties are encouraged to coordinate with adjacent  
1176 counties, and local governments within a county are encouraged  
1177 to coordinate, for the purpose of using common methodologies for  
1178 measuring impacts on transportation facilities for the purpose  
1179 of implementing their concurrency management systems.

1180 (13) In accordance with the schedule adopted pursuant to  
1181 s. 163.3177(12)(h), school concurrency, ~~if imposed by local~~  
1182 ~~option,~~ shall be established on a districtwide basis and shall  
1183 include all public schools in the district and all portions of  
1184 the district, whether located in a municipality or an  
1185 unincorporated area unless exempt from the public school  
1186 facilities element pursuant to s. 163.3177(12). This subsection  
1187 shall not apply to the Florida School for the Deaf and Blind.  
1188 The school concurrency requirement shall not be effective until  
1189 the adoption of the public school facilities element. The

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1190 application of school concurrency to development shall be based  
1191 upon the adopted comprehensive plan, as amended. All local  
1192 governments within a county, except as provided in paragraph  
1193 (f), shall adopt and transmit to the state land planning agency  
1194 the necessary plan amendments, along with the interlocal  
1195 agreement, for a compliance review pursuant to s. 163.3184(7)  
1196 and (8). ~~School concurrency shall not become effective in a~~  
1197 ~~county until all local governments, except as provided in~~  
1198 ~~paragraph (f), have adopted the necessary plan amendments, which~~  
1199 ~~together with the interlocal agreement, are determined to be in~~  
1200 ~~compliance with the requirements of this part.~~ The minimum  
1201 requirements for school concurrency are the following:

1202 (a) Public school facilities element.--A local government  
1203 shall adopt and transmit to the state land planning agency a  
1204 plan or plan amendment which includes a public school facilities  
1205 element which is consistent with the requirements of s.  
1206 163.3177(12) and which is determined to be in compliance as  
1207 defined in s. 163.3184(1)(b). All local government public  
1208 school facilities plan elements within a county must be  
1209 consistent with each other as well as the requirements of this  
1210 part.

1211 (b) Level-of-service standards.--The Legislature  
1212 recognizes that an essential requirement for a concurrency  
1213 management system is the level of service at which a public  
1214 facility is expected to operate.

1215 1. Local governments and school boards imposing school  
1216 concurrency shall exercise authority in conjunction with each

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1217 other to establish jointly adequate level-of-service standards,  
1218 as defined in chapter 9J-5, Florida Administrative Code,  
1219 necessary to implement the adopted local government  
1220 comprehensive plan, based on data and analysis.

1221 2. Public school level-of-service standards shall be  
1222 included and adopted into the capital improvements element of  
1223 the local comprehensive plan and shall apply districtwide to all  
1224 schools of the same type. Types of schools may include  
1225 elementary, middle, and high schools as well as special purpose  
1226 facilities such as magnet schools.

1227 3. Local governments and school boards shall have the  
1228 option to utilize tiered level-of-service standards to allow  
1229 time to achieve an adequate and desirable level of service as  
1230 circumstances warrant.

1231 (c) Service areas.--The Legislature recognizes that an  
1232 essential requirement for a concurrency system is a designation  
1233 of the area within which the level of service will be measured  
1234 when an application for a residential development permit is  
1235 reviewed for school concurrency purposes. This delineation is  
1236 also important for purposes of determining whether the local  
1237 government has a financially feasible public school capital  
1238 facilities program that will provide schools which will achieve  
1239 and maintain the adopted level-of-service standards.

1240 1. In order to balance competing interests, preserve the  
1241 constitutional concept of uniformity, and avoid disruption of  
1242 existing educational and growth management processes, local  
1243 governments are encouraged to initially apply school concurrency

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1244 to development only on a districtwide basis so that a  
1245 concurrency determination for a specific development will be  
1246 based upon the availability of school capacity districtwide. To  
1247 ensure that development is coordinated with schools having  
1248 available capacity, within 5 years after adoption of school  
1249 concurrency, local governments shall apply school concurrency on  
1250 a less than districtwide basis, such as using school attendance  
1251 zones or concurrency service areas, as provided in subparagraph  
1252 2.

1253 2. For local governments applying school concurrency on a  
1254 less than districtwide basis, such as utilizing school  
1255 attendance zones or larger school concurrency service areas,  
1256 local governments and school boards shall have the burden to  
1257 demonstrate that the utilization of school capacity is maximized  
1258 to the greatest extent possible in the comprehensive plan and  
1259 amendment, taking into account transportation costs and court-  
1260 approved desegregation plans, as well as other factors. In  
1261 addition, in order to achieve concurrency within the service  
1262 area boundaries selected by local governments and school boards,  
1263 the service area boundaries, together with the standards for  
1264 establishing those boundaries, shall be identified and, included  
1265 as supporting data and analysis for, ~~and adopted as part of the~~  
1266 ~~comprehensive plan. Any subsequent change to the service area~~  
1267 ~~boundaries for purposes of a school concurrency system shall be~~  
1268 ~~by plan amendment and shall be exempt from the limitation on the~~  
1269 ~~frequency of plan amendments in s. 163.3187(1).~~

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1270 3. Where school capacity is available on a districtwide  
1271 basis but school concurrency is applied on a less than  
1272 districtwide basis in the form of concurrency service areas, if  
1273 the adopted level-of-service standard cannot be met in a  
1274 particular service area as applied to an application for a  
1275 development permit and if the needed capacity for the particular  
1276 service area is available in one or more contiguous service  
1277 areas, as adopted by the local government, then the local  
1278 government may not deny an application for site plan or final  
1279 subdivision approval or the functional equivalent for a  
1280 development or phase of a development on the basis of school  
1281 concurrency, and if order shall be issued, development impacts  
1282 shall be shifted to contiguous service areas with schools having  
1283 available capacity and mitigation measures shall not be exacted.

1284 (d) Financial feasibility.--The Legislature recognizes  
1285 that financial feasibility is an important issue because the  
1286 premise of concurrency is that the public facilities will be  
1287 provided in order to achieve and maintain the adopted level-of-  
1288 service standard. This part and chapter 9J-5, Florida  
1289 Administrative Code, contain specific standards to determine the  
1290 financial feasibility of capital programs. These standards were  
1291 adopted to make concurrency more predictable and local  
1292 governments more accountable.

1293 1. A comprehensive plan amendment seeking to impose school  
1294 concurrency shall contain appropriate amendments to the capital  
1295 improvements element of the comprehensive plan, consistent with  
1296 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida

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1297 Administrative Code. The capital improvements element shall set  
1298 forth a financially feasible public school capital facilities  
1299 program, established in conjunction with the school board, that  
1300 demonstrates that the adopted level-of-service standards will be  
1301 achieved and maintained.

1302 2. Such amendments shall demonstrate that the public  
1303 school capital facilities program meets all of the financial  
1304 feasibility standards of this part and chapter 9J-5, Florida  
1305 Administrative Code, that apply to capital programs which  
1306 provide the basis for mandatory concurrency on other public  
1307 facilities and services.

1308 3. When the financial feasibility of a public school  
1309 capital facilities program is evaluated by the state land  
1310 planning agency for purposes of a compliance determination, the  
1311 evaluation shall be based upon the service areas selected by the  
1312 local governments and school board.

1313 (e) Availability standard.--Consistent with the public  
1314 welfare, a local government may not deny an application for site  
1315 plan, final subdivision approval, or the functional equivalent  
1316 for a development or phase of a development ~~permit~~ authorizing  
1317 residential development for failure to achieve and maintain the  
1318 level-of-service standard for public school capacity in a local  
1319 ~~option~~ school concurrency management system where adequate  
1320 school facilities will be in place or under actual construction  
1321 within 3 years after the ~~permit~~ issuance of final subdivision or  
1322 site plan approval, or the functional equivalent. School  
1323 concurrency shall be satisfied if the developer executes a

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1324 legally binding commitment to provide mitigation proportionate  
1325 to the demand for public school facilities to be created by  
1326 actual development of the property, including, but not limited  
1327 to, the options described in subparagraph 1. Approval of a  
1328 funding agreement shall not be unreasonably withheld. Any  
1329 dispute shall be mediated pursuant to s. 120.573. Options for  
1330 proportionate-share mitigation of impacts on public school  
1331 facilities shall be established in the interlocal agreement  
1332 pursuant to s. 163.31777.

1333 1. Appropriate mitigation options include the contribution  
1334 of land; the construction, expansion, or payment for land  
1335 acquisition or construction of a public school facility; or the  
1336 creation of mitigation banking based on the construction of a  
1337 public school facility in exchange for the right to sell  
1338 capacity credits. Such options must include execution by the  
1339 applicant and the local government of a binding development  
1340 agreement that constitutes a legally binding commitment to pay  
1341 proportionate-share mitigation for the additional residential  
1342 units approved by the local government in a development order  
1343 and actually developed on the property, taking into account  
1344 residential density allowed on the property prior to the plan  
1345 amendment that increased overall residential density. Mitigation  
1346 for development impact to public schools requires the  
1347 concurrence of the local school board. As a condition of its  
1348 entry into such a development agreement, the local government  
1349 may require the landowner to agree to continuing renewal of the  
1350 agreement upon its expiration.

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1351       2. If the education facilities plan and the interlocal  
1352 agreement adopted pursuant to s. 163.317777 authorize a  
1353 contribution of land; the construction, expansion, or payment  
1354 for land acquisition; or the construction or expansion of a  
1355 public school facility, or a portion thereof, as proportionate-  
1356 share mitigation, the local government shall credit such a  
1357 contribution, construction, expansion, or payment toward any  
1358 other impact fee or exaction imposed by local ordinance for the  
1359 same need, on a dollar-for-dollar basis at fair market value.

1360       3. Any proportionate-share mitigation must be directed by  
1361 the school board toward a school capacity improvement identified  
1362 in a financially feasible 5-year district work plan and which  
1363 satisfies the demands created by that development in accordance  
1364 with a binding developer's agreement.

1365       4. An offer or agreement to pay a local government's  
1366 proportionate share for a project's impact does not obligate a  
1367 local government to approve a development that is not otherwise  
1368 qualified for approval pursuant to a local government's  
1369 comprehensive plan and land development regulations.

1370       (f) Intergovernmental coordination.--

1371       1. When establishing concurrency requirements for public  
1372 schools, a local government shall satisfy the requirements for  
1373 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
1374 and 2., except that a municipality is not required to be a  
1375 signatory to the interlocal agreement required by ss. s-  
1376 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
1377 imposition of school concurrency, and as a nonsignatory, shall

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1378 not participate in the adopted local school concurrency system,  
1379 if the municipality meets all of the following criteria for  
1380 having no significant impact on school attendance:

1381 a. The municipality has issued development orders for  
1382 fewer than 50 residential dwelling units during the preceding 5  
1383 years, or the municipality has generated fewer than 25  
1384 additional public school students during the preceding 5 years.

1385 b. The municipality has not annexed new land during the  
1386 preceding 5 years in land use categories which permit  
1387 residential uses that will affect school attendance rates.

1388 c. The municipality has no public schools located within  
1389 its boundaries.

1390 d. At least 80 percent of the developable land within the  
1391 boundaries of the municipality has been built upon.

1392 2. A municipality which qualifies as having no significant  
1393 impact on school attendance pursuant to the criteria of  
1394 subparagraph 1. must review and determine at the time of its  
1395 evaluation and appraisal report pursuant to s. 163.3191 whether  
1396 it continues to meet the criteria pursuant to s. 163.3177(6).  
1397 If the municipality determines that it no longer meets the  
1398 criteria, it must adopt appropriate school concurrency goals,  
1399 objectives, and policies in its plan amendments based on the  
1400 evaluation and appraisal report, and enter into the existing  
1401 interlocal agreement required by ss. ~~s.~~ 163.3177(6)(h)2. and  
1402 163.31777, in order to fully participate in the school  
1403 concurrency system. If such a municipality fails to do so, it  
1404 will be subject to the enforcement provisions of s. 163.3191.

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1405 (g) Interlocal agreement for school concurrency.--When  
1406 establishing concurrency requirements for public schools, a  
1407 local government must enter into an interlocal agreement that  
1408 ~~which~~ satisfies the requirements in ss. s- 163.3177(6)(h)1. and  
1409 2. and 163.31777 and the requirements of this subsection. The  
1410 interlocal agreement shall acknowledge both the school board's  
1411 constitutional and statutory obligations to provide a uniform  
1412 system of free public schools on a countywide basis, and the  
1413 land use authority of local governments, including their  
1414 authority to approve or deny comprehensive plan amendments and  
1415 development orders. The interlocal agreement shall be submitted  
1416 to the state land planning agency by the local government as a  
1417 part of the compliance review, along with the other necessary  
1418 amendments to the comprehensive plan required by this part. In  
1419 addition to the requirements of ss. s- 163.3177(6)(h) and  
1420 163.31777, the interlocal agreement shall meet the following  
1421 requirements:

1422 1. Establish the mechanisms for coordinating the  
1423 development, adoption, and amendment of each local government's  
1424 public school facilities element with each other and the plans  
1425 of the school board to ensure a uniform districtwide school  
1426 concurrency system.

1427 ~~2. Establish a process by which each local government and~~  
1428 ~~the school board shall agree and base their plans on consistent~~  
1429 ~~projections of the amount, type, and distribution of population~~  
1430 ~~growth and coordinate and share information relating to existing~~  
1431 ~~and planned public school facilities projections and proposals~~

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1432 ~~for development and redevelopment, and infrastructure required~~  
1433 ~~to support public school facilities.~~

1434 2.3. Establish a process for the development of siting  
1435 criteria which encourages the location of public schools  
1436 proximate to urban residential areas to the extent possible and  
1437 seeks to collocate schools with other public facilities such as  
1438 parks, libraries, and community centers to the extent possible.

1439 3.4. Specify uniform, districtwide level-of-service  
1440 standards for public schools of the same type and the process  
1441 for modifying the adopted level-of-service standards.

1442 4.5. Establish a process for the preparation, amendment,  
1443 and joint approval by each local government and the school board  
1444 of a public school capital facilities program which is  
1445 financially feasible, and a process and schedule for  
1446 incorporation of the public school capital facilities program  
1447 into the local government comprehensive plans on an annual  
1448 basis.

1449 5.6. Define the geographic application of school  
1450 concurrency. If school concurrency is to be applied on a less  
1451 than districtwide basis in the form of concurrency service  
1452 areas, the agreement shall establish criteria and standards for  
1453 the establishment and modification of school concurrency service  
1454 areas. The agreement shall also establish a process and  
1455 schedule for the mandatory incorporation of the school  
1456 concurrency service areas and the criteria and standards for  
1457 establishment of the service areas into the local government  
1458 comprehensive plans. The agreement shall ensure maximum

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1459 utilization of school capacity, taking into account  
1460 transportation costs and court-approved desegregation plans, as  
1461 well as other factors. The agreement shall also ensure the  
1462 achievement and maintenance of the adopted level-of-service  
1463 standards for the geographic area of application throughout the  
1464 5 years covered by the public school capital facilities plan and  
1465 thereafter by adding a new fifth year during the annual update.

1466 6.7. Establish a uniform districtwide procedure for  
1467 implementing school concurrency which provides for:

1468 a. The evaluation of development applications for  
1469 compliance with school concurrency requirements, including  
1470 information provided by the school board on affected schools,  
1471 impact on levels of service, and programmed improvements for  
1472 affected schools and any options to provide sufficient capacity;

1473 b. An opportunity for the school board to review and  
1474 comment on the effect of comprehensive plan amendments and  
1475 rezonings on the public school facilities plan; and

1476 c. The monitoring and evaluation of the school concurrency  
1477 system.

1478 ~~7.8. Include provisions relating to termination,~~  
1479 ~~suspension, and amendment of the agreement. The agreement shall~~  
1480 ~~provide that if the agreement is terminated or suspended, the~~  
1481 ~~application of school concurrency shall be terminated or~~  
1482 ~~suspended.~~

1483 8. A process and uniform methodology for determining  
1484 proportionate-share mitigation pursuant to subparagraph (e)1.

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1485       (h) This subsection does not limit the authority of a  
1486 local government to grant or deny a development permit or its  
1487 functional equivalent prior to the implementation of school  
1488 concurrency.

1489       (15)(a) Multimodal transportation districts may be  
1490 established under a local government comprehensive plan in areas  
1491 delineated on the future land use map for which the local  
1492 comprehensive plan assigns secondary priority to vehicle  
1493 mobility and primary priority to assuring a safe, comfortable,  
1494 and attractive pedestrian environment, with convenient  
1495 interconnection to transit. Such districts must incorporate  
1496 community design features that will reduce the number of  
1497 automobile trips or vehicle miles of travel and will support an  
1498 integrated, multimodal transportation system. Prior to the  
1499 designation of multimodal transportation districts, the  
1500 Department of Transportation shall be consulted by the local  
1501 government to assess the impact that the proposed multimodal  
1502 district area is expected to have on the adopted level of  
1503 service standards established for Strategic Intermodal System  
1504 facilities, as defined in s. 339.64, and roadway facilities  
1505 funded in accordance with s. 339.28171. Further, the local  
1506 government shall, in cooperation with the Department of  
1507 Transportation, develop a plan to mitigate any impacts to the  
1508 Strategic Intermodal System, including the development of a  
1509 long-term concurrency management system pursuant to ss.  
1510 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
1511 districts existing prior to July 1, 2005, shall meet, at a

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1512 minimum, the provisions of this section by July 1, 2006, or at  
1513 the time of the comprehensive plan update pursuant to the  
1514 evaluation and appraisal report, whichever occurs last.

1515 (b) Community design elements of such a district include:  
1516 a complementary mix and range of land uses, including  
1517 educational, recreational, and cultural uses; interconnected  
1518 networks of streets designed to encourage walking and bicycling,  
1519 with traffic-calming where desirable; appropriate densities and  
1520 intensities of use within walking distance of transit stops;  
1521 daily activities within walking distance of residences, allowing  
1522 independence to persons who do not drive; public uses, streets,  
1523 and squares that are safe, comfortable, and attractive for the  
1524 pedestrian, with adjoining buildings open to the street and with  
1525 parking not interfering with pedestrian, transit, automobile,  
1526 and truck travel modes.

1527 (c) Local governments may establish multimodal level-of-  
1528 service standards that rely primarily on nonvehicular modes of  
1529 transportation within the district, when justified by an  
1530 analysis demonstrating that the existing and planned community  
1531 design will provide an adequate level of mobility within the  
1532 district based upon professionally accepted multimodal level-of-  
1533 service methodologies. ~~The analysis must take into consideration~~  
1534 ~~the impact on the Florida Intrastate Highway System.~~ The  
1535 analysis must also demonstrate that the capital improvements  
1536 required to promote community design are financially feasible  
1537 over the development or redevelopment timeframe for the district  
1538 and that community design features within the district provide

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1539 convenient interconnection for a multimodal transportation  
1540 system. Local governments may issue development permits in  
1541 reliance upon all planned community design capital improvements  
1542 that are financially feasible over the development or  
1543 redevelopment timeframe for the district, without regard to the  
1544 period of time between development or redevelopment and the  
1545 scheduled construction of the capital improvements. A  
1546 determination of financial feasibility shall be based upon  
1547 currently available funding or funding sources that could  
1548 reasonably be expected to become available over the planning  
1549 period.

1550 (d) Local governments may reduce impact fees or local  
1551 access fees for development within multimodal transportation  
1552 districts based on the reduction of vehicle trips per household  
1553 or vehicle miles of travel expected from the development pattern  
1554 planned for the district.

1555 (16)(a) It is the intent of the Legislature to provide a  
1556 method by which the impacts of development on transportation  
1557 facilities can be mitigated by the cooperative efforts of the  
1558 public and private sectors through the use of proportionate-  
1559 share mitigation contributions for development impacts on  
1560 transportation facilities.

1561 (b) By December 1, 2007, each local government shall adopt  
1562 by ordinance a transportation concurrency management system that  
1563 shall include a methodology for assessing proportionate-share  
1564 mitigation options. By December 1, 2005, the Department of  
1565 Transportation shall develop model transportation concurrency

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1566 management ordinances with alternative methodologies for  
1567 assessing proportionate-share mitigation options. The  
1568 transportation concurrency management ordinances may assess  
1569 concurrency impact areas by district or systemwide.

1570 (c) By December 1, 2006, the Department of Transportation  
1571 shall develop a process and uniform methodology for determining  
1572 proportionate-share mitigation contributions for developments  
1573 impacts to transportation facilities included in the Strategic  
1574 Intermodal System. The department shall consult with local  
1575 governments regarding the methodologies for impacts on  
1576 transportation corridors.

1577 (d) Transportation facilities concurrency shall be  
1578 satisfied if the developer executes a legally binding commitment  
1579 that provides proportionate-share mitigation contributions  
1580 proportionate to the demand for transportation facilities to be  
1581 created by actual development of the property. This may include,  
1582 but shall not be limited to , the options for mitigation  
1583 established in the transportation element or traffic circulation  
1584 element. Appropriate transportation mitigation contribution may  
1585 include public or private funds; the contribution of right-of-  
1586 way; the construction of a transportation facility or payment  
1587 for the right-of-way or construction of a transportation  
1588 facility or service; or the provision of transit service. Such  
1589 options shall include execution of an enforceable development  
1590 agreement for project to be funded by a developer. Developer's  
1591 proportionate-share mitigation contributions shall be used to

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1592 satisfy the transportation concurrency requirements of this  
1593 section and may be applied as a credit against impact fees.

1594 (e) Approval of a development agreement shall not be  
1595 unreasonably withheld by the local government. Any dispute shall  
1596 be resolved through mediation or other alternative dispute  
1597 resolution.

1598 (f) A local government may not require a development to  
1599 contribute more than its proportionate-share mitigation  
1600 regardless of the method of mitigation.

1601 (g) The local government shall notify the Department of  
1602 Transportation of all proportionate-share mitigation  
1603 contributions made for impacts on the transportation facilities  
1604 included in the Strategic Intermodal System. In addition, the  
1605 Department of Transportation is not authorized to arbitrarily  
1606 charge a fee or require additional mitigation from a developer.

1607 (h) Local governments may create mitigation banks for  
1608 transportation facilities within its local government  
1609 comprehensive plan to assist with the concurrency provisions of  
1610 this section.

1611 (i) The provisions of this subsection shall not apply to a  
1612 development of regional impact using the provisions of s.  
1613 163.3180(12).

1614 (17) Concurrency requirements imposed by a local  
1615 comprehensive plan, a local government's land development  
1616 regulations, and s. 380.06, shall be satisfied if a developer  
1617 enters into a legally binding commitment to provide mitigation  
1618 proportionate to the impact of the development on parks and

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1619 recreation and stormwater. A local government may not require a  
1620 development to pay more than its proportionate-share mitigation  
1621 regardless of the method mitigation.

1622 Section 6. Paragraph (b) of subsection (1), subsection  
1623 (4), and paragraph (a) of subsection (6) of section 163.3184,  
1624 Florida Statutes, are amended to read:

1625 163.3184 Process for adoption of comprehensive plan or  
1626 plan amendment.--

1627 (1) DEFINITIONS.--As used in this section, the term:

1628 (b) "In compliance" means consistent with the requirements  
1629 of s. ss. 163.3177, ~~163.31776~~, when a local government adopts an  
1630 educational facilities element, 163.3178, 163.3180, 163.3191,  
1631 and 163.3245, with the state comprehensive plan, with the  
1632 appropriate strategic regional policy plan, and with chapter 9J-  
1633 5, Florida Administrative Code, where such rule is not  
1634 inconsistent with this part and with the principles for guiding  
1635 development in designated areas of critical state concern and  
1636 with part III of chapter 369, where applicable.

1637 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies  
1638 specified in paragraph (3)(a) shall provide comments to the  
1639 state land planning agency within 30 days after receipt by the  
1640 state land planning agency of the complete proposed plan  
1641 amendment. If the plan or plan amendment includes or relates to  
1642 the public school facilities element pursuant to s. 163.3177  
1643 ~~163.31776~~, the state land planning agency shall submit a copy to  
1644 the Office of Educational Facilities of the Commissioner of  
1645 Education for review and comment. The appropriate regional

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1646 | planning council shall also provide its written comments to the  
1647 | state land planning agency within 30 days after receipt by the  
1648 | state land planning agency of the complete proposed plan  
1649 | amendment and shall specify any objections, recommendations for  
1650 | modifications, and comments of any other regional agencies to  
1651 | which the regional planning council may have referred the  
1652 | proposed plan amendment. Written comments submitted by the  
1653 | public within 30 days after notice of transmittal by the local  
1654 | government of the proposed plan amendment will be considered as  
1655 | if submitted by governmental agencies. All written agency and  
1656 | public comments must be made part of the file maintained under  
1657 | subsection (2).

1658 |       (6) STATE LAND PLANNING AGENCY REVIEW.--

1659 |       (a) The state land planning agency may ~~shall~~ review a  
1660 | proposed plan amendment upon request of a regional planning  
1661 | council, affected person, or local government transmitting the  
1662 | plan amendment. The request from the regional planning council  
1663 | or affected person must be received within 30 days after  
1664 | transmittal of the proposed plan amendment pursuant to  
1665 | subsection (3). A regional planning council or affected person  
1666 | requesting a review shall do so by submitting a written request  
1667 | to the agency with a notice of the request to the local  
1668 | government and any other person who has requested notice.

1669 |       Section 7. Paragraphs (c) and (l) of subsection (1) of  
1670 | section 163.3187, Florida Statutes, are amended, and paragraph  
1671 | (o) is added to said subsection, to read:

1672 |       163.3187 Amendment of adopted comprehensive plan.--

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1673 (1) Amendments to comprehensive plans adopted pursuant to  
1674 this part may be made not more than two times during any  
1675 calendar year, except:

1676 (c) Any local government comprehensive plan amendments  
1677 directly related to proposed small scale development activities  
1678 may be approved without regard to statutory limits on the  
1679 frequency of consideration of amendments to the local  
1680 comprehensive plan. A small scale development amendment may be  
1681 adopted only under the following conditions:

1682 1. The proposed amendment involves a use of 10 acres or  
1683 fewer and:

1684 a. The cumulative annual effect of the acreage for all  
1685 small scale development amendments adopted by the local  
1686 government shall not exceed:

1687 (I) A maximum of 120 acres in a local government that  
1688 contains areas specifically designated in the local  
1689 comprehensive plan for urban infill, urban redevelopment, or  
1690 downtown revitalization as defined in s. 163.3164, urban infill  
1691 and redevelopment areas designated under s. 163.2517,  
1692 transportation concurrency exception areas approved pursuant to  
1693 s. 163.3180(5), or regional activity centers and urban central  
1694 business districts approved pursuant to s. 380.06(2)(e);  
1695 however, amendments under this paragraph may be applied to no  
1696 more than 60 acres annually of property outside the designated  
1697 areas listed in this sub-sub-subparagraph. Amendments adopted  
1698 pursuant to paragraph (k) shall not be counted toward the

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1699 acreage limitations for small scale amendments under this  
1700 paragraph.

1701 (II) A maximum of 80 acres in a local government that does  
1702 not contain any of the designated areas set forth in sub-sub-  
1703 subparagraph (I).

1704 (III) A maximum of 120 acres in a county established  
1705 pursuant to s. 9, Art. VIII of the State Constitution.

1706 b. The proposed amendment does not involve the same  
1707 property granted a change within the prior 12 months.

1708 c. The proposed amendment does not involve the same  
1709 owner's property within 200 feet of property granted a change  
1710 within the prior 12 months.

1711 d. The proposed amendment does not involve a text change  
1712 to the goals, policies, and objectives of the local government's  
1713 comprehensive plan, but only proposes a land use change to the  
1714 future land use map for a site-specific small scale development  
1715 activity.

1716 e. The property that is the subject of the proposed  
1717 amendment is not located within an area of critical state  
1718 concern, unless the project subject to the proposed amendment  
1719 involves the construction of affordable housing units meeting  
1720 the criteria of s. 420.0004(3), and is located within an area of  
1721 critical state concern designated by s. 380.0552 or by the  
1722 Administration Commission pursuant to s. 380.05(1). Such  
1723 amendment is not subject to the density limitations of sub-  
1724 subparagraph f., and shall be reviewed by the state land  
1725 planning agency for consistency with the principles for guiding

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1726 development applicable to the area of critical state concern  
1727 where the amendment is located and shall not become effective  
1728 until a final order is issued under s. 380.05(6).

1729 f. If the proposed amendment involves a residential land  
1730 use, the residential land use has a density of 10 units or less  
1731 per acre, except that this limitation does not apply to small  
1732 scale amendments involving the construction of affordable  
1733 housing units meeting the criteria of s. 420.0004(3) on property  
1734 which will be the subject of a land use restriction agreement or  
1735 extended use agreement recorded in conjunction with the issuance  
1736 of tax exempt bond financing or an allocation of federal tax  
1737 credits issued through the Florida Housing Finance Corporation  
1738 or a local housing finance authority authorized by the Division  
1739 of Bond Finance of the State Board of Administration, or small  
1740 scale amendments described in sub-sub-subparagraph a.(I) that  
1741 are designated in the local comprehensive plan for urban infill,  
1742 urban redevelopment, or downtown revitalization as defined in s.  
1743 163.3164, urban infill and redevelopment areas designated under  
1744 s. 163.2517, transportation concurrency exception areas approved  
1745 pursuant to s. 163.3180(5), or regional activity centers and  
1746 urban central business districts approved pursuant to s.  
1747 380.06(2)(e).

1748 2.a. A local government that proposes to consider a plan  
1749 amendment pursuant to this paragraph is not required to comply  
1750 with the procedures and public notice requirements of s.  
1751 163.3184(15)(c) for such plan amendments if the local government  
1752 complies with the provisions in s. 125.66(4)(a) for a county or

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1753 in s. 166.041(3)(c) for a municipality. If a request for a plan  
1754 amendment under this paragraph is initiated by other than the  
1755 local government, public notice is required.

1756 b. The local government shall send copies of the notice  
1757 and amendment to the state land planning agency, the regional  
1758 planning council, and any other person or entity requesting a  
1759 copy. This information shall also include a statement  
1760 identifying any property subject to the amendment that is  
1761 located within a coastal high hazard area as identified in the  
1762 local comprehensive plan.

1763 3. Small scale development amendments adopted pursuant to  
1764 this paragraph require only one public hearing before the  
1765 governing board, which shall be an adoption hearing as described  
1766 in s. 163.3184(7), and are not subject to the requirements of s.  
1767 163.3184(3)-(6) unless the local government elects to have them  
1768 subject to those requirements.

1769 (1) A comprehensive plan amendment to adopt a public  
1770 educational facilities element pursuant to s. 163.3177 ~~163.31776~~  
1771 and future land-use-map amendments for school siting may be  
1772 approved notwithstanding statutory limits on the frequency of  
1773 adopting plan amendments.

1774 (o)1. For municipalities that are more than 90 percent  
1775 built-out, any municipality's comprehensive plan amendments may  
1776 be approved without regard to statutory limits on the frequency  
1777 of consideration of amendments to the local comprehensive plan  
1778 only if the proposed amendment involves a use of 100 acres or  
1779 fewer and:

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1780 a. The cumulative annual effect of the acreage for all  
1781 amendments adopted pursuant to this paragraph does not exceed  
1782 500 acres.

1783 b. The proposed amendment does not involve the same  
1784 property granted a change within the prior 12 months.

1785 c. The proposed amendment does not involve the same  
1786 owner's property within 200 feet of property granted a change  
1787 within the prior 12 months.

1788 d. The proposed amendment does not involve a text change  
1789 to the goals, policies, and objectives of the local government's  
1790 comprehensive plan but only proposes a land use change to the  
1791 future land use map for a site-specific small scale development  
1792 activity.

1793 e. The property that is the subject of the proposed  
1794 amendment is not located within an area of critical state  
1795 concern.

1796 2. For purposes of this paragraph, the term "built-out"  
1797 means 90 percent of the property within the municipality's  
1798 boundaries, excluding lands that are designated as conservation,  
1799 preservation, recreation, or public facilities categories, have  
1800 been developed, or are the subject of an approved development  
1801 order that has received a building permit, and the municipality  
1802 has an average density of 5 units per acre for residential  
1803 development.

1804 3.a. A local government that proposes to consider a plan  
1805 amendment pursuant to this paragraph is not required to comply  
1806 with the procedures and public notice requirements of s.

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1807 163.3184(15)(c) for such plan amendments if the local government  
1808 complies with the provisions of s. 166.041(3)(c). If a request  
1809 for a plan amendment under this paragraph is initiated by other  
1810 than the local government, public notice is required.

1811 b. The local government shall send copies of the notice  
1812 and amendment to the state land planning agency, the regional  
1813 planning council, and any other person or entity requesting a  
1814 copy. This information shall also include a statement  
1815 identifying any property subject to the amendment that is  
1816 located within a coastal high hazard area as identified in the  
1817 local comprehensive plan.

1818 4. Amendments adopted pursuant to this paragraph require  
1819 only one public hearing before the governing board, which shall  
1820 be an adoption hearing as described in s. 163.3184(7), and are  
1821 not subject to the requirements of s. 163.3184(3)-(6) unless the  
1822 local government elects to have them subject to those  
1823 requirements.

1824 5. This paragraph shall not apply if a municipality  
1825 annexes unincorporated property that decreases the percentage of  
1826 build-out to an amount below 90 percent.

1827 5. A municipality shall notify the state land planning  
1828 agency in writing of its built-out percentage prior to the  
1829 submission of any comprehensive plan amendments under this  
1830 subsection.

1831 Section 8. Subsections (2) and (10) of section 163.3191,  
1832 Florida Statutes, are amended to read:

1833 163.3191 Evaluation and appraisal of comprehensive plan.--

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1834 (2) The report shall present an evaluation and assessment  
1835 of the comprehensive plan and shall contain appropriate  
1836 statements to update the comprehensive plan, including, but not  
1837 limited to, words, maps, illustrations, or other media, related  
1838 to:

1839 (a) Population growth and changes in land area, including  
1840 annexation, since the adoption of the original plan or the most  
1841 recent update amendments.

1842 (b) The extent of vacant and developable land.

1843 (c) The financial feasibility of implementing the  
1844 comprehensive plan and of providing needed infrastructure to  
1845 achieve and maintain adopted level-of-service standards and  
1846 sustain concurrency management systems through the capital  
1847 improvements element, as well as the ability to address  
1848 infrastructure backlogs and meet the demands of growth on public  
1849 services and facilities.

1850 (d) The location of existing development in relation to  
1851 the location of development as anticipated in the original plan,  
1852 or in the plan as amended by the most recent evaluation and  
1853 appraisal report update amendments, such as within areas  
1854 designated for urban growth.

1855 (e) An identification of the major issues for the  
1856 jurisdiction and, where pertinent, the potential social,  
1857 economic, and environmental impacts.

1858 (f) Relevant changes to the state comprehensive plan, the  
1859 requirements of this part, the minimum criteria contained in  
1860 chapter 9J-5, Florida Administrative Code, and the appropriate

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1861 strategic regional policy plan since the adoption of the  
1862 original plan or the most recent evaluation and appraisal report  
1863 update amendments.

1864 (g) An assessment of whether the plan objectives within  
1865 each element, as they relate to major issues, have been  
1866 achieved. The report shall include, as appropriate, an  
1867 identification as to whether unforeseen or unanticipated changes  
1868 in circumstances have resulted in problems or opportunities with  
1869 respect to major issues identified in each element and the  
1870 social, economic, and environmental impacts of the issue.

1871 (h) A brief assessment of successes and shortcomings  
1872 related to each element of the plan.

1873 (i) The identification of any actions or corrective  
1874 measures, including whether plan amendments are anticipated to  
1875 address the major issues identified and analyzed in the report.  
1876 Such identification shall include, as appropriate, new  
1877 population projections, new revised planning timeframes, a  
1878 revised future conditions map or map series, an updated capital  
1879 improvements element, and any new and revised goals, objectives,  
1880 and policies for major issues identified within each element.  
1881 This paragraph shall not require the submittal of the plan  
1882 amendments with the evaluation and appraisal report.

1883 (j) A summary of the public participation program and  
1884 activities undertaken by the local government in preparing the  
1885 report.

1886 (k) The coordination of the comprehensive plan with  
1887 existing public schools and those identified in the applicable

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1888 educational facilities plan adopted pursuant to s. 1013.35. The  
1889 assessment shall address, where relevant, the success or failure  
1890 of the coordination of the future land use map and associated  
1891 planned residential development with public schools and their  
1892 capacities, as well as the joint decisionmaking processes  
1893 engaged in by the local government and the school board in  
1894 regard to establishing appropriate population projections and  
1895 the planning and siting of public school facilities. For those  
1896 counties or municipalities that do not have a public schools  
1897 interlocal agreement or public school facility element, the  
1898 assessment shall determine whether the local government  
1899 continues to meet the criteria of s. 163.3177(12). If the county  
1900 or municipality determines that it no longer meets the criteria,  
1901 it must adopt appropriate school concurrency goals, objectives,  
1902 and policies in its plan amendments pursuant to the requirements  
1903 of the public school facility element, and enter into the  
1904 existing interlocal agreement required by ss. 163.3177(6)(h)2.  
1905 and 163.31777 in order to fully participate in the school  
1906 concurrency system. If the issues are not relevant, the local  
1907 government shall demonstrate that they are not relevant.

1908 (1) The extent to which the local government has been  
1909 successful in identifying alternative water supply projects and  
1910 traditional water supply projects, including conservation and  
1911 reuse, necessary to meet the water needs identified in s.  
1912 373.0361(2)(a) within the local government's jurisdiction. The  
1913 report must evaluate the degree to which the local government  
1914 has implemented the work plan for building public, private, and

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1915 regional water supply facilities, including development of  
1916 alternative water supplies, ~~The evaluation must consider the~~  
1917 ~~appropriate water management district's regional water supply~~  
1918 ~~plan approved pursuant to s. 373.0361. The potable water element~~  
1919 ~~must be revised to include a work plan, covering at least a 10-~~  
1920 ~~year planning period, for building any water supply facilities~~  
1921 ~~that are identified in the element as necessary to serve~~  
1922 ~~existing and new development and for which the local government~~  
1923 ~~is responsible.~~

1924 (m) If any of the jurisdiction of the local government is  
1925 located within the coastal high-hazard area, an evaluation of  
1926 whether any past reduction in land use density impairs the  
1927 property rights of current residents when redevelopment occurs,  
1928 including, but not limited to, redevelopment following a natural  
1929 disaster. The property rights of current residents shall be  
1930 balanced with public safety considerations. The local government  
1931 must identify strategies to address redevelopment feasibility  
1932 and the property rights of affected residents. These strategies  
1933 may include the authorization of redevelopment up to the actual  
1934 built density in existence on the property prior to the natural  
1935 disaster or redevelopment.

1936 (n) An assessment of whether the criteria adopted pursuant  
1937 to s. 163.3177(6)(a) were successful in achieving compatibility  
1938 with military installations.

1939 (o) The extent to which a concurrency exception area  
1940 designated pursuant to s. 163.3180(5), a concurrency management  
1941 area designated pursuant to s. 163.3180(7), or a multimodal

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1942 transportation district designated pursuant to s. 163.3180(15)  
1943 has achieved the purpose for which it was created and otherwise  
1944 complies with the provisions of s. 163.3180.

1945 (p) An assessment of the extent to which changes are  
1946 needed to develop a common methodology for measuring impacts on  
1947 transportation facilities for the purpose of implementing its  
1948 concurrency management system in coordination with the  
1949 municipalities and counties, as appropriate pursuant to s.  
1950 163.3180(10).

1951 (10) The governing body shall amend its comprehensive plan  
1952 based on the recommendations in the report and shall update the  
1953 comprehensive plan based on the components of subsection (2),  
1954 pursuant to the provisions of ss. 163.3184, 163.3187, and  
1955 163.3189. Amendments to update a comprehensive plan based on  
1956 the evaluation and appraisal report shall be adopted within 18  
1957 months after the report is determined to be sufficient by the  
1958 state land planning agency, except the state land planning  
1959 agency may grant an extension for adoption of a portion of such  
1960 amendments. The state land planning agency may grant a 6-month  
1961 extension for the adoption of such amendments if the request is  
1962 justified by good and sufficient cause as determined by the  
1963 agency. An additional extension may also be granted if the  
1964 request will result in greater coordination between  
1965 transportation and land use, for the purposes of improving  
1966 Florida's transportation system, as determined by the agency in  
1967 coordination with the Metropolitan Planning Organization  
1968 program. Beginning July 1, 2006, failure to timely transmit

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1969 update amendments to the comprehensive plan based on the  
1970 evaluation and appraisal report shall result in a local  
1971 government being prohibited from adopting amendments to the  
1972 comprehensive plan until the evaluation and appraisal report  
1973 update amendments have been transmitted to the state land  
1974 planning agency. The prohibition on plan amendments shall  
1975 commence when the update amendments to the comprehensive plan  
1976 are past due. The comprehensive plan as amended shall be in  
1977 compliance as defined in s. 163.3184(1)(b). Within 6 months  
1978 after the effective date of the update amendments to the  
1979 comprehensive plan, the local government shall provide to the  
1980 state land planning agency and to all agencies designated by  
1981 rule a complete copy of the updated comprehensive plan.

1982 Section 9. Paragraph (b) of subsection (4) of section  
1983 339.135, Florida Statutes, is amended to read:

1984 339.135 Work program; legislative budget request;  
1985 definitions; preparation, adoption, execution, and amendment.--

1986 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

1987 (b)1. A tentative work program, including the ensuing  
1988 fiscal year and the successive 4 fiscal years, shall be prepared  
1989 for the State Transportation Trust Fund and other funds managed  
1990 by the department, unless otherwise provided by law. The  
1991 tentative work program shall be based on the district work  
1992 programs and shall set forth all projects by phase to be  
1993 undertaken during the ensuing fiscal year and planned for the  
1994 successive 4 fiscal years. The total amount of the liabilities  
1995 accruing in each fiscal year of the tentative work program may

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1996 not exceed the revenues available for expenditure during the  
1997 respective fiscal year based on the cash forecast for that  
1998 respective fiscal year.

1999 2. The tentative work program shall be developed in  
2000 accordance with the Florida Transportation Plan required in s.  
2001 339.155 and must comply with the program funding levels  
2002 contained in the program and resource plan.

2003 3. The department may include in the tentative work  
2004 program proposed changes to the programs contained in the  
2005 previous work program adopted pursuant to subsection (5);  
2006 however, the department shall minimize changes and adjustments  
2007 that affect the scheduling of project phases in the 4 common  
2008 fiscal years contained in the previous adopted work program and  
2009 the tentative work program. The department, in the development  
2010 of the tentative work program, shall advance by 1 fiscal year  
2011 all projects included in the second year of the previous year's  
2012 adopted work program, unless the secretary specifically  
2013 determines that it is necessary, for specific reasons, to  
2014 reschedule or delete one or more projects from that year. Such  
2015 changes and adjustments shall be clearly identified, and the  
2016 effect on the 4 common fiscal years contained in the previous  
2017 adopted work program and the tentative work program shall be  
2018 shown. It is the intent of the Legislature that ~~the first 5~~  
2019 ~~years of the adopted work program for facilities designated as~~  
2020 ~~part of the Florida Intrastate Highway System and the first 3~~  
2021 years of the adopted work program stand as the commitment of the  
2022 state to undertake transportation projects that local

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2023 governments may rely on for planning and concurrency purposes  
2024 and in the development and amendment of the capital improvements  
2025 elements of their local government comprehensive plans.

2026 4. The tentative work program must include a balanced 36-  
2027 month forecast of cash and expenditures and a 5-year finance  
2028 plan supporting the tentative work program.

2029 Section 10. The Office of Program Policy Analysis and  
2030 Government Accountability shall perform a study on adjustments  
2031 to the boundaries of Florida Regional Planning Councils, Florida  
2032 Water Management Districts, and Department of Transportation  
2033 Districts. The purpose of this study is to organize these  
2034 regional boundaries, without eliminating any regional agency, to  
2035 be more coterminous with one another, creating a more unified  
2036 system of regional boundaries. This study must be completed by  
2037 December 31, 2005, and submitted to the President of the Senate,  
2038 the Speaker of the House of Representatives, and the Governor by  
2039 January 15, 2006.

2040 Section 11. Section 163.3247, Florida Statutes, is created  
2041 to read:

2042 163.3247 Century Commission for a Sustainable Florida.--

2043 (1) POPULAR NAME.--This section may be cited as the  
2044 "Century Commission for a Sustainable Florida Act."

2045 (2) FINDINGS AND INTENT.--The Legislature finds and  
2046 declares that the population of this state is expected to more  
2047 than double over the next 100 years, with commensurate impacts  
2048 to the state's natural resources and public infrastructure.  
2049 Consequently, it is in the best interests of the people of the

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2050 state to ensure sound planning for the proper placement of this  
2051 growth and protection of the state's land, water, and other  
2052 natural resources since such resources are essential to our  
2053 collective quality of life and a strong economy. The state's  
2054 growth management system should foster economic stability  
2055 through regional solutions and strategies, urban renewal and  
2056 infill, and the continued viability of agricultural economies,  
2057 while allowing for rural economic development and protecting the  
2058 unique characteristics of rural areas, and should reduce the  
2059 complexity of the regulatory process while carrying out the  
2060 intent of the laws and encouraging greater citizen  
2061 participation.

2062 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;  
2063 CREATION; ORGANIZATION.--The Century Commission for a  
2064 Sustainable Florida is created as a standing body to help the  
2065 citizens of this state envision and plan their collective future  
2066 with an eye towards both 20-year and 50-year horizons.

2067 (a) The commission shall consist of fifteen members, five  
2068 appointed by the Governor, five appointed by the President of  
2069 the Senate, and five appointed by the Speaker of the House of  
2070 Representatives. Appointments shall be made no later than  
2071 October 1, 2005. The membership must represent local  
2072 governments, school boards, developers and homebuilders, the  
2073 business community, the agriculture community, the environmental  
2074 community, and other appropriate stakeholders. One member shall  
2075 be designated by the Governor as chair of the commission. Any  
2076 vacancy that occurs on the commission must be filled in the same

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2077 manner as the original appointment and shall be for the  
2078 unexpired term of that commission seat. Members shall serve 4-  
2079 year terms, except that, initially, to provide for staggered  
2080 terms, three of the appointees, one each by the Governor, the  
2081 President of the Senate, and the Speaker of the House of  
2082 Representatives, shall serve 2-year terms, three shall serve 3-  
2083 year terms, and three shall serve 4-year terms. All subsequent  
2084 appointments shall be for 4-year terms. An appointee may not  
2085 serve more than 6 years.

2086 (b) The first meeting of the commission shall be held no  
2087 later than December 1, 2005, and shall meet at the call of the  
2088 chair but not less frequently than three times per year in  
2089 different regions of the state to solicit input from the public  
2090 or any other individuals offering testimony relevant to the  
2091 issues to be considered.

2092 (c) Each member of the commission is entitled to one vote  
2093 and actions of the commission are not binding unless taken by a  
2094 three-fifths vote of the members present. A majority of the  
2095 members is required to constitute a quorum, and the affirmative  
2096 vote of a quorum is required for a binding vote.

2097 (d) Members of the commission shall serve without  
2098 compensation but shall be entitled to receive per diem and  
2099 travel expenses in accordance with s. 112.061 while in  
2100 performance of their duties.

2101 (4) POWERS AND DUTIES.--The commission shall:

2102 (a) Annually conduct a process through which the  
2103 commission envisions the future for the state and then develops

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2104 and recommends policies, plans, action steps, or strategies to  
2105 assist in achieving the vision.

2106 (b) Continuously review and consider statutory and  
2107 regulatory provisions, governmental processes, and societal and  
2108 economic trends in its inquiry of how state, regional, and local  
2109 governments and entities and citizens of this state can best  
2110 accommodate projected increased populations while maintaining  
2111 the natural, historical, cultural, and manmade life qualities  
2112 that best represent the state.

2113 (c) Bring together people representing varied interests to  
2114 develop a shared image of the state and its developed and  
2115 natural areas. The process should involve exploring the impact  
2116 of the estimated population increase and other emerging trends  
2117 and issues; creating a vision for the future; and developing a  
2118 strategic action plan to achieve that vision using 20-year and  
2119 50-year intermediate planning timeframes.

2120 (d) Focus on essential state interests, defined as those  
2121 interests that transcend local or regional boundaries and are  
2122 most appropriately conserved, protected, and promoted at the  
2123 state level.

2124 (e) Serve as an objective, nonpartisan repository of  
2125 exemplary community-building ideas and as a source to recommend  
2126 strategies and practices to assist others in working  
2127 collaboratively to problem solve on issues relating to growth  
2128 management.

2129 (f) Annually, beginning January 16, 2007, and every year  
2130 thereafter on the same date, provide to the Governor, the

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2131 President of the Senate, and the Speaker of the House of  
2132 Representatives a written report containing specific  
2133 recommendations for addressing growth management in the state,  
2134 including executive and legislative recommendations. Further,  
2135 the report shall contain discussions regarding the need for  
2136 intergovernmental cooperation and the balancing of environmental  
2137 protection and future development and recommendations on issues,  
2138 including, but not limited to, recommendations regarding  
2139 dedicated sources of funding for sewer facilities, water supply  
2140 and quality, transportation facilities that are not adequately  
2141 addressed by the Strategic Intermodal System, and educational  
2142 infrastructure to support existing development and projected  
2143 population growth.

2144 (g) Beginning with the 2007 Regular Session of the  
2145 Legislature, the President of the Senate and Speaker of the  
2146 House of Representatives shall create a joint select committee,  
2147 the task of which shall be to review the findings and  
2148 recommendations of the Century Commission for a Sustainable  
2149 Florida for potential action.

2150 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2151 (a) The Secretary of Community Affairs shall select an  
2152 executive director of the commission, and the executive director  
2153 shall serve at the pleasure of the secretary under the  
2154 supervision and control of the commission.

2155 (b) The Department of Community Affairs shall provide  
2156 staff and other resources necessary to accomplish the goals of  
2157 the commission based upon recommendations of the Governor.

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2158 (c) All agencies under the control of the Governor are  
2159 directed, and all other agencies are requested, to render  
2160 assistance to, and cooperate with, the commission.

2161 Section 12. Subsection (3) of section 215.211, Florida  
2162 Statutes, is amended to read:

2163 215.211 Service charge; elimination or reduction for  
2164 specified proceeds.--

2165 (3) Notwithstanding the provisions of s. 215.20(1), the  
2166 service charge provided in s. 215.20(1), which is deducted from  
2167 the proceeds of the local option fuel tax distributed under s.  
2168 336.025, shall be reduced as follows:

2169 (a) For the period July 1, 2005, through June 30, 2006,  
2170 the rate of the service charge shall be 3.5 percent.

2171 (b) Beginning July 1, 2006, and thereafter, no service  
2172 charge shall be deducted from the proceeds of the local option  
2173 fuel tax distributed under s. 336.025.

2174  
2175 The increased revenues derived from this subsection shall be  
2176 deposited in the State Transportation Trust Fund and used to  
2177 fund the Transportation Incentive Program for a Sustainable  
2178 Florida County Incentive Grant Program and the Small County  
2179 Outreach Program. Up to 20 percent of such funds shall be used  
2180 for the purpose of implementing the Small County Outreach  
2181 Program created pursuant to s. 339.2818 as provided in this act.  
2182 ~~Notwithstanding any other laws to the contrary, the requirements~~  
2183 ~~of ss. 339.135, 339.155, and 339.175 shall not apply to these~~  
2184 ~~funds and programs.~~

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2185 Section 13. Section 339.28171, Florida Statutes, is  
2186 created to read:

2187 339.28171 Transportation Incentive Program for a  
2188 Sustainable Florida.--

2189 (1) There is created within the Department of  
2190 Transportation a Transportation Incentive Program for a  
2191 Sustainable Florida, which may be cited as TRIP for a  
2192 Sustainable Florida, for the purpose of providing grants to  
2193 local governments to improve a transportation facility or system  
2194 which addresses an identified concurrency management system  
2195 backlog or relieve traffic congestion in urban infill and  
2196 redevelopment areas. Bridge projects off of the State Highway  
2197 System are eligible to receive funding from this program.

2198 (2) To be eligible for consideration, projects must be  
2199 consistent with local government comprehensive plans, the  
2200 transportation improvement program of the applicable  
2201 metropolitan organization, and the Strategic Intermodal System  
2202 plan developed in accordance with s. 339.64.

2203 (3) The funds shall be distributed by the department to  
2204 each district in accordance with the statutory formula pursuant  
2205 to s. 339.135(4). The district secretary shall use the following  
2206 criteria to evaluate the project applications:

2207 (a) The level of local government funding efforts.

2208 (b) The level of local, regional, or private financial  
2209 matching funds as a percentage of the overall project cost.

2210 (c) The ability of local government to rapidly address  
2211 project construction.

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2212 (d) The level of municipal and county agreement on the  
2213 scope of the proposed project.

2214 (e) Whether the project is located within and supports the  
2215 objectives of an urban infill area, a community redevelopment  
2216 area, an urban redevelopment area, or a concurrency management  
2217 area.

2218 (f) The extent to which the project would foster public-  
2219 private partnerships and investment.

2220 (g) The extent to which the project protects  
2221 environmentally sensitive areas.

2222 (h) The extent to which the project would support urban  
2223 mobility, including public transit systems, the use of new  
2224 technologies, and the provision of bicycle facilities or  
2225 pedestrian pathways.

2226 (i) The extent to which the project implements a regional  
2227 transportation plan developed in accordance with s.  
2228 339.155(2)(c), (d), and (e).

2229 (j) Whether the project is subject to a local ordinance  
2230 that establishes corridor management techniques, including  
2231 access management strategies, right-of-way acquisition and  
2232 protection measures, appropriate land use strategies, zoning,  
2233 and setback requirements for adjacent land uses.

2234 (k) Whether or not the local government has adopted a  
2235 vision pursuant to s. 163.3167(11) either prior to or after the  
2236 effective date of this act.

2237 (4) As part of the project application, the local  
2238 government shall demonstrate how the proposed project implements

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2239 a capital improvement element and a long-term transportation  
2240 concurrency system, if applicable, to address the existing  
2241 capital improvement element backlogs.

2242 (5) The percentage of matching funds available to  
2243 applicants shall be based on the following:

2244 (a) For projects that provide capacity on the Strategic  
2245 Intermodal System, the percentage shall be 35 percent.

2246 (b) For projects that provide capacity on regionally  
2247 significant transportation facilities identified in s.  
2248 339.155(2)(c), (d), and (e), the percentage shall be 50 percent  
2249 or up to 50 percent of the nonfederal share of the eligible  
2250 project costs for a public transportation facility project. For  
2251 off-system bridges, the percentage match shall be 50 percent.

2252 Projects to be funded pursuant to this paragraph shall, at a  
2253 minimum meet the following additional criteria:

2254 1. Support those transportation facilities that serve  
2255 national, statewide, or regional functions and function as an  
2256 integrated regional transportation system.

2257 2. Be identified in the capital improvements element of a  
2258 comprehensive plan that has been determined to be in compliance  
2259 with part II of chapter 163, after the effective date of this  
2260 act, or to implement a long-term concurrency management system  
2261 adopted a local government in accordance with s. 163.3177(9).

2262 3. Provide connectivity to the Strategic Intermodal System  
2263 designated pursuant to s. 339.64.

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2264 4. Support economic development and the movement of goods  
2265 in areas of critical economic concern designated pursuant to s.  
2266 288.0656(7).

2267 5. Improve connectivity between military installations and  
2268 the Strategic Highway Network or the Strategic Rail Corridor  
2269 Network.

2270 6. For off-system bridge projects to replace,  
2271 rehabilitate, paint, or install scour countermeasures to highway  
2272 bridges located on public roads, other than those on a federal-  
2273 aid highway, such projects shall, at a minimum:

2274 a. Be classified as a structurally deficient bridge with a  
2275 poor condition rating for either the deck, superstructure, or  
2276 substructure component, or culvert.

2277 b. Have a sufficiency rating of 35 or below.

2278 c. Have average daily traffic of at least 500 vehicles.

2279  
2280 Special consideration shall be given to bridges that are closed  
2281 to all traffic or that have a load restriction of less than 10  
2282 tons.

2283 (c) For local projects that demonstrate capacity  
2284 improvements in the urban service boundary, urban infill, or  
2285 urban redevelopment area or provide such capacity replacement to  
2286 the Strategic Intermodal System or regionally significant  
2287 facilities, the percentage shall be 65 percent.

2288 (6) The department may administer contracts at the request  
2289 of a local government selected to receive funding for a project  
2290 under this section. All projects funded under this section shall

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2291 be included in the department's work program developed pursuant  
2292 to s. 339.135.

2293 Section 14. Section 337.107, Florida Statutes, is amended  
2294 to read:

2295 337.107 Contracts for right-of-way services.--The  
2296 department may enter into contracts pursuant to s. 287.055 for  
2297 right-of-way services on transportation corridors and  
2298 transportation facilities, or the department may include right-  
2299 of-way services as part of design-build contracts awarded under  
2300 s. 337.11. Right-of-way services include negotiation and  
2301 acquisition services, appraisal services, demolition and removal  
2302 of improvements, and asbestos-abatement services.

2303 Section 15. Effective July 1, 2007, section 337.107,  
2304 Florida Statutes, as amended by this act is amended to read:

2305 337.107 Contracts for right-of-way services.--The  
2306 department may enter into contracts pursuant to s. 287.055 for  
2307 right-of-way services on transportation corridors and  
2308 ~~transportation facilities, or the department may include right-~~  
2309 ~~of-way services as part of design-build contracts awarded under~~  
2310 ~~s. 337.11.~~ Right-of-way services include negotiation and  
2311 acquisition services, appraisal services, demolition and removal  
2312 of improvements, and asbestos-abatement services.

2313 Section 16. Paragraph (a) of subsection (7) of section  
2314 337.11, Florida Statutes, is amended to read:

2315 337.11 Contracting authority of department; bids;  
2316 emergency repairs, supplemental agreements, and change orders;

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2317 combined design and construction contracts; progress payments;  
2318 records; requirements of vehicle registration.--

2319 (7)(a) If the head of the department determines that it is  
2320 in the best interests of the public, the department may combine  
2321 the right-of-way services and design and construction phases of  
2322 any a building, a major bridge, a limited access facility, or a  
2323 rail corridor project into a single contract, except for a  
2324 resurfacing or minor bridge project, the right-of-way services  
2325 and design and construction phases of which may be combined  
2326 under s. 337.025. Such contract is referred to as a design-build  
2327 contract. Design-build contracts may be advertised and awarded  
2328 notwithstanding the requirements of paragraph (3)(c). However,  
2329 construction activities may not begin on any portion of such  
2330 projects until title to the necessary rights-of-way and  
2331 easements for the construction of that portion of the project  
2332 has vested in the state or a local governmental entity and all  
2333 railroad crossing and utility agreements have been executed.  
2334 Title to rights-of-way vests in the state when the title has  
2335 been dedicated to the public or acquired by prescription.

2336 Section 17. Effective July 1, 2007, paragraph (a) of  
2337 subsection (7) of section 337.11, Florida Statutes, as amended  
2338 by this act, is amended to read:

2339 337.11 Contracting authority of department; bids;  
2340 emergency repairs, supplemental agreements, and change orders;  
2341 combined design and construction contracts; progress payments;  
2342 records; requirements of vehicle registration.--

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2343 (7)(a) If the head of the department determines that it is  
2344 in the best interests of the public, the department may combine  
2345 the ~~right-of-way services and~~ design and construction phases of  
2346 a building, a major bridge, a limited access facility, or a rail  
2347 corridor ~~any project~~ into a single contract, ~~except for a~~  
2348 ~~resurfacing or minor bridge project, the right-of-way services~~  
2349 ~~and design and construction phase of which may be combined under~~  
2350 ~~s. 337.025~~. Such contract is referred to as a design-build  
2351 contract. Design-build contracts may be advertised and awarded  
2352 notwithstanding the requirements of paragraph (3)(c). However,  
2353 construction activities may not begin on any portion of such  
2354 projects for which the department has not yet obtained title to  
2355 the necessary rights-of-way and easements for the construction  
2356 of that portion of the project has vested in the state or a  
2357 local governmental entity and all railroad crossing and utility  
2358 agreements have been executed. Title to rights-of-way shall be  
2359 deemed to have vested in the state when the title has been  
2360 dedicated to the public or acquired by prescription.

2361 Section 18. Section 373.19615, Florida Statutes, is  
2362 created to read:

2363 373.19615 Florida's Sustainable Water Supplies Program.--

2364 (1) There is hereby created "Florida's Sustainable Water  
2365 Supplies Program." The Legislature recognizes that alternative  
2366 water supply projects are more expensive to develop compared to  
2367 traditional water supply projects. As Florida's population  
2368 continues to grow, the need for alternative water supplies is  
2369 also growing as our groundwater supplies in portions of the

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2370 state are decreasing. Beginning in fiscal year 2005-2006, the  
2371 state shall annually appropriate \$100 million for the purpose of  
2372 providing funding assistance to local governments for the  
2373 development of alternative water supply projects. At the  
2374 beginning of each fiscal year, beginning with fiscal year 2005-  
2375 2006, such revenues shall be distributed to the Department of  
2376 Environmental Protection. The department shall then distribute  
2377 the revenues into alternative water supply accounts created by  
2378 the department for each district for the purpose of alternative  
2379 water supply development under the following funding formula:

2380 1. Forty percent to the South Florida Water Management  
2381 District.

2382 2. Twenty-five percent to the Southwest Florida Water  
2383 Management District.

2384 3. Twenty-five percent to the St. Johns River Water  
2385 Management District.

2386 4. Five percent to the Suwannee River Water Management  
2387 District.

2388 5. Five percent to the Northwest Florida Water Management  
2389 District.

2390 (2) For the purposes of this section, the following  
2391 definitions shall apply:

2392 (a) "Alternative water supplies" includes saltwater;  
2393 brackish surface and groundwater; surface water captured  
2394 predominantly during wet-weather flows; sources made available  
2395 through the addition of new storage capacity for surface or  
2396 groundwater; water that has been reclaimed after one or more

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2397 public supply, municipal, industrial, commercial, or  
2398 agricultural uses; stormwater; and any other water supply source  
2399 that is designated as non-traditional for a water supply  
2400 planning region in the applicable regional water supply plan  
2401 developed under s. 373.0361.

2402 (b) "Capital costs" means planning, design, engineering,  
2403 and project construction costs.

2404 (c) "Local government" means any municipality, county,  
2405 special district, regional water supply authority, or  
2406 multijurisdictional entity, or an agency thereof, or a  
2407 combination of two or more of the foregoing acting jointly with  
2408 an alternative water supply project.

2409 (3) To be eligible for assistance in funding capital costs  
2410 of alternative water supply projects under this program, the  
2411 water management district governing board must select those  
2412 alternative water supply projects that will receive financial  
2413 assistance. The water management district governing board shall  
2414 establish factors to determine project funding.

2415 (a) Significant weight shall be given to the following  
2416 factors:

2417 1. Whether the project provides substantial environmental  
2418 benefits by preventing or limiting adverse water resource  
2419 impacts.

2420 2. Whether the project reduces competition for water  
2421 supplies.

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2422 3. Whether the project brings about replacement of  
2423 traditional sources in order to help implement a minimum flow or  
2424 level or a reservation.

2425 4. Whether the project will be implemented by a  
2426 consumptive use permittee that has achieved the targets  
2427 contained in a goal-based water conservation program approved  
2428 pursuant to s. 373.227.

2429 5. The quantity of water supplied by the project as  
2430 compared to its cost.

2431 6. Projects in which the construction and delivery to end  
2432 users of reuse water are major components.

2433 7. Whether the project will be implemented by a  
2434 multijurisdictional water supply entity or regional water supply  
2435 authority.

2436 (b) Additional factors to be considered in determining  
2437 project funding shall include:

2438 1. Whether the project is part of a plan to implement two  
2439 or more alternative water supply projects, all of which will be  
2440 operated to produce water at a uniform rate for the participants  
2441 in a multijurisdictional water supply entity or regional water  
2442 supply authority.

2443 2. The percentage of project costs to be funded by the  
2444 water supplier or water user.

2445 3. Whether the project proposal includes sufficient  
2446 preliminary planning and engineering to demonstrate that the  
2447 project can reasonably be implemented within the timeframes  
2448 provided in the regional water supply plan.

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2449 4. Whether the project is a subsequent phase of an  
2450 alternative water supply project underway.

2451 5. Whether and in what percentage a local government or  
2452 local government utility is transferring water supply system  
2453 revenues to the local government general fund in excess of  
2454 reimbursements for services received from the general fund  
2455 including direct and indirect costs and legitimate payments in  
2456 lieu of taxes.

2457 (4)(a) All projects submitted to the governing board for  
2458 consideration shall reflect the total cost for implementation.  
2459 The costs shall be segregated pursuant to the categories  
2460 described in the definition of capital costs.

2461 (b) Applicants for projects that receive funding  
2462 assistance pursuant to this section shall be required to pay 33  
2463 1/3 percent of the project's total capital costs.

2464 (c) The water management district shall be required to pay  
2465 33 1/3 percent of the project's total capital costs.

2466 (5) After conducting one or more meetings to solicit  
2467 public input on eligible projects for implementation of  
2468 alternative water supply projects, the governing board of each  
2469 water management district shall select projects for funding  
2470 assistance based upon the above criteria. The governing board  
2471 may select a project identified or listed as an alternative  
2472 water supply development project in the regional water supply  
2473 plan, or may select an alternative water supply projects not  
2474 identified or listed in the regional water supply plan but which  
2475 are consistent with the goals of the plans.

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2476       (6) Once an alternative water supply project is selected  
2477 by the governing board, the applicant and the water management  
2478 district must, in writing, each commit to a financial  
2479 contribution of 33 1/3 percent of the project's total capital  
2480 costs. The water management district shall then submit a request  
2481 for distribution of revenues held by the department in the  
2482 district's alternative water supply account. The request must  
2483 include the amount of current and projected water demands within  
2484 the water management district, the additional water made  
2485 available by the project, the date the water will be made  
2486 available, and the applicant's and water management district's  
2487 financial commitment for the alternative water supply project.  
2488 Upon receipt of a request from a water management district, the  
2489 department shall determine whether the alternative water supply  
2490 project meets the department's criteria for financial  
2491 assistance. The department shall establish factors to determine  
2492 whether state financial assistance for an alternative water  
2493 supply project shall be granted.

2494       (a) Significant weight shall be given to the following  
2495 factors:

2496       1. Whether the project provides substantial environmental  
2497 benefits by preventing or limiting adverse water resource  
2498 impacts.

2499       2. Whether the project reduces competition for water  
2500 supplies.

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2501 3. Whether the project brings about replacement of  
2502 traditional sources in order to help implement a minimum flow or  
2503 level or a reservation.

2504 4. Whether the project will be implemented by a  
2505 consumptive use permittee that has achieved the targets  
2506 contained in a goal-based water conservation program approved  
2507 pursuant to s. 373.227.

2508 5. The quantity of water supplied by the project as  
2509 compared to its cost.

2510 6. Projects in which the construction and delivery to end  
2511 users of reuse water are major components.

2512 7. Whether the project will be implemented by a  
2513 multijurisdictional water supply entity or regional water supply  
2514 authority.

2515 (b) Additional factors to be considered in determining  
2516 project funding shall include:

2517 1. Whether the project is part of a plan to implement two  
2518 or more alternative water supply projects, all of which will be  
2519 operated to produce water at a uniform rate for the participants  
2520 in a multijurisdictional water supply entity or regional water  
2521 supply authority.

2522 2. The percentage of project costs to be funded by the  
2523 water supplier or water user.

2524 3. Whether the project proposal includes sufficient  
2525 preliminary planning and engineering to demonstrate that the  
2526 project can reasonably be implemented within the timeframes  
2527 provided in the regional water supply plan.

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2528 4. Whether the project is a subsequent phase of an  
2529 alternative water supply project underway.

2530 5. Whether and in what percentage a local government or  
2531 local government utility is transferring water supply system  
2532 revenues to the local government general fund in excess of  
2533 reimbursements for services received from the general fund  
2534 including direct and indirect costs and legitimate payments in  
2535 lieu of taxes.

2536  
2537 If the department determines that the project should receive  
2538 financial assistance, the department shall distribute to the  
2539 water management district 33 1/3 percent of the total capital  
2540 costs from the district's alternative water supply account.

2541 Section 19. Section 373.19616, Florida Statutes, is  
2542 created to read:

2543 373.19616 Water Transition Assistance Program.--

2544 (1) The Legislature recognizes that as a result of  
2545 Florida's increasing population, there are limited ground water  
2546 resources in some portions of the state to serve increased water  
2547 quantities demands. As a result, a transition from ground water  
2548 supply to more expensive alternative water supply is necessary.  
2549 The purpose of this section is to assist local governments by  
2550 establishing a low-interest revolving loan program for  
2551 infrastructure financing for alternative water supplies.

2552 (2) For purposes of this section, the term:

2553 (a) "Alternative water supplies" has the same meaning as  
2554 provided in s. 373.19615(2).

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2555 (b) "Local government" has the same meaning as provided in  
2556 s. 373.19615(2).

2557 (3) The Department of Environmental Protection is  
2558 authorized to make loans to local governments to assist them in  
2559 planning, designing, and constructing alternative water supply  
2560 projects. The department may provide loan guarantees, purchase  
2561 loan insurance, and refinance local debt through issue of new  
2562 loans for alternative water supply projects approved by the  
2563 department. Local governments may borrow funds made available  
2564 pursuant to this section and may pledge any revenues or other  
2565 adequate security available to them to repay any funds borrowed.

2566 (4) The term of loans made pursuant to this section shall  
2567 not exceed 30 years. The interest rate on such loans shall be no  
2568 greater than that paid on the last bonds sold pursuant to s. 14,  
2569 Art. VII of the State Constitution.

2570 (5) In order to ensure that public moneys are managed in  
2571 an equitable and prudent manner, the total amount of money  
2572 loaned to any local government during a fiscal year shall be no  
2573 more than 25 percent of the total funds available for making  
2574 loans during that year. The minimum amount of a loan shall be  
2575 \$75,000.

2576 (6) The department may adopt rules that:

2577 (a) Set forth a priority system for loans based on factors  
2578 provided for in s. 373.19615(6)(a) and (b).

2579 (b) Establish the requirements for the award and repayment  
2580 of financial assistance.

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2581 (c) Require adequate security to ensure that each loan  
2582 recipient can meet its loan payment requirements.

2583 (d) Establish, at the department's discretion, a specific  
2584 percentage of funding, not to exceed 20 percent, for financially  
2585 disadvantaged communities for the development of alternative  
2586 water supply projects. The department shall include within the  
2587 rule a definition of the term "financially disadvantaged  
2588 community," and the criteria for determining whether the project  
2589 serves a financially disadvantaged community. Such criteria  
2590 shall be based on the median household income of the service  
2591 population or other reliably documented measures of  
2592 disadvantaged status.

2593 (e) Require each project receiving financial assistance to  
2594 be cost-effective, environmentally sound, implementable, and  
2595 self-supporting.

2596 (7) The department shall prepare a report at the end of  
2597 each fiscal year detailing the financial assistance provided  
2598 under this section and outstanding loans.

2599 (8) Prior to approval of a loan, the local government  
2600 shall, at a minimum:

2601 (a) Provide a repayment schedule.

2602 (b) Submit evidence of the ability of the project proposed  
2603 for financial assistance to be permitted and implemented.

2604 (c) Submit plans and specifications, biddable contract  
2605 documents, or other documentation of appropriate procurement of  
2606 goods and services.

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2607 (d) Provide assurance that records will be kept using  
2608 generally accepted accounting principles and that the department  
2609 or its agent and the Auditor General will have access to all  
2610 records pertaining to the loan.

2611 (9) The department may conduct an audit of the loan  
2612 project upon completion or may require that a separate project  
2613 audit, prepared by an independent certified public accountant,  
2614 be submitted.

2615 (10) The department may require reasonable service fees on  
2616 loans made to local governments to ensure that the program will  
2617 be operated in perpetuity and to implement the purposes  
2618 authorized under this section. Service fees shall not be more  
2619 than 4 percent of the loan amount exclusive of the service fee.  
2620 The fee revenues, and interest earnings thereon, shall be used  
2621 exclusively to carry out the purposes of this section.

2622 (11) All moneys available for financial assistance under  
2623 this section shall be appropriated to the department exclusively  
2624 to carry out this program. The principal and interest of all  
2625 loans repaid and interest shall be used exclusively to carry out  
2626 this section.

2627 (12)(a) If a local government agency defaults under the  
2628 terms of its loan agreement, the department shall certify the  
2629 default to the Chief Financial Officer, shall forward the  
2630 delinquent amount to the department from any unobligated funds  
2631 due to the local government agency under any revenue-sharing or  
2632 tax-sharing fund established by the state, except as otherwise  
2633 provided by the State Constitution. Certification of delinquency

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2634 shall not limit the department from pursuing other remedies  
2635 available for default on a loan, including accelerating loan  
2636 repayments, eliminating all or part of the interest rate subsidy  
2637 on the loan, and court appointment of a receiver to manage  
2638 alternative water supply project.

2639 (b) The department may impose penalty for delinquent local  
2640 payments in the amount of 6 percent of the amount due, in  
2641 addition to charging the cost to handle and process the debt.  
2642 Penalty interest shall accrue on any amount due and payable  
2643 beginning on the 30th day following the date upon which payment  
2644 is due.

2645 (13) The department may terminate or rescind a financial  
2646 assistance agreement when the local government fails to comply  
2647 with the terms and conditions of the agreement.

2648 Section 20. Paragraphs (l) and (m) are added to subsection  
2649 (24) of section 380.06, Florida Statutes, to read:

2650 380.06 Developments of regional impact.--

2651 (24) STATUTORY EXEMPTIONS.--

2652 (1) Any proposed development or redevelopment within an  
2653 area designated for:

2654 1. Urban infill development as designated in the  
2655 comprehensive plan;

2656 2. Urban redevelopment as designated in the comprehensive  
2657 plan;

2658 3. Downtown revitalization as designated in the  
2659 comprehensive plan; or

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2660       4. Urban infill and redevelopment under s. 163.2517 as  
2661 designated in the comprehensive plan,  
2662  
2663 is exempt from the provisions of this section. However, a  
2664 municipality with a population of 7,500 or fewer may adopt an  
2665 ordinance imposing a fee upon an applicant for purposes of  
2666 reimbursing the municipality for the reasonable costs that the  
2667 municipality may incur in reviewing any project which is exempt  
2668 under this subparagraph. The municipality may use all or part of  
2669 this fee to employ professional expertise to ensure that the  
2670 impacts of such projects are properly evaluated. Municipalities  
2671 adopting such ordinances may not impose a fee on a project in  
2672 excess of its actual out-of-pocket reasonable review costs. A  
2673 copy of such ordinance shall be transmitted to the state land  
2674 planning agency and the applicable regional planning council.

2675       (m) Any proposed development within a rural land  
2676 stewardship area created pursuant to s. 163.3177(11)(d) is  
2677 exempt from the provisions of this section if the local  
2678 government that has adopted the rural land stewardship area has  
2679 entered into a binding agreement with jurisdictions that would  
2680 be impacted and the Department of Transportation regarding the  
2681 mitigation of impacts on state and regional transportation  
2682 facilities and has adopted a proportionate-share methodology  
2683 pursuant to s. 163.3180(16) and (17).

2684       Section 21. Subsections (3), (7), and (8) of section  
2685 1013.33, Florida Statutes, are amended to read:

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2686 1013.33 Coordination of planning with local governing  
2687 bodies.--

2688 (3) At a minimum, the interlocal agreement must address  
2689 interlocal-agreement requirements in s. 163.3180(13)(g), except  
2690 for exempt local governments as provided in s. 163.3177(12), and  
2691 must address the following issues:

2692 (a) A process by which each local government and the  
2693 district school board agree and base their plans on consistent  
2694 projections of the amount, type, and distribution of population  
2695 growth and student enrollment. The geographic distribution of  
2696 jurisdiction-wide growth forecasts is a major objective of the  
2697 process.

2698 (b) A process to coordinate and share information relating  
2699 to existing and planned public school facilities, including  
2700 school renovations and closures, and local government plans for  
2701 development and redevelopment.

2702 (c) Participation by affected local governments with the  
2703 district school board in the process of evaluating potential  
2704 school closures, significant renovations to existing schools,  
2705 and new school site selection before land acquisition. Local  
2706 governments shall advise the district school board as to the  
2707 consistency of the proposed closure, renovation, or new site  
2708 with the local comprehensive plan, including appropriate  
2709 circumstances and criteria under which a district school board  
2710 may request an amendment to the comprehensive plan for school  
2711 siting.

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2712 (d) A process for determining the need for and timing of  
2713 onsite and offsite improvements to support new construction,  
2714 proposed expansion, or redevelopment of existing schools. The  
2715 process shall address identification of the party or parties  
2716 responsible for the improvements.

2717 (e) A process for the school board to inform the local  
2718 government regarding the effect of comprehensive plan amendments  
2719 on school capacity. The capacity reporting must be consistent  
2720 with laws and rules regarding measurement of school facility  
2721 capacity and must also identify how the district school board  
2722 will meet the public school demand based on the facilities work  
2723 program adopted pursuant to s. 1013.35.

2724 (f) Participation of the local governments in the  
2725 preparation of the annual update to the school board's 5-year  
2726 district facilities work program and educational plant survey  
2727 prepared pursuant to s. 1013.35.

2728 (g) A process for determining where and how joint use of  
2729 either school board or local government facilities can be shared  
2730 for mutual benefit and efficiency.

2731 (h) A procedure for the resolution of disputes between the  
2732 district school board and local governments, which may include  
2733 the dispute resolution processes contained in chapters 164 and  
2734 186.

2735 (i) An oversight process, including an opportunity for  
2736 public participation, for the implementation of the interlocal  
2737 agreement.  
2738

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2739 ~~A signatory to the interlocal agreement may elect not to include~~  
2740 ~~a provision meeting the requirements of paragraph (c); however,~~  
2741 ~~such a decision may be made only after a public hearing on such~~  
2742 ~~election, which may include the public hearing in which a~~  
2743 ~~district school board or a local government adopts the~~  
2744 ~~interlocal agreement. An interlocal agreement entered into~~  
2745 ~~pursuant to this section must be consistent with the adopted~~  
2746 ~~comprehensive plan and land development regulations of any local~~  
2747 ~~government that is a signatory.~~

2748 (7) Except as provided in subsection (8), municipalities  
2749 ~~meeting the exemption criteria in s. 163.3177(12) having no~~  
2750 ~~established need for a new facility and meeting the following~~  
2751 ~~eriteria are exempt from the requirements of subsections (2),~~  
2752 ~~(3), and (4). ÷~~

2753 ~~(a) The municipality has no public schools located within~~  
2754 ~~its boundaries.~~

2755 ~~(b) The district school board's 5-year facilities work~~  
2756 ~~program and the long-term 10-year and 20-year work programs, as~~  
2757 ~~provided in s. 1013.35, demonstrate that no new school facility~~  
2758 ~~is needed in the municipality. In addition, the district school~~  
2759 ~~board must verify in writing that no new school facility will be~~  
2760 ~~needed in the municipality within the 5-year and 10-year~~  
2761 ~~timeframes.~~

2762 (8) At the time of the evaluation and appraisal report,  
2763 each exempt municipality shall assess the extent to which it  
2764 continues to meet the criteria for exemption under s.  
2765 163.3177(12) subsection (7). If the municipality continues to

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2766 meet these criteria ~~and the district school board verifies in~~  
2767 ~~writing that no new school facilities will be needed within the~~  
2768 ~~5-year and 10-year timeframes~~, the municipality shall continue  
2769 to be exempt from the interlocal-agreement requirement. Each  
2770 municipality exempt under s. 163.3177(12) ~~subsection (7)~~ must  
2771 comply with the provisions of subsections (2)-(8) within 1 year  
2772 after the district school board proposes, in its 5-year district  
2773 facilities work program, a new school within the municipality's  
2774 jurisdiction.

2775 Section 22. Section 380.115, Florida Statutes, is amended  
2776 to read:

2777 380.115 Vested rights and duties; effect of size  
2778 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~  
2779 ~~2002-296.--~~

2780 (1) A change in a development of regional impact guideline  
2781 or standard does not abridge or modify ~~Nothing contained in this~~  
2782 ~~act abridges or modifies~~ any vested or other right or any duty  
2783 or obligation pursuant to any development order or agreement  
2784 that is applicable to a development of regional impact ~~on the~~  
2785 ~~effective date of this act~~. A development that has received a  
2786 development-of-regional-impact development order pursuant to s.  
2787 380.06, but would ~~is~~ no longer be required to undergo  
2788 development-of-regional-impact review by operation of a change  
2789 in the guidelines and standards or has reduced its size below  
2790 the thresholds in s. 380.0651 ~~this act~~, shall be governed by the  
2791 following procedures:

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2792 (a) The development shall continue to be governed by the  
2793 development-of-regional-impact development order and may be  
2794 completed in reliance upon and pursuant to the development order  
2795 unless the developer or landowner has followed the procedures  
2796 for rescission in paragraph (b). The development-of-regional-  
2797 impact development order may be enforced by the local government  
2798 as provided by ss. 380.06(17) and 380.11.

2799 (b) If requested by the developer or landowner, the  
2800 development-of-regional-impact development order shall ~~may~~ be  
2801 rescinded by the local government with jurisdiction upon a  
2802 showing by clear and convincing evidence that all required  
2803 mitigation relating to the amount of development existing on the  
2804 date of rescission has been completed ~~abandoned pursuant to the~~  
2805 ~~process in s. 380.06(26).~~

2806 (2) A development with an application for development  
2807 approval pending, and determined sufficient pursuant to s.  
2808 380.06(10), on the effective date of a change to the guidelines  
2809 and standards this act, or a notification of proposed change  
2810 pending on the effective date of a change to the guidelines and  
2811 standards this act, may elect to continue such review pursuant  
2812 to s. 380.06. At the conclusion of the pending review, including  
2813 any appeals pursuant to s. 380.07, the resulting development  
2814 order shall be governed by the provisions of subsection (1).

2815 (3) A landowner that has filed an application for a  
2816 development of regional impact review prior to the adoption of  
2817 an optional sector plan pursuant to s. 163.3245 may elect to  
2818 have the application reviewed pursuant to s. 380.06,

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2819 comprehensive plan provisions in force prior to adoption of the  
2820 sector plan and any requested comprehensive plan amendments that  
2821 accompany the application.

2822 Section 23. Subsection (1) of section 339.08, Florida  
2823 Statutes, is amended to read:

2824 339.08 Use of moneys in State Transportation Trust Fund.--

2825 (1) The department shall expend moneys in the State  
2826 Transportation Trust Fund accruing to the department, in  
2827 accordance with its annual budget. The use of such moneys shall  
2828 be restricted to the following purposes:

2829 (a) To pay administrative expenses of the department,  
2830 including administrative expenses incurred by the several state  
2831 transportation districts, but excluding administrative expenses  
2832 of commuter rail authorities that do not operate rail service.

2833 (b) To pay the cost of construction of the State Highway  
2834 System.

2835 (c) To pay the cost of maintaining the State Highway  
2836 System.

2837 (d) To pay the cost of public transportation projects in  
2838 accordance with chapter 341 and ss. 332.003-332.007.

2839 (e) To reimburse counties or municipalities for  
2840 expenditures made on projects in the State Highway System as  
2841 authorized by s. 339.12(4) upon legislative approval.

2842 (f) To pay the cost of economic development transportation  
2843 projects in accordance with s. 288.063.

2844 (g) To lend or pay a portion of the operating,  
2845 maintenance, and capital costs of a revenue-producing

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2846 transportation project that is located on the State Highway  
2847 System or that is demonstrated to relieve traffic congestion on  
2848 the State Highway System.

2849 (h) To match any federal-aid funds allocated for any other  
2850 transportation purpose, including funds allocated to projects  
2851 not located in the State Highway System.

2852 (i) To pay the cost of county road projects selected in  
2853 accordance with the Small County Road Assistance Program created  
2854 in s. 339.2816.

2855 (j) To pay the cost of county or municipal road projects  
2856 selected in accordance with the County Incentive Grant Program  
2857 created in s. 339.2817 and the Small County Outreach Program  
2858 created in s. 339.2818.

2859 (k) To provide loans and credit enhancements for use in  
2860 constructing and improving highway transportation facilities  
2861 selected in accordance with the state-funded infrastructure bank  
2862 created in s. 339.55.

2863 (l) To pay the cost of projects on the Florida Strategic  
2864 Intermodal System created in s. 339.61.

2865 (m) To pay the cost of transportation projects selected in  
2866 accordance with the Transportation Incentive Program for a  
2867 Sustainable Florida created in s. 339.28171.

2868 (n)~~(m)~~ To pay other lawful expenditures of the department.

2869 Section 24. Paragraphs (c), (d), and (e) are added to  
2870 subsection (5) of section 339.155, Florida Statutes, to read:

2871 339.155 Transportation planning.--

2872 (5) ADDITIONAL TRANSPORTATION PLANS.--

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2873 (c) Regional transportation plans may be developed in  
2874 regional transportation areas in accordance with an interlocal  
2875 agreement entered into pursuant to s. 163.01 by the department  
2876 and two or more contiguous metropolitan planning organizations;  
2877 one or more metropolitan planning organizations and one or more  
2878 contiguous counties, none of which is a member of a metropolitan  
2879 planning organization; a multicounty regional transportation  
2880 authority created by or pursuant to law; two or more contiguous  
2881 counties that are not members of a metropolitan planning  
2882 organization; or metropolitan planning organizations comprised  
2883 of three or more counties.

2884 (d) The department shall develop a model draft interlocal  
2885 agreement that must, at a minimum, identify the entity that will  
2886 coordinate the development of the regional transportation plan;  
2887 delineate the boundaries of the regional transportation area;  
2888 provide the duration of the agreement and specify how the  
2889 agreement may be terminated, modified, or rescinded; describe  
2890 the process by which the regional transportation plan will be  
2891 developed; and provide how members of the entity will resolve  
2892 disagreements regarding interpretation of the interlocal  
2893 agreement or disputes relating to the development or content of  
2894 the regional transportation plan. The designated entity shall  
2895 coordinate the adoption of the interlocal agreement using as its  
2896 framework the department model. The designated entity shall  
2897 record the executed interlocal agreement in the official public  
2898 records of each county in the regional transportation area once  
2899 a supermajority of the affected local governments within the

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2900 delineated regional transportation area approve the interlocal  
2901 agreement. Such interlocal agreement shall become effective upon  
2902 its recordation in the official public records of each county in  
2903 the regional transportation area.

2904 (e) The regional transportation plan developed pursuant to  
2905 this section must, at a minimum, identify regionally significant  
2906 transportation facilities located within a regional  
2907 transportation area, and recommend a list of regionally  
2908 significant projects to the department for prioritization. A  
2909 project that is funded for construction within the Department of  
2910 Transportation's 5-year work plan shall be adopted into the  
2911 capital improvements schedule of the local government  
2912 comprehensive plan pursuant to s. 163.3177(3).

2913 Section 25. Section 339.175, Florida Statutes, is amended  
2914 to read:

2915 339.175 Metropolitan planning organization.--It is the  
2916 intent of the Legislature to encourage and promote the safe and  
2917 efficient management, operation, and development of surface  
2918 transportation systems that will serve the mobility needs of  
2919 people and freight within and through urbanized areas of this  
2920 state while minimizing transportation-related fuel consumption  
2921 and air pollution. To accomplish these objectives, metropolitan  
2922 planning organizations, referred to in this section as M.P.O.'s,  
2923 shall develop, in cooperation with the state and public transit  
2924 operators, transportation plans and programs for metropolitan  
2925 areas. The plans and programs for each metropolitan area must  
2926 provide for the development and integrated management and

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2927 operation of transportation systems and facilities, including  
2928 pedestrian walkways and bicycle transportation facilities that  
2929 will function as an intermodal transportation system for the  
2930 metropolitan area, based upon the prevailing principles provided  
2931 in s. 334.046(1). The process for developing such plans and  
2932 programs shall provide for consideration of all modes of  
2933 transportation and shall be continuing, cooperative, and  
2934 comprehensive, to the degree appropriate, based on the  
2935 complexity of the transportation problems to be addressed. To  
2936 ensure that the process is integrated with the statewide  
2937 planning process, M.P.O.'s shall develop plans and programs that  
2938 identify transportation facilities that should function as an  
2939 integrated metropolitan transportation system, giving emphasis  
2940 to facilities that serve important national, state, and regional  
2941 transportation functions. For the purposes of this section,  
2942 those facilities include the facilities on the Strategic  
2943 Intermodal System designated under s. 339.63 and facilities for  
2944 which projects have been identified pursuant to s. 339.28171.

2945 (1) DESIGNATION.--

2946 (a)1. An M.P.O. shall be designated for each urbanized  
2947 area of the state; however, this does not require that an  
2948 individual M.P.O. be designated for each such area. Such  
2949 designation shall be accomplished by agreement between the  
2950 Governor and units of general-purpose local government  
2951 representing at least 75 percent of the population of the  
2952 urbanized area; however, the unit of general-purpose local  
2953 government that represents the central city or cities within the

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2954 M.P.O. jurisdiction, as defined by the United States Bureau of  
2955 the Census, must be a party to such agreement.

2956 2. More than one M.P.O. may be designated within an  
2957 existing metropolitan planning area only if the Governor and the  
2958 existing M.P.O. determine that the size and complexity of the  
2959 existing metropolitan planning area makes the designation of  
2960 more than one M.P.O. for the area appropriate.

2961 (b) Each M.P.O. shall be created and operated under the  
2962 provisions of this section pursuant to an interlocal agreement  
2963 entered into pursuant to s. 163.01. The signatories to the  
2964 interlocal agreement shall be the department and the  
2965 governmental entities designated by the Governor for membership  
2966 on the M.P.O. If there is a conflict between this section and s.  
2967 163.01, this section prevails.

2968 (c) The jurisdictional boundaries of an M.P.O. shall be  
2969 determined by agreement between the Governor and the applicable  
2970 M.P.O. The boundaries must include at least the metropolitan  
2971 planning area, which is the existing urbanized area and the  
2972 contiguous area expected to become urbanized within a 20-year  
2973 forecast period, and may encompass the entire metropolitan  
2974 statistical area or the consolidated metropolitan statistical  
2975 area.

2976 (d) In the case of an urbanized area designated as a  
2977 nonattainment area for ozone or carbon monoxide under the Clean  
2978 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
2979 metropolitan planning area in existence as of the date of  
2980 enactment of this paragraph shall be retained, except that the

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2981 boundaries may be adjusted by agreement of the Governor and  
2982 affected metropolitan planning organizations in the manner  
2983 described in this section. If more than one M.P.O. has authority  
2984 within a metropolitan area or an area that is designated as a  
2985 nonattainment area, each M.P.O. shall consult with other  
2986 M.P.O.'s designated for such area and with the state in the  
2987 coordination of plans and programs required by this section.  
2988

2989 Each M.P.O. required under this section must be fully operative  
2990 no later than 6 months following its designation.

2991 (2) VOTING MEMBERSHIP.--

2992 (a) The voting membership of an M.P.O. shall consist of  
2993 not fewer than 5 or more than 19 apportioned members, the exact  
2994 number to be determined on an equitable geographic-population  
2995 ratio basis by the Governor, based on an agreement among the  
2996 affected units of general-purpose local government as required  
2997 by federal rules and regulations. The Governor, in accordance  
2998 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
2999 represent municipalities to alternate with representatives from  
3000 other municipalities within the metropolitan planning area that  
3001 do not have members on the M.P.O. County commission members  
3002 shall compose not less than one-third of the M.P.O. membership,  
3003 except for an M.P.O. with more than 15 members located in a  
3004 county with a five-member county commission or an M.P.O. with 19  
3005 members located in a county with no more than 6 county  
3006 commissioners, in which case county commission members may  
3007 compose less than one-third percent of the M.P.O. membership,

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3008 but all county commissioners must be members. All voting members  
3009 shall be elected officials of general-purpose governments,  
3010 except that an M.P.O. may include, as part of its apportioned  
3011 voting members, a member of a statutorily authorized planning  
3012 board, an official of an agency that operates or administers a  
3013 major mode of transportation, or an official of the Florida  
3014 Space Authority. The county commission shall compose not less  
3015 than 20 percent of the M.P.O. membership if an official of an  
3016 agency that operates or administers a major mode of  
3017 transportation has been appointed to an M.P.O.

3018 (b) In metropolitan areas in which authorities or other  
3019 agencies have been or may be created by law to perform  
3020 transportation functions and are performing transportation  
3021 functions that are not under the jurisdiction of a general  
3022 purpose local government represented on the M.P.O., they shall  
3023 be provided voting membership on the M.P.O. In all other  
3024 M.P.O.'s where transportation authorities or agencies are to be  
3025 represented by elected officials from general purpose local  
3026 governments, the M.P.O. shall establish a process by which the  
3027 collective interests of such authorities or other agencies are  
3028 expressed and conveyed.

3029 (c) Any other provision of this section to the contrary  
3030 notwithstanding, a chartered county with over 1 million  
3031 population may elect to reapportion the membership of an M.P.O.  
3032 whose jurisdiction is wholly within the county. The charter  
3033 county may exercise the provisions of this paragraph if:

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3034 1. The M.P.O. approves the reapportionment plan by a  
3035 three-fourths vote of its membership;

3036 2. The M.P.O. and the charter county determine that the  
3037 reapportionment plan is needed to fulfill specific goals and  
3038 policies applicable to that metropolitan planning area; and

3039 3. The charter county determines the reapportionment plan  
3040 otherwise complies with all federal requirements pertaining to  
3041 M.P.O. membership.

3042  
3043 Any charter county that elects to exercise the provisions of  
3044 this paragraph shall notify the Governor in writing.

3045 (d) Any other provision of this section to the contrary  
3046 notwithstanding, any county chartered under s. 6(e), Art. VIII  
3047 of the State Constitution may elect to have its county  
3048 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
3049 wholly contained within the county. Any charter county that  
3050 elects to exercise the provisions of this paragraph shall so  
3051 notify the Governor in writing. Upon receipt of such  
3052 notification, the Governor must designate the county commission  
3053 as the M.P.O. The Governor must appoint four additional voting  
3054 members to the M.P.O., one of whom must be an elected official  
3055 representing a municipality within the county, one of whom must  
3056 be an expressway authority member, one of whom must be a person  
3057 who does not hold elected public office and who resides in the  
3058 unincorporated portion of the county, and one of whom must be a  
3059 school board member.

3060 (3) APPORTIONMENT.--

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3061 (a) The Governor shall, with the agreement of the affected  
3062 units of general-purpose local government as required by federal  
3063 rules and regulations, apportion the membership on the  
3064 applicable M.P.O. among the various governmental entities within  
3065 the area and shall prescribe a method for appointing alternate  
3066 members who may vote at any M.P.O. meeting that an alternate  
3067 member attends in place of a regular member. An appointed  
3068 alternate member must be an elected official serving the same  
3069 governmental entity or a general-purpose local government with  
3070 jurisdiction within all or part of the area that the regular  
3071 member serves. The governmental entity so designated shall  
3072 appoint the appropriate number of members to the M.P.O. from  
3073 eligible officials. Representatives of the department shall  
3074 serve as nonvoting members of the M.P.O. Nonvoting advisers may  
3075 be appointed by the M.P.O. as deemed necessary. The Governor  
3076 shall review the composition of the M.P.O. membership in  
3077 conjunction with the decennial census as prepared by the United  
3078 States Department of Commerce, Bureau of the Census, and  
3079 reapportion it as necessary to comply with subsection (2).

3080 (b) Except for members who represent municipalities on the  
3081 basis of alternating with representatives from other  
3082 municipalities that do not have members on the M.P.O. as  
3083 provided in paragraph (2)(a), the members of an M.P.O. shall  
3084 serve 4-year terms. Members who represent municipalities on the  
3085 basis of alternating with representatives from other  
3086 municipalities that do not have members on the M.P.O. as  
3087 provided in paragraph (2)(a) may serve terms of up to 4 years as

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3088 further provided in the interlocal agreement described in  
3089 paragraph (1)(b). The membership of a member who is a public  
3090 official automatically terminates upon the member's leaving his  
3091 or her elective or appointive office for any reason, or may be  
3092 terminated by a majority vote of the total membership of a  
3093 county or city governing entity represented by the member. A  
3094 vacancy shall be filled by the original appointing entity. A  
3095 member may be reappointed for one or more additional 4-year  
3096 terms.

3097 (c) If a governmental entity fails to fill an assigned  
3098 appointment to an M.P.O. within 60 days after notification by  
3099 the Governor of its duty to appoint, that appointment shall be  
3100 made by the Governor from the eligible representatives of that  
3101 governmental entity.

3102 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
3103 responsibility of an M.P.O. is to manage a continuing,  
3104 cooperative, and comprehensive transportation planning process  
3105 that, based upon the prevailing principles provided in s.  
3106 334.046(1), results in the development of plans and programs  
3107 which are consistent, to the maximum extent feasible, with the  
3108 approved local government comprehensive plans of the units of  
3109 local government the boundaries of which are within the  
3110 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
3111 for cooperative decisionmaking by officials of the affected  
3112 governmental entities in the development of the plans and  
3113 programs required by subsections (5), (6), (7), and (8).

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3114 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
3115 privileges, and authority of an M.P.O. are those specified in  
3116 this section or incorporated in an interlocal agreement  
3117 authorized under s. 163.01. Each M.P.O. shall perform all acts  
3118 required by federal or state laws or rules, now and subsequently  
3119 applicable, which are necessary to qualify for federal aid. It  
3120 is the intent of this section that each M.P.O. shall be involved  
3121 in the planning and programming of transportation facilities,  
3122 including, but not limited to, airports, intercity and high-  
3123 speed rail lines, seaports, and intermodal facilities, to the  
3124 extent permitted by state or federal law.

3125 (a) Each M.P.O. shall, in cooperation with the department,  
3126 develop:

3127 1. A long-range transportation plan pursuant to the  
3128 requirements of subsection (6);

3129 2. An annually updated transportation improvement program  
3130 pursuant to the requirements of subsection (7); and

3131 3. An annual unified planning work program pursuant to the  
3132 requirements of subsection (8).

3133 (b) In developing the long-range transportation plan and  
3134 the transportation improvement program required under paragraph  
3135 (a), each M.P.O. shall provide for consideration of projects and  
3136 strategies that will:

3137 1. Support the economic vitality of the metropolitan area,  
3138 especially by enabling global competitiveness, productivity, and  
3139 efficiency;

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3140           2. Increase the safety and security of the transportation  
3141 system for motorized and nonmotorized users;

3142           3. Increase the accessibility and mobility options  
3143 available to people and for freight;

3144           4. Protect and enhance the environment, promote energy  
3145 conservation, and improve quality of life;

3146           5. Enhance the integration and connectivity of the  
3147 transportation system, across and between modes, for people and  
3148 freight;

3149           6. Promote efficient system management and operation; and

3150           7. Emphasize the preservation of the existing  
3151 transportation system.

3152           (c) In order to provide recommendations to the department  
3153 and local governmental entities regarding transportation plans  
3154 and programs, each M.P.O. shall:

3155           1. Prepare a congestion management system for the  
3156 metropolitan area and cooperate with the department in the  
3157 development of all other transportation management systems  
3158 required by state or federal law;

3159           2. Assist the department in mapping transportation  
3160 planning boundaries required by state or federal law;

3161           3. Assist the department in performing its duties relating  
3162 to access management, functional classification of roads, and  
3163 data collection;

3164           4. Execute all agreements or certifications necessary to  
3165 comply with applicable state or federal law;

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3166           5. Represent all the jurisdictional areas within the  
3167 metropolitan area in the formulation of transportation plans and  
3168 programs required by this section; and

3169           6. Perform all other duties required by state or federal  
3170 law.

3171           (d) Each M.P.O. shall appoint a technical advisory  
3172 committee that includes planners; engineers; representatives of  
3173 local aviation authorities, port authorities, and public transit  
3174 authorities or representatives of aviation departments, seaport  
3175 departments, and public transit departments of municipal or  
3176 county governments, as applicable; the school superintendent of  
3177 each county within the jurisdiction of the M.P.O. or the  
3178 superintendent's designee; and other appropriate representatives  
3179 of affected local governments. In addition to any other duties  
3180 assigned to it by the M.P.O. or by state or federal law, the  
3181 technical advisory committee is responsible for considering safe  
3182 access to schools in its review of transportation project  
3183 priorities, long-range transportation plans, and transportation  
3184 improvement programs, and shall advise the M.P.O. on such  
3185 matters. In addition, the technical advisory committee shall  
3186 coordinate its actions with local school boards and other local  
3187 programs and organizations within the metropolitan area which  
3188 participate in school safety activities, such as locally  
3189 established community traffic safety teams. Local school boards  
3190 must provide the appropriate M.P.O. with information concerning  
3191 future school sites and in the coordination of transportation  
3192 service.

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3193 (e)1. Each M.P.O. shall appoint a citizens' advisory  
3194 committee, the members of which serve at the pleasure of the  
3195 M.P.O. The membership on the citizens' advisory committee must  
3196 reflect a broad cross section of local residents with an  
3197 interest in the development of an efficient, safe, and cost-  
3198 effective transportation system. Minorities, the elderly, and  
3199 the handicapped must be adequately represented.

3200 2. Notwithstanding the provisions of subparagraph 1., an  
3201 M.P.O. may, with the approval of the department and the  
3202 applicable federal governmental agency, adopt an alternative  
3203 program or mechanism to ensure citizen involvement in the  
3204 transportation planning process.

3205 (f) The department shall allocate to each M.P.O., for the  
3206 purpose of accomplishing its transportation planning and  
3207 programming duties, an appropriate amount of federal  
3208 transportation planning funds.

3209 (g) Each M.P.O. may employ personnel or may enter into  
3210 contracts with local or state agencies, private planning firms,  
3211 or private engineering firms to accomplish its transportation  
3212 planning and programming duties required by state or federal  
3213 law.

3214 (h) A chair's coordinating committee is created, composed  
3215 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,  
3216 Pinellas, Polk, and Sarasota Counties. The committee must, at a  
3217 minimum:

3218 1. Coordinate transportation projects deemed to be  
3219 regionally significant by the committee.

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3220           2. Review the impact of regionally significant land use  
3221 decisions on the region.

3222           3. Review all proposed regionally significant  
3223 transportation projects in the respective transportation  
3224 improvement programs which affect more than one of the M.P.O.'s  
3225 represented on the committee.

3226           4. Institute a conflict resolution process to address any  
3227 conflict that may arise in the planning and programming of such  
3228 regionally significant projects.

3229           (i)1. The Legislature finds that the state's rapid growth  
3230 in recent decades has caused many urbanized areas subject to  
3231 M.P.O. jurisdiction to become contiguous to each other. As a  
3232 result, various transportation projects may cross from the  
3233 jurisdiction of one M.P.O. into the jurisdiction of another  
3234 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
3235 have been mandated, M.P.O.'s shall develop coordination  
3236 mechanisms with one another to expand and improve transportation  
3237 within the state. The appropriate method of coordination between  
3238 M.P.O.'s shall vary depending upon the project involved and  
3239 given local and regional needs. Consequently, it is appropriate  
3240 to set forth a flexible methodology that can be used by M.P.O.'s  
3241 to coordinate with other M.P.O.'s and appropriate political  
3242 subdivisions as circumstances demand.

3243           2. Any M.P.O. may join with any other M.P.O. or any  
3244 individual political subdivision to coordinate activities or to  
3245 achieve any federal or state transportation planning or  
3246 development goals or purposes consistent with federal or state

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3247 law. When an M.P.O. determines that it is appropriate to join  
3248 with another M.P.O. or any political subdivision to coordinate  
3249 activities, the M.P.O. or political subdivision shall enter into  
3250 an interlocal agreement pursuant to s. 163.01, which, at a  
3251 minimum, creates a separate legal or administrative entity to  
3252 coordinate the transportation planning or development activities  
3253 required to achieve the goal or purpose; provide the purpose for  
3254 which the entity is created; provide the duration of the  
3255 agreement and the entity, and specify how the agreement may be  
3256 terminated, modified, or rescinded; describe the precise  
3257 organization of the entity, including who has voting rights on  
3258 the governing board, whether alternative voting members are  
3259 provided for, how voting members are appointed, and what the  
3260 relative voting strength is for each constituent M.P.O. or  
3261 political subdivision; provide the manner in which the parties  
3262 to the agreement will provide for the financial support of the  
3263 entity and payment of costs and expenses of the entity; provide  
3264 the manner in which funds may be paid to and disbursed from the  
3265 entity; and provide how members of the entity will resolve  
3266 disagreements regarding interpretation of the interlocal  
3267 agreement or disputes relating to the operation of the entity.  
3268 Such interlocal agreement shall become effective upon its  
3269 recordation in the official public records of each county in  
3270 which a member of the entity created by the interlocal agreement  
3271 has a voting member. This paragraph does not require any  
3272 M.P.O.'s to merge, combine, or otherwise join together as a  
3273 single M.P.O.

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3274 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
3275 develop a long-range transportation plan that addresses at least  
3276 a 20-year planning horizon. The plan must include both long-  
3277 range and short-range strategies and must comply with all other  
3278 state and federal requirements. The prevailing principles to be  
3279 considered in the long-range transportation plan are: preserving  
3280 the existing transportation infrastructure; enhancing Florida's  
3281 economic competitiveness; and improving travel choices to ensure  
3282 mobility. The long-range transportation plan must be consistent,  
3283 to the maximum extent feasible, with future land use elements  
3284 and the goals, objectives, and policies of the approved local  
3285 government comprehensive plans of the units of local government  
3286 located within the jurisdiction of the M.P.O. The approved long-  
3287 range transportation plan must be considered by local  
3288 governments in the development of the transportation elements in  
3289 local government comprehensive plans and any amendments thereto.  
3290 The long-range transportation plan must, at a minimum:

3291 (a) Identify transportation facilities, including, but not  
3292 limited to, major roadways, airports, seaports, spaceports,  
3293 commuter rail systems, transit systems, and intermodal or  
3294 multimodal terminals that will function as an integrated  
3295 metropolitan transportation system. The long-range  
3296 transportation plan must give emphasis to those transportation  
3297 facilities that serve national, statewide, or regional  
3298 functions, and must consider the goals and objectives identified  
3299 in the Florida Transportation Plan as provided in s. 339.155. If  
3300 a project is located within the boundaries of more than one

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3301 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
3302 in the long-range transportation plan.

3303 (b) Include a financial plan that demonstrates how the  
3304 plan can be implemented, indicating resources from public and  
3305 private sources which are reasonably expected to be available to  
3306 carry out the plan, and recommends any additional financing  
3307 strategies for needed projects and programs. The financial plan  
3308 may include, for illustrative purposes, additional projects that  
3309 would be included in the adopted long-range transportation plan  
3310 if reasonable additional resources beyond those identified in  
3311 the financial plan were available. For the purpose of developing  
3312 the long-range transportation plan, the M.P.O. and the  
3313 department shall cooperatively develop estimates of funds that  
3314 will be available to support the plan implementation. Innovative  
3315 financing techniques may be used to fund needed projects and  
3316 programs. Such techniques may include the assessment of tolls,  
3317 the use of value capture financing, or the use of value pricing.

3318 (c) Assess capital investment and other measures necessary  
3319 to:

3320 1. Ensure the preservation of the existing metropolitan  
3321 transportation system including requirements for the operation,  
3322 resurfacing, restoration, and rehabilitation of major roadways  
3323 and requirements for the operation, maintenance, modernization,  
3324 and rehabilitation of public transportation facilities; and

3325 2. Make the most efficient use of existing transportation  
3326 facilities to relieve vehicular congestion and maximize the  
3327 mobility of people and goods.

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3328 (d) Indicate, as appropriate, proposed transportation  
3329 enhancement activities, including, but not limited to,  
3330 pedestrian and bicycle facilities, scenic easements,  
3331 landscaping, historic preservation, mitigation of water  
3332 pollution due to highway runoff, and control of outdoor  
3333 advertising.

3334 (e) In addition to the requirements of paragraphs (a)-(d),  
3335 in metropolitan areas that are classified as nonattainment areas  
3336 for ozone or carbon monoxide, the M.P.O. must coordinate the  
3337 development of the long-range transportation plan with the State  
3338 Implementation Plan developed pursuant to the requirements of  
3339 the federal Clean Air Act.

3340  
3341 In the development of its long-range transportation plan, each  
3342 M.P.O. must provide the public, affected public agencies,  
3343 representatives of transportation agency employees, freight  
3344 shippers, providers of freight transportation services, private  
3345 providers of transportation, representatives of users of public  
3346 transit, and other interested parties with a reasonable  
3347 opportunity to comment on the long-range transportation plan.  
3348 The long-range transportation plan must be approved by the  
3349 M.P.O.

3350 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
3351 shall, in cooperation with the state and affected public  
3352 transportation operators, develop a transportation improvement  
3353 program for the area within the jurisdiction of the M.P.O. In  
3354 the development of the transportation improvement program, each

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3355 M.P.O. must provide the public, affected public agencies,  
3356 representatives of transportation agency employees, freight  
3357 shippers, providers of freight transportation services, private  
3358 providers of transportation, representatives of users of public  
3359 transit, and other interested parties with a reasonable  
3360 opportunity to comment on the proposed transportation  
3361 improvement program.

3362 (a) Each M.P.O. is responsible for developing, annually, a  
3363 list of project priorities and a transportation improvement  
3364 program. The prevailing principles to be considered by each  
3365 M.P.O. when developing a list of project priorities and a  
3366 transportation improvement program are: preserving the existing  
3367 transportation infrastructure; enhancing Florida's economic  
3368 competitiveness; and improving travel choices to ensure  
3369 mobility. The transportation improvement program will be used to  
3370 initiate federally aided transportation facilities and  
3371 improvements as well as other transportation facilities and  
3372 improvements including transit, rail, aviation, spaceport, and  
3373 port facilities to be funded from the State Transportation Trust  
3374 Fund within its metropolitan area in accordance with existing  
3375 and subsequent federal and state laws and rules and regulations  
3376 related thereto. The transportation improvement program shall be  
3377 consistent, to the maximum extent feasible, with the approved  
3378 local government comprehensive plans of the units of local  
3379 government whose boundaries are within the metropolitan area of  
3380 the M.P.O. and include those projects programmed pursuant to s.  
3381 339.28171.

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3382 (b) Each M.P.O. annually shall prepare a list of project  
3383 priorities and shall submit the list to the appropriate district  
3384 of the department by October 1 of each year; however, the  
3385 department and a metropolitan planning organization may, in  
3386 writing, agree to vary this submittal date. The list of project  
3387 priorities must be formally reviewed by the technical and  
3388 citizens' advisory committees, and approved by the M.P.O.,  
3389 before it is transmitted to the district. The approved list of  
3390 project priorities must be used by the district in developing  
3391 the district work program and must be used by the M.P.O. in  
3392 developing its transportation improvement program. The annual  
3393 list of project priorities must be based upon project selection  
3394 criteria that, at a minimum, consider the following:

- 3395 1. The approved M.P.O. long-range transportation plan;  
3396 2. The Strategic Intermodal System Plan developed under s.  
3397 339.64.  
3398 3. The priorities developed pursuant to s. 339.28171.  
3399 4.3. The results of the transportation management systems;  
3400 and  
3401 5.4. The M.P.O.'s public-involvement procedures.

3402 (c) The transportation improvement program must, at a  
3403 minimum:

- 3404 1. Include projects and project phases to be funded with  
3405 state or federal funds within the time period of the  
3406 transportation improvement program and which are recommended for  
3407 advancement during the next fiscal year and 4 subsequent fiscal  
3408 years. Such projects and project phases must be consistent, to

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3409 the maximum extent feasible, with the approved local government  
3410 comprehensive plans of the units of local government located  
3411 within the jurisdiction of the M.P.O. For informational  
3412 purposes, the transportation improvement program shall also  
3413 include a list of projects to be funded from local or private  
3414 revenues.

3415 2. Include projects within the metropolitan area which are  
3416 proposed for funding under 23 U.S.C. s. 134 of the Federal  
3417 Transit Act and which are consistent with the long-range  
3418 transportation plan developed under subsection (6).

3419 3. Provide a financial plan that demonstrates how the  
3420 transportation improvement program can be implemented; indicates  
3421 the resources, both public and private, that are reasonably  
3422 expected to be available to accomplish the program; identifies  
3423 any innovative financing techniques that may be used to fund  
3424 needed projects and programs; and may include, for illustrative  
3425 purposes, additional projects that would be included in the  
3426 approved transportation improvement program if reasonable  
3427 additional resources beyond those identified in the financial  
3428 plan were available. Innovative financing techniques may include  
3429 the assessment of tolls, the use of value capture financing, or  
3430 the use of value pricing. The transportation improvement  
3431 program may include a project or project phase only if full  
3432 funding can reasonably be anticipated to be available for the  
3433 project or project phase within the time period contemplated for  
3434 completion of the project or project phase.

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3435 4. Group projects and project phases of similar urgency  
3436 and anticipated staging into appropriate staging periods.

3437 5. Indicate how the transportation improvement program  
3438 relates to the long-range transportation plan developed under  
3439 subsection (6), including providing examples of specific  
3440 projects or project phases that further the goals and policies  
3441 of the long-range transportation plan.

3442 6. Indicate whether any project or project phase is  
3443 inconsistent with an approved comprehensive plan of a unit of  
3444 local government located within the jurisdiction of the M.P.O.  
3445 If a project is inconsistent with an affected comprehensive  
3446 plan, the M.P.O. must provide justification for including the  
3447 project in the transportation improvement program.

3448 7. Indicate how the improvements are consistent, to the  
3449 maximum extent feasible, with affected seaport, airport, and  
3450 spaceport master plans and with public transit development plans  
3451 of the units of local government located within the jurisdiction  
3452 of the M.P.O. If a project is located within the boundaries of  
3453 more than one M.P.O., the M.P.O.'s must coordinate plans  
3454 regarding the project in the transportation improvement program.

3455 (d) Projects included in the transportation improvement  
3456 program and that have advanced to the design stage of  
3457 preliminary engineering may be removed from or rescheduled in a  
3458 subsequent transportation improvement program only by the joint  
3459 action of the M.P.O. and the department. Except when recommended  
3460 in writing by the district secretary for good cause, any project  
3461 removed from or rescheduled in a subsequent transportation

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3462 improvement program shall not be rescheduled by the M.P.O. in  
3463 that subsequent program earlier than the 5th year of such  
3464 program.

3465 (e) During the development of the transportation  
3466 improvement program, the M.P.O. shall, in cooperation with the  
3467 department and any affected public transit operation, provide  
3468 citizens, affected public agencies, representatives of  
3469 transportation agency employees, freight shippers, providers of  
3470 freight transportation services, private providers of  
3471 transportation, representatives of users of public transit, and  
3472 other interested parties with reasonable notice of and an  
3473 opportunity to comment on the proposed program.

3474 (f) The adopted annual transportation improvement program  
3475 for M.P.O.'s in nonattainment or maintenance areas must be  
3476 submitted to the district secretary and the Department of  
3477 Community Affairs at least 90 days before the submission of the  
3478 state transportation improvement program by the department to  
3479 the appropriate federal agencies. The annual transportation  
3480 improvement program for M.P.O.'s in attainment areas must be  
3481 submitted to the district secretary and the Department of  
3482 Community Affairs at least 45 days before the department submits  
3483 the state transportation improvement program to the appropriate  
3484 federal agencies; however, the department, the Department of  
3485 Community Affairs, and a metropolitan planning organization may,  
3486 in writing, agree to vary this submittal date. The Governor or  
3487 the Governor's designee shall review and approve each  
3488 transportation improvement program and any amendments thereto.

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3489 (g) The Department of Community Affairs shall review the  
3490 annual transportation improvement program of each M.P.O. for  
3491 consistency with the approved local government comprehensive  
3492 plans of the units of local government whose boundaries are  
3493 within the metropolitan area of each M.P.O. and shall identify  
3494 those projects that are inconsistent with such comprehensive  
3495 plans. The Department of Community Affairs shall notify an  
3496 M.P.O. of any transportation projects contained in its  
3497 transportation improvement program which are inconsistent with  
3498 the approved local government comprehensive plans of the units  
3499 of local government whose boundaries are within the metropolitan  
3500 area of the M.P.O.

3501 (h) The M.P.O. shall annually publish or otherwise make  
3502 available for public review the annual listing of projects for  
3503 which federal funds have been obligated in the preceding year.  
3504 Project monitoring systems must be maintained by those agencies  
3505 responsible for obligating federal funds and made accessible to  
3506 the M.P.O.'s.

3507 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
3508 develop, in cooperation with the department and public  
3509 transportation providers, a unified planning work program that  
3510 lists all planning tasks to be undertaken during the program  
3511 year. The unified planning work program must provide a complete  
3512 description of each planning task and an estimated budget  
3513 therefor and must comply with applicable state and federal law.

3514 (9) AGREEMENTS.--

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3515 (a) Each M.P.O. shall execute the following written  
3516 agreements, which shall be reviewed, and updated as necessary,  
3517 every 5 years:

3518 1. An agreement with the department clearly establishing  
3519 the cooperative relationship essential to accomplish the  
3520 transportation planning requirements of state and federal law.

3521 2. An agreement with the metropolitan and regional  
3522 intergovernmental coordination and review agencies serving the  
3523 metropolitan areas, specifying the means by which activities  
3524 will be coordinated and how transportation planning and  
3525 programming will be part of the comprehensive planned  
3526 development of the area.

3527 3. An agreement with operators of public transportation  
3528 systems, including transit systems, commuter rail systems,  
3529 airports, seaports, and spaceports, describing the means by  
3530 which activities will be coordinated and specifying how public  
3531 transit, commuter rail, aviation, seaport, and aerospace  
3532 planning and programming will be part of the comprehensive  
3533 planned development of the metropolitan area.

3534 (b) An M.P.O. may execute other agreements required by  
3535 state or federal law or as necessary to properly accomplish its  
3536 functions.

3537 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
3538 COUNCIL.--

3539 (a) A Metropolitan Planning Organization Advisory Council  
3540 is created to augment, and not supplant, the role of the

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3541 individual M.P.O.'s in the cooperative transportation planning  
3542 process described in this section.

3543 (b) The council shall consist of one representative from  
3544 each M.P.O. and shall elect a chairperson annually from its  
3545 number. Each M.P.O. shall also elect an alternate  
3546 representative from each M.P.O. to vote in the absence of the  
3547 representative. Members of the council do not receive any  
3548 compensation for their services, but may be reimbursed from  
3549 funds made available to council members for travel and per diem  
3550 expenses incurred in the performance of their council duties as  
3551 provided in s. 112.061.

3552 (c) The powers and duties of the Metropolitan Planning  
3553 Organization Advisory Council are to:

3554 1. Enter into contracts with individuals, private  
3555 corporations, and public agencies.

3556 2. Acquire, own, operate, maintain, sell, or lease  
3557 personal property essential for the conduct of business.

3558 3. Accept funds, grants, assistance, gifts, or bequests  
3559 from private, local, state, or federal sources.

3560 4. Establish bylaws and adopt rules pursuant to ss.  
3561 120.536(1) and 120.54 to implement provisions of law conferring  
3562 powers or duties upon it.

3563 5. Assist M.P.O.'s in carrying out the urbanized area  
3564 transportation planning process by serving as the principal  
3565 forum for collective policy discussion pursuant to law.

3566 6. Serve as a clearinghouse for review and comment by  
3567 M.P.O.'s on the Florida Transportation Plan and on other issues

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3568 required to comply with federal or state law in carrying out the  
3569 urbanized area transportation and systematic planning processes  
3570 instituted pursuant to s. 339.155.

3571 7. Employ an executive director and such other staff as  
3572 necessary to perform adequately the functions of the council,  
3573 within budgetary limitations. The executive director and staff  
3574 are exempt from part II of chapter 110 and serve at the  
3575 direction and control of the council. The council is assigned  
3576 to the Office of the Secretary of the Department of  
3577 Transportation for fiscal and accountability purposes, but it  
3578 shall otherwise function independently of the control and  
3579 direction of the department.

3580 8. Adopt an agency strategic plan that provides the  
3581 priority directions the agency will take to carry out its  
3582 mission within the context of the state comprehensive plan and  
3583 any other statutory mandates and directions given to the agency.

3584 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an  
3585 agency of the Federal Government that any provision of this  
3586 section conflicts with federal laws or regulations, such federal  
3587 laws or regulations will take precedence to the extent of the  
3588 conflict until such conflict is resolved. The department or an  
3589 M.P.O. may take any necessary action to comply with such federal  
3590 laws and regulations or to continue to remain eligible to  
3591 receive federal funds.

3592 Section 26. Section 339.55, Florida Statutes, is amended  
3593 to read:

3594 339.55 State-funded infrastructure bank.--

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3595 (1) There is created within the Department of  
3596 Transportation a state-funded infrastructure bank for the  
3597 purpose of providing loans and credit enhancements to government  
3598 units and private entities for use in constructing and improving  
3599 transportation facilities.

3600 (2) The bank may lend capital costs or provide credit  
3601 enhancements for:

3602 (a) A transportation facility project that is on the State  
3603 Highway System or that provides for increased mobility on the  
3604 state's transportation system or provides intermodal  
3605 connectivity with airports, seaports, rail facilities, and other  
3606 transportation terminals, pursuant to s. 341.053, for the  
3607 movement of people and goods.

3608 (b) Projects of the Transportation Incentive Program for a  
3609 Sustainable Florida which are identified pursuant to s.  
3610 339.28171.

3611 (3) Loans from the bank may be subordinated to senior  
3612 project debt that has an investment grade rating of "BBB" or  
3613 higher.

3614 (4)~~(3)~~ Loans from the bank may bear interest at or below  
3615 market interest rates, as determined by the department.  
3616 Repayment of any loan from the bank shall commence not later  
3617 than 5 years after the project has been completed or, in the  
3618 case of a highway project, the facility has opened to traffic,  
3619 whichever is later, and shall be repaid in no more than 30  
3620 years.

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3621        ~~(5)(4) Except as provided in s. 339.137,~~ To be eligible  
3622 for consideration, projects must be consistent, to the maximum  
3623 extent feasible, with local metropolitan planning organization  
3624 plans and local government comprehensive plans and must provide  
3625 a dedicated repayment source to ensure the loan is repaid to the  
3626 bank.

3627        (6) Funding awarded for projects under paragraph (2)(b)  
3628 must be matched by a minimum of 25 percent from funds other than  
3629 the state-funded infrastructure bank loan.

3630        ~~(7)(5)~~ The department may consider, but is not limited to,  
3631 the following criteria for evaluation of projects for assistance  
3632 from the bank:

3633            (a) The credit worthiness of the project.

3634            (b) A demonstration that the project will encourage,  
3635 enhance, or create economic benefits.

3636            (c) The likelihood that assistance would enable the  
3637 project to proceed at an earlier date than would otherwise be  
3638 possible.

3639            (d) The extent to which assistance would foster innovative  
3640 public-private partnerships and attract private debt or equity  
3641 investment.

3642            (e) The extent to which the project would use new  
3643 technologies, including intelligent transportation systems, that  
3644 would enhance the efficient operation of the project.

3645            (f) The extent to which the project would maintain or  
3646 protect the environment.

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3647 (g) A demonstration that the project includes  
3648 transportation benefits for improving intermodalism, cargo and  
3649 freight movement, and safety.

3650 (h) The amount of the proposed assistance as a percentage  
3651 of the overall project costs with emphasis on local and private  
3652 participation.

3653 (i) The extent to which the project will provide for  
3654 connectivity between the State Highway System and airports,  
3655 seaports, rail facilities, and other transportation terminals  
3656 and intermodal options pursuant to s. 341.053 for the increased  
3657 accessibility and movement of people and goods.

3658 ~~(8)(6)~~ Loan assistance provided by the bank shall be  
3659 included in the department's work program developed in  
3660 accordance with s. 339.135.

3661 ~~(9)(7)~~ The department is authorized to adopt rules to  
3662 implement the state-funded infrastructure bank.

3663 Section 27. Subsection (2) of section 1013.64, Florida  
3664 Statutes, is amended, and subsection (7) is added to said  
3665 section, to read:

3666 1013.64 Funds for comprehensive educational plant needs;  
3667 construction cost maximums for school district capital  
3668 projects.--Allocations from the Public Education Capital Outlay  
3669 and Debt Service Trust Fund to the various boards for capital  
3670 outlay projects shall be determined as follows:

3671 (2)(a) The department shall establish, as a part of the  
3672 Public Education Capital Outlay and Debt Service Trust Fund, a  
3673 separate account, in an amount determined by the Legislature, to

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3674 be known as the "Special Facility Construction Account." The  
3675 Special Facility Construction Account shall be used to provide  
3676 necessary construction funds to school districts which have  
3677 urgent construction needs but which lack sufficient resources at  
3678 present, and cannot reasonably anticipate sufficient resources  
3679 within the period of the next 3 years, for these purposes from  
3680 currently authorized sources of capital outlay revenue. A school  
3681 district requesting funding from the Special Facility  
3682 Construction Account shall submit one specific construction  
3683 project, not to exceed one complete educational plant, to the  
3684 Special Facility Construction Committee. No district shall  
3685 receive funding for more than one approved project in any 3-year  
3686 period. The first year of the 3-year period shall be the first  
3687 year a district receives an appropriation. The department shall  
3688 encourage a construction program that reduces the average size  
3689 of schools in the district. The request must meet the following  
3690 criteria to be considered by the committee:

3691 1. The project must be deemed a critical need and must be  
3692 recommended for funding by the Special Facility Construction  
3693 Committee. Prior to developing plans for the proposed facility,  
3694 the district school board must request a preapplication review  
3695 by the Special Facility Construction Committee or a project  
3696 review subcommittee convened by the committee to include two  
3697 representatives of the department and two staff from school  
3698 districts not eligible to participate in the program. Within 60  
3699 days after receiving the preapplication review request, the  
3700 committee or subcommittee must meet in the school district to

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3701 review the project proposal and existing facilities. To  
3702 determine whether the proposed project is a critical need, the  
3703 committee or subcommittee shall consider, at a minimum, the  
3704 capacity of all existing facilities within the district as  
3705 determined by the Florida Inventory of School Houses; the  
3706 district's pattern of student growth; the district's existing  
3707 and projected capital outlay full-time equivalent student  
3708 enrollment as determined by the department; the district's  
3709 existing satisfactory student stations; the use of all existing  
3710 district property and facilities; grade level configurations;  
3711 and any other information that may affect the need for the  
3712 proposed project.

3713         2. The construction project must be recommended in the  
3714 most recent survey or surveys by the district under the rules of  
3715 the State Board of Education.

3716         3. The construction project must appear on the district's  
3717 approved project priority list under the rules of the State  
3718 Board of Education.

3719         4. The district must have selected and had approved a site  
3720 for the construction project in compliance with s. 1013.36 and  
3721 the rules of the State Board of Education.

3722         5. The district shall have developed a district school  
3723 board adopted list of facilities that do not exceed the norm for  
3724 net square feet occupancy requirements under the State  
3725 Requirements for Educational Facilities, using all possible  
3726 programmatic combinations for multiple use of space to obtain

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3727 maximum daily use of all spaces within the facility under  
3728 consideration.

3729 6. Upon construction, the total cost per student station,  
3730 including change orders, must not exceed the cost per student  
3731 station as provided in subsection (6).

3732 7. There shall be an agreement signed by the district  
3733 school board stating that it will advertise for bids within 30  
3734 days of receipt of its encumbrance authorization from the  
3735 department.

3736 8. The district shall, at the time of the request and for  
3737 a continuing period of 3 years, levy the maximum millage against  
3738 their nonexempt assessed property value as allowed in s.  
3739 1011.71(2) or shall raise an equivalent amount of revenue from  
3740 the school capital outlay surtax authorized under s. 212.055(6).  
3741 Any district with a new or active project, funded under the  
3742 provisions of this subsection, shall be required to budget no  
3743 more than the value of 1.5 mills per year to the project to  
3744 satisfy the annual participation requirement in the Special  
3745 Facility Construction Account.

3746 9. If a contract has not been signed 90 days after the  
3747 advertising of bids, the funding for the specific project shall  
3748 revert to the Special Facility New Construction Account to be  
3749 reallocated to other projects on the list. However, an  
3750 additional 90 days may be granted by the commissioner.

3751 10. The department shall certify the inability of the  
3752 district to fund the survey-recommended project over a  
3753 continuous 3-year period using projected capital outlay revenue

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3754 derived from s. 9(d), Art. XII of the State Constitution, as  
3755 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

3756 11. The district shall have on file with the department an  
3757 adopted resolution acknowledging its 3-year commitment of all  
3758 unencumbered and future revenue acquired from s. 9(d), Art. XII  
3759 of the State Constitution, as amended, paragraph (3)(a) of this  
3760 section, and s. 1011.71(2).

3761 12. Final phase III plans must be certified by the board  
3762 as complete and in compliance with the building and life safety  
3763 codes prior to August 1.

3764 (b) The department shall establish, as a part of the  
3765 Public Education Capital Outlay and Debt Service Trust Fund, a  
3766 separate account, in an amount determined by the Legislature, to  
3767 be known as the "High Growth County Facility Construction  
3768 Account." The account shall be used to provide necessary  
3769 construction funds to high growth school districts which have  
3770 urgent construction needs, but which lack sufficient resources  
3771 at present and cannot reasonably anticipate sufficient resources  
3772 within the period of the next 3 years, for these purposes from  
3773 currently authorized sources of capital outlay revenue and local  
3774 sources. A school district requesting funding from the account  
3775 shall submit one specific construction project, not to exceed  
3776 one complete educational plant, to the Special Facility  
3777 Construction Committee. No district shall receive funding for  
3778 more than one approved project in any 2-year period, provided  
3779 that any grants received under this paragraph must be fully  
3780 expended in order for a district to apply for additional funding

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3781 under this paragraph and all Classrooms First funds have been  
3782 allocated and expended by the district. The first year of the 2-  
3783 year period shall be the first year a district receives an  
3784 appropriation. The request must meet the following criteria to  
3785 be considered by the committee:

3786 1. The project must be deemed a critical need and must be  
3787 recommended for funding by the Special Facility Construction  
3788 Committee. Prior to developing plans for the proposed facility,  
3789 the district school board must request a preapplication review  
3790 by the Special Facility Construction Committee or a project  
3791 review subcommittee convened by the committee to include two  
3792 representatives of the department and two staff from school  
3793 districts not eligible to participate in the program. Within 60  
3794 days after receiving the preapplication review request, the  
3795 committee or subcommittee must meet in the school district to  
3796 review the project proposal and existing facilities. To  
3797 determine whether the proposed project is a critical need, the  
3798 committee or subcommittee shall consider, at a minimum, the  
3799 capacity of all existing facilities within the district as  
3800 determined by the Florida Inventory of School Houses; the  
3801 district's pattern of student growth with priority given to  
3802 those districts that have equaled or exceeded twice the  
3803 statewide average in growth in capital outlay full-time  
3804 equivalent students over the previous 4 fiscal years; the  
3805 district's existing and projected capital outlay full-time  
3806 equivalent student enrollment as determined by the department  
3807 with priority given to these districts with 20,000 or more

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3808 capital outlay full-time equivalent students; the district's  
3809 existing satisfactory student stations; the use of all existing  
3810 district property and facilities; grade level configurations;  
3811 and any other information that may affect the need for the  
3812 proposed project.

3813 2. The construction project must be recommended in the  
3814 most recent survey or surveys by the district under the rules of  
3815 the State Board of Education.

3816 3. The construction project includes either a recreational  
3817 facility or media center that will be jointly used with a local  
3818 government.

3819 4. The construction project must appear on the district's  
3820 approved project priority list under the rules of the State  
3821 Board of Education.

3822 5. The district must have selected and had approved a site  
3823 for the construction project in compliance with the interlocal  
3824 agreement with the appropriate local government, s. 1013.36, and  
3825 the rules of the State Board of Education.

3826 6. The district shall have developed a district school  
3827 board adopted list of facilities that do not exceed the norm for  
3828 net square feet occupancy requirements under the state  
3829 requirements for educational facilities, using all possible  
3830 programmatic combinations for multiple use of space to obtain  
3831 maximum daily use of all spaces within the facility under  
3832 consideration.

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3833 7. Upon construction, the total cost per student station,  
3834 including change orders, must not exceed the cost per student  
3835 station as provided in subsection (6).

3836 8. There shall be an agreement signed by the district  
3837 school board stating that it will advertise for bids within 30  
3838 days after receipt of its encumbrance authorization from the  
3839 department.

3840 9. If a contract has not been signed 90 days after the  
3841 advertising of bids, the funding for the specific project shall  
3842 revert to the Special Facility Construction Account to be  
3843 reallocated to other projects on the list. However, an  
3844 additional 90 days may be granted by the commissioner.

3845 10. Final phase III plans must be certified by the board  
3846 as complete and in compliance with the building and life safety  
3847 codes prior to August 1.

3848 (c)(b) The Special Facility Construction Committee shall  
3849 be composed of the following: two representatives of the  
3850 Department of Education, a representative from the Governor's  
3851 office, a representative selected annually by the district  
3852 school boards, and a representative selected annually by the  
3853 superintendents.

3854 (d)(e) The committee shall review the requests submitted  
3855 from the districts, evaluate the ability of the project to  
3856 relieve critical needs, and rank the requests in priority order.  
3857 This statewide priority list for special facilities construction  
3858 shall be submitted to the Legislature in the commissioner's  
3859 annual capital outlay legislative budget request at least 45

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3860 days prior to the legislative session. For the initial year of  
3861 the funding of the program outlined in paragraph (b), the  
3862 Special Facility Construction Committee shall authorize the  
3863 disbursement of funds appropriated by the Legislature for the  
3864 purposes of the program funded by the High Growth County  
3865 Facility Construction Account created in paragraph (b).

3866 (7) Moneys distributed to the Public Education Capital  
3867 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)  
3868 shall be expended to fund the Classrooms for Kids Program  
3869 created in s. 1013.735 and shall be distributed as provided by  
3870 that section.

3871 Section 28. Paragraph (a) of subsection (2) of section  
3872 1013.65, Florida Statutes, is amended to read:

3873 1013.65 Educational and ancillary plant construction  
3874 funds; Public Education Capital Outlay and Debt Service Trust  
3875 Fund; allocation of funds.--

3876 (2)(a) The Public Education Capital Outlay and Debt  
3877 Service Trust Fund shall be comprised of the following sources,  
3878 which are hereby appropriated to the trust fund:

3879 1. Proceeds, premiums, and accrued interest from the sale  
3880 of public education bonds and that portion of the revenues  
3881 accruing from the gross receipts tax as provided by s. 9(a)(2),  
3882 Art. XII of the State Constitution, as amended, interest on  
3883 investments, and federal interest subsidies.

3884 2. General revenue funds appropriated to the fund for  
3885 educational capital outlay purposes.

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3886 3. All capital outlay funds previously appropriated and  
3887 certified forward pursuant to s. 216.301.

3888 4. Funds paid pursuant to s. 201.15(1)(d). Such funds  
3889 shall be appropriated annually for expenditure to fund the  
3890 Classrooms for Kids Program created in s. 1013.735 and shall be  
3891 distributed as provided by that section.

3892 Section 29. Subsection (1) of section 201.15, Florida  
3893 Statutes, is amended to read:

3894 201.15 Distribution of taxes collected.--All taxes  
3895 collected under this chapter shall be distributed as follows and  
3896 shall be subject to the service charge imposed in s. 215.20(1),  
3897 except that such service charge shall not be levied against any  
3898 portion of taxes pledged to debt service on bonds to the extent  
3899 that the amount of the service charge is required to pay any  
3900 amounts relating to the bonds:

3901 (1) Sixty-two and sixty-three hundredths percent of the  
3902 remaining taxes collected under this chapter shall be used for  
3903 the following purposes:

3904 (a) Amounts as shall be necessary to pay the debt service  
3905 on, or fund debt service reserve funds, rebate obligations, or  
3906 other amounts payable with respect to Preservation 2000 bonds  
3907 issued pursuant to s. 375.051 and Florida Forever bonds issued  
3908 pursuant to s. 215.618, shall be paid into the State Treasury to  
3909 the credit of the Land Acquisition Trust Fund to be used for  
3910 such purposes. The amount transferred to the Land Acquisition  
3911 Trust Fund for such purposes shall not exceed \$300 million in  
3912 fiscal year 1999-2000 and thereafter for Preservation 2000 bonds

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3913 and bonds issued to refund Preservation 2000 bonds, and \$300  
3914 million in fiscal year 2000-2001 and thereafter for Florida  
3915 Forever bonds. The annual amount transferred to the Land  
3916 Acquisition Trust Fund for Florida Forever bonds shall not  
3917 exceed \$30 million in the first fiscal year in which bonds are  
3918 issued. The limitation on the amount transferred shall be  
3919 increased by an additional \$30 million in each subsequent fiscal  
3920 year, but shall not exceed a total of \$300 million in any fiscal  
3921 year for all bonds issued. It is the intent of the Legislature  
3922 that all bonds issued to fund the Florida Forever Act be retired  
3923 by December 31, 2030. Except for bonds issued to refund  
3924 previously issued bonds, no series of bonds may be issued  
3925 pursuant to this paragraph unless such bonds are approved and  
3926 the debt service for the remainder of the fiscal year in which  
3927 the bonds are issued is specifically appropriated in the General  
3928 Appropriations Act. For purposes of refunding Preservation 2000  
3929 bonds, amounts designated within this section for Preservation  
3930 2000 and Florida Forever bonds may be transferred between the  
3931 two programs to the extent provided for in the documents  
3932 authorizing the issuance of the bonds. The Preservation 2000  
3933 bonds and Florida Forever bonds shall be equally and ratably  
3934 secured by moneys distributable to the Land Acquisition Trust  
3935 Fund pursuant to this section, except to the extent specifically  
3936 provided otherwise by the documents authorizing the issuance of  
3937 the bonds. No moneys transferred to the Land Acquisition Trust  
3938 Fund pursuant to this paragraph, or earnings thereon, shall be

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3939 used or made available to pay debt service on the Save Our Coast  
3940 revenue bonds.

3941 (b) The remainder of the moneys distributed under this  
3942 subsection, after the required payment under paragraph (a),  
3943 shall be paid into the State Treasury to the credit of the Save  
3944 Our Everglades Trust Fund in amounts necessary to pay debt  
3945 service, provide reserves, and pay rebate obligations and other  
3946 amounts due with respect to bonds issued under s. 215.619.

3947 (c) The remainder of the moneys distributed under this  
3948 subsection, after the required payments under paragraphs (a) and  
3949 (b), shall be paid into the State Treasury to the credit of the  
3950 Land Acquisition Trust Fund and may be used for any purpose for  
3951 which funds deposited in the Land Acquisition Trust Fund may  
3952 lawfully be used. Payments made under this paragraph shall  
3953 continue until the cumulative amount credited to the Land  
3954 Acquisition Trust Fund for the fiscal year under this paragraph  
3955 and paragraph (2)(b) equals 70 percent of the current official  
3956 forecast for distributions of taxes collected under this chapter  
3957 pursuant to subsection (2). As used in this paragraph, the term  
3958 "current official forecast" means the most recent forecast as  
3959 determined by the Revenue Estimating Conference. If the current  
3960 official forecast for a fiscal year changes after payments under  
3961 this paragraph have ended during that fiscal year, no further  
3962 payments are required under this paragraph during the fiscal  
3963 year.

3964 (d) The remainder of the moneys distributed under this  
3965 subsection, after the required payments under paragraphs (a),

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3966 (b), and (c), shall be paid into the State Treasury to the  
3967 credit of:

3968 1. The State Transportation Trust Fund in the Department  
3969 of Transportation in the amount of \$541.75 million in each  
3970 fiscal year, to be paid in quarterly installments and allocated  
3971 for the following specified purposes notwithstanding any other  
3972 law to the contrary:

3973 a. For the purposes of capital funding for the New Starts  
3974 Transit Program, authorized by Title 49, U.S.C. 5309 and  
3975 specified in s. 341.051, \$50 million for fiscal year 2005-2006,  
3976 \$70 million for fiscal years 2006-2007 through 2008-2009, \$75  
3977 million for fiscal year 2009-2010 and each fiscal year  
3978 thereafter;

3979 b. For the purposes of the Small County Outreach Program  
3980 specified in s. 339.2818, \$30 million for fiscal years 2005-2006  
3981 through 2006-2007 and \$35 million for fiscal year 2007-2008 and  
3982 each fiscal year thereafter;

3983 c. For the purposes of the Strategic Intermodal System  
3984 specified in ss. 339.61, 339.62, 339.63, and 339.64, all  
3985 remaining funds after allocations pursuant to sub-subparagraphs  
3986 a., b., and d.; and

3987 d. For the purposes of the Transportation Incentive  
3988 Program for a Sustainable Florida specified in s. 339.28171,  
3989 \$122 million for fiscal year 2005-2006, \$85 million for fiscal  
3990 year 2006-2007, \$120 million for fiscal years 2007-2008 through  
3991 2010-2011, and \$115 million for fiscal year 2011-2012 and each  
3992 fiscal year thereafter.

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3993        2. The Water Protection and Sustainability Program Trust  
3994 Fund in the Department of Environmental Protection in the amount  
3995 of \$100 million in each fiscal year, to be paid in quarterly  
3996 installments and used as required by s. 403.890.

3997        3. The Public Education Capital Outlay and Debt Service  
3998 Trust Fund in the Department of Education in the amount of \$75  
3999 million in each fiscal year, to be paid in monthly installments  
4000 and used to fund the Classrooms for Kids Program created in s.  
4001 1013.735. If required, new facilities constructed under the  
4002 Classroom for Kids Program must meet the requirements of s.  
4003 1013.372.

4004  
4005 Moneys distributed pursuant to this paragraph may not be pledged  
4006 for debt service unless such pledge is approved by referendum of  
4007 the voters.

4008        (e)(d) The remainder of the moneys distributed under this  
4009 subsection, after the required payments under paragraphs (a),  
4010 (b), and (c), and (d), shall be paid into the State Treasury to  
4011 the credit of the General Revenue Fund of the state to be used  
4012 and expended for the purposes for which the General Revenue Fund  
4013 was created and exists by law or to the Ecosystem Management and  
4014 Restoration Trust Fund or to the Marine Resources Conservation  
4015 Trust Fund as provided in subsection (11).

4016        Section 30. School Concurrency Task Force.—

4017        (1) The School Concurrency Task Force is created to review  
4018 the requirements for school concurrency in law and make  
4019 recommendations regarding streamlining the process and

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4020 procedures for establishing school concurrency. The task force  
4021 shall also examine the methodology and processes used for the  
4022 funding of construction of public schools and make  
4023 recommendations on revisions to provisions of law and rules  
4024 which will help ensure that schools are built and available when  
4025 the expected demands of growth produce the need for new school  
4026 facilities.

4027 (2) The task force shall be composed of 11 members. The  
4028 membership must represent local governments, school boards,  
4029 developers and homebuilders, the business community, the  
4030 agriculture community, the environmental community, and other  
4031 appropriate stakeholders. The task force shall include two  
4032 members appointed by the Governor, two members appointed by the  
4033 President of the Senate, two members appointed by the Speaker of  
4034 the House of Representatives, one member appointed by the  
4035 Florida School Boards Association, one member appointed by the  
4036 Florida Association of Counties, and one member appointed by the  
4037 Florida League of Cities. The Secretary of the Department of  
4038 Community Affairs, or a senior management designee, and the  
4039 Commissioner of Education, or a senior management designee,  
4040 shall also be ex officio nonvoting members on the task force.

4041 (3) The task force shall report to the Governor, the  
4042 President of the Senate, and the Speaker of the House of  
4043 Representatives no later than December 1, 2005, with specific  
4044 recommendations for revisions to provisions of law and rules.

4045 Section 31. Florida Impact Fee Review Task Force.--

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4046       (1) The Legislature recognizes that impact fees have been  
4047 an important source of revenues to local governments to fund new  
4048 growth. Local governments have assumed this responsibility under  
4049 their constitutional home rule authority. With the increased use  
4050 of impact fees, questions have arisen about whether their use  
4051 should be regulated by law.

4052       (2) Effective upon this act becoming law, the Florida  
4053 Impact Fee Review Task Force is created.

4054       (3)(a) The task force is to be composed of 15 members, who  
4055 shall be appointed within 30 days after the effective date of  
4056 this section.

4057       1. Five voting members selected by the President of the  
4058 Senate and five voting members selected by the Speaker of the  
4059 House of Representative, none of whom may be a member of the  
4060 Legislature at the time of the appointment, as follows: one  
4061 member of a county commission, one member of a city commission  
4062 or council, one member of a local school board, one member of  
4063 the development community, and one member of the homebuilding  
4064 community. The Governor shall appoint two members, one of whom  
4065 shall be an affordable housing advocate who shall have no  
4066 current or past direct relationship to local government, school  
4067 boards, or the development or homebuilding industries. The  
4068 Governor shall designate one of his or her appointees as the  
4069 chair.

4070       2. One member of the Senate appointed by the President of  
4071 the Senate, and one member of the House of Representatives

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4072 appointed by the Speaker of the House of Representatives, who  
4073 shall be ex officio, nonvoting members.

4074 3. The Secretary of the Department of Community Affairs or  
4075 his designee is to serve as an ex officio, nonvoting member.

4076 (4)(a) The task force shall act as an advisory body to the  
4077 Governor and the Legislature.

4078 (b) The task force shall convene its initial meeting  
4079 within 60 days after the effective date of this section and  
4080 thereafter at the call of its chair.

4081 (c) Task Force members shall not receive remuneration for  
4082 their services, but are entitled to reimbursement by the  
4083 Legislative Committee on Intergovernmental Relations for travel  
4084 and per diem expenses in accordance with s. 112.061, Florida  
4085 Statutes.

4086 (5) The Task Force shall survey and review current use of  
4087 impact fees as a method of financing local infrastructure to  
4088 accommodate new growth and current case law controlling the use  
4089 of impact fees. To the extent feasible, the review is to include  
4090 consideration of the following:

4091 (a) Local government criteria and methodology used for the  
4092 determination of the amount of impact fees.

4093 (b) Application and relative burden of impact fees in  
4094 different areas of the state in relation to other methods of  
4095 financing new infrastructure.

4096 (c) The range of use of impact fees as a percentage of the  
4097 total capital costs for infrastructure needs created by new  
4098 development.

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4099 (d) The methods used by local governments for the  
4100 accounting and reporting of the collection and expenditure of  
4101 all impact fees.

4102 (e) Notice provisions prior to adoption and the effective  
4103 date of local ordinances creating a new impact fee or increasing  
4104 an existing impact fee.

4105 (f) Interlocal agreements between counties and cities to  
4106 allocate impact fee proceeds between them.

4107 (g) Requirements and options related to timing of impact  
4108 fees payments.

4109 (h) The importance of impact fees to the ability of local  
4110 government to fund infrastructure needed to mitigate the impacts  
4111 of development and meet statutory requirements for concurrency.

4112 (i) Methods used by local governments to ameliorate the  
4113 effect of impact fee costs on affordable housing.

4114 (6) The task force shall report to the Governor, the  
4115 President of the Senate, and the Speaker of the House of  
4116 Representatives by February 1, 2006. The report shall include  
4117 the task force's recommendations regarding:

4118 (a) Whether there is a need for statutory direction on the  
4119 methodology and data used to calculate impact fees.

4120 (b) Whether there should be statutory direction on  
4121 payment, exemption, or waiver of impact fees for affordable  
4122 housing.

4123 (c) Whether there should be statutory direction on the  
4124 accounting and reporting of the collection and expenditure of  
4125 all impact fees.

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4126 (d) Whether there is a need for statutory direction on the  
4127 notice given in advance of the effective date of a new or  
4128 amended impact fee ordinance.

4129 (e) Whether there is a need for statutory direction on the  
4130 sharing of impact fees between counties and cities.

4131 (f) Whether there is a need for statutory direction on the  
4132 timing of payment of impact fees.

4133 (g) Any other recommendation the Task Force deems  
4134 appropriate.

4135

4136 If the task force makes a recommendation for statutory  
4137 direction, the report shall also contain the task force's  
4138 recommendation for statutory changes.

4139 (7) The Legislative Committee on Intergovernmental  
4140 Relations shall serve as staff to the task force and is  
4141 authorized to employ technical support and expend funds  
4142 appropriated to the committee for carrying out the official  
4143 duties of the task force. All state agencies are directed to  
4144 cooperate with and assist the task force to the fullest extent  
4145 possible. All local governments are encouraged to assist and  
4146 cooperate with the commission as necessary.

4147 (8) Effective July 1, 2005, the sum of \$50,000 is  
4148 appropriated, for fiscal year 2005-2006 only, from the  
4149 Department of Community Affairs' Grants and Donations Trust Fund  
4150 to the Legislative Committee on Intergovernmental Relations to  
4151 fund the per diem and travel expenses of the task force pursuant  
4152 to s. 112.061, Florida Statutes.

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4153        Section 32. Funding for Sustainable Schools.--In order to  
4154 provide for innovative approaches to meet school capacity  
4155 demands, effective July 1, 2005, the sum of \$30 million from  
4156 recurring funds in the Public Education Capital Outlay and Debt  
4157 Service Trust Fund shall be transferred annually from the Public  
4158 Education Capital Outlay and Debt Service Trust Fund to the High  
4159 Growth County Facility Construction Account.

4160        Section 33. (1) The following appropriations are made for  
4161 the 2005-2006 fiscal year only from the General Revenue Fund,  
4162 from revenues deposited into the fund pursuant to section  
4163 201.15(1)(e), Florida Statutes, on a nonrecurring basis and in  
4164 quarterly installments:

4165            (a) To the State Transportation Trust Fund in the  
4166 Department of Transportation, \$576.25 million.

4167            (b) To the Water Protection and Sustainability Program  
4168 Trust Fund in the Department of Environmental Protection, \$100  
4169 million.

4170            (c) To the Public Education Capital Outlay and Debt  
4171 Service Trust Fund in the Department of Education, \$73.75  
4172 million.

4173        (2) The following appropriations are made for the 2005-  
4174 2006 fiscal year only on a nonrecurring basis:

4175            (a) From the State Transportation Trust Fund in the  
4176 Department of Transportation:

4177            1. The sum of \$201.25 million for the purposes specified  
4178 in sections 339.61, 339.62, 339.63, and 339.64, Florida  
4179 Statutes.

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4180 2. The sum of \$275 million for the purposes specified in  
4181 section 339.28171, Florida Statutes.

4182 3. The sum of \$100 million for the purposes specified in  
4183 section 339.55, Florida Statutes.

4184 (b) From the Water Protection and Sustainability Program  
4185 Trust Fund in the Department of Environmental Protection, \$100  
4186 million for the purposes specified in section 403.890, Florida  
4187 Statutes.

4188 (c) From the Public Education Capital Outlay and Debt  
4189 Service Trust Fund in the Department of Education, the sum of  
4190 \$73.75 million for the purpose of funding the Classrooms for  
4191 Kids Program created in section 1013.735, Florida Statutes.  
4192 Notwithstanding the requirements of sections 1013.64 and  
4193 1013.65, Florida Statutes, these moneys may not be distributed  
4194 as part of the comprehensive plan for the Public Education  
4195 Capital Outlay and Debt Service Trust Fund. If required, new  
4196 facilities constructed under the Classroom for Kids Program must  
4197 meet the requirements of s. 1013.372.

4198 Section 34. Statewide Technical Assistance for a  
4199 Sustainable Florida.--In order to assist local governments and  
4200 school boards to implement the provisions of this act, effective  
4201 July 1, 2005, the sum of \$2.95 million for fiscal year 2005-2006  
4202 only, and \$3 million is appropriated for each fiscal year  
4203 therafter, from recurring general revenue to the Department of  
4204 Community Affairs' Grants and Donations Trust Fund. The  
4205 department shall provide a report to the Governor, the President  
4206 of the Senate, and the Speaker of the House of Representatives

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4207 by February 1, 2006, on the progress made toward implementing  
4208 this act and a recommendation of whether additional funds should  
4209 be appropriated to provide additional technical assistance to  
4210 implement this act.

4211 Section 35. Effective July 1, 2005, the sum of \$250,000 is  
4212 appropriated from recurring general revenue to the Department of  
4213 Community Affairs to provide the necessary staff and other  
4214 assistance to the Century Commission for a Sustainable Florida  
4215 required by section 11.

4216 Section 36. Beginning in fiscal year 2005-2006, the  
4217 Department of Transportation shall allocate sufficient funds to  
4218 implement the provisions relating to transportation in this act.  
4219 The department shall amend the tentative work program for 2005-  
4220 2006. Before amending the tentative work program, the department  
4221 shall submit a budget amendment pursuant to section 339.135(7),  
4222 Florida Statutes. The department shall provide a report to the  
4223 President of the Senate and the Speaker of the House of  
4224 Representative by February 1, 2006, identifying the program  
4225 adjustments the department has made consistent with the  
4226 provisions of the Sustainable Florida Transportation Program.  
4227 Notwithstanding the provisions of section 216.301(1), Florida  
4228 Statutes, the funds appropriated from general revenue to the  
4229 State Transportation Trust Fund in this act shall not revert at  
4230 the end of fiscal year 2005-2006.

4231 Section 37. The Legislature finds that planning for and  
4232 adequately funding infrastructure is critically important for  
4233 the safety and welfare of the residents of Florida. Therefore,

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4234 the Legislature finds that the provisions of this act fulfill an  
4235 important state interest.

4236 Section 38. Unless the developer elects otherwise in  
4237 writing, the provisions of this act amending chapters 163 and  
4238 380, Florida Statutes, shall not apply to any developments of  
4239 regional impact for which a development order has been issued  
4240 prior to the effective date of this act or for which a  
4241 development of regional impact application has been submitted  
4242 prior to May 1, 2005.

4243 Section 39. The Department of Community Affairs shall  
4244 conduct a study to determine:

4245 (1) Which counties have off-site environmental mitigation  
4246 programs or ordinances and which counties do not.

4247 (2) What types of off-site environmental mitigation  
4248 programs have been adopted.

4249 (3) How much in additional environmental preservation  
4250 funds are generated through county off-site environmental  
4251 mitigation ordinances or programs.

4252 (4) Whether the acquisition of environmentally sensitive  
4253 lands is slowed or impeded in counties that do not have off-site  
4254 mitigation ordinances or plans.

4255  
4256 The department shall prepare a report containing the results of  
4257 the study and shall provide a copy of the report to President of  
4258 the Senate and the Speaker of the House of Representatives on or  
4259 before November 1, 2005.

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4260           Section 40. If any provision of this act or its  
4261 application to any person or circumstance is held invalid, the  
4262 invalidity does not affect other provisions or applications of  
4263 the act which can be given effect without the invalid provision  
4264 or application, and to this end the provisions of this act are  
4265 severable.

4266           Section 41. Except as otherwise expressly provided in this  
4267 act, this act shall take effect July 1, 2005.

4268  
4269 ===== T I T L E   A M E N D M E N T =====

4270           Remove the entire title and insert:

4271                           A bill to be entitled  
4272           An act relating to infrastructure planning and funding;  
4273           amending s. 163.3164, F.S.; defining the term "financial  
4274           feasibility"; amending s. 163.3177, F.S.; revising  
4275           requirements for the capital improvements element of a  
4276           comprehensive plan; requiring a schedule of capital  
4277           improvements; providing a deadline for certain amendments;  
4278           providing an exception; providing for sanctions; requiring  
4279           incorporation of selected water supply projects in the  
4280           comprehensive plan; authorizing planning for  
4281           multijurisdictional water supply facilities; providing  
4282           requirements for counties and municipalities with respect  
4283           to the public school facilities element; revising  
4284           requirements for rural land stewardship areas; exempting  
4285           rural land stewardship areas from developments of regional  
4286           impact provisions; requiring an interlocal agreement;

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4287 providing for a waiver under certain circumstances;  
4288 exempting certain municipalities from such requirements;  
4289 requiring that the state land planning agency establish a  
4290 schedule for adopting and updating the public school  
4291 facilities element; encouraging local governments to  
4292 include a community vision and an urban service boundary  
4293 as a component of their comprehensive plans; providing  
4294 requirements; repealing s. 163.31776, F.S., relating to  
4295 the public educational facilities element; repealing s.  
4296 339.2817, F.S., relating to the County Incentive Grant  
4297 Program; amending s. 163.31777, F.S.; revising the  
4298 requirements for the public schools interlocal agreement  
4299 to conform to changes made by the act; requiring the  
4300 school board to provide certain information to the local  
4301 government; amending s. 163.3180, F.S.; revising  
4302 requirements for concurrency; providing for schools to be  
4303 subject to concurrency requirements; requiring that an  
4304 adequate water supply be available for new development;  
4305 revising requirements for transportation facilities;  
4306 requiring that the Department of Transportation be  
4307 consulted regarding certain level-of-service standards;  
4308 revising criteria and providing guidelines for  
4309 transportation concurrency exception areas; requiring a  
4310 local government to consider the transportation level-of-  
4311 service standards of adjacent jurisdictions for certain  
4312 roads; providing criteria for urban infill and  
4313 redevelopment; providing for waiver of certain

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4314 transportation facilities concurrency requirements under  
4315 certain circumstances; revising the requirements for a  
4316 long-term transportation concurrency management system;  
4317 providing for a long-term school concurrency management  
4318 system; requiring that school concurrency be established  
4319 on less than a districtwide basis within 5 years;  
4320 providing certain exceptions; authorizing a local  
4321 government to approve a development order if the developer  
4322 executes a commitment to mitigate the impacts on public  
4323 school facilities; providing for the adoption of a  
4324 transportation concurrency management system by ordinance;  
4325 providing requirements for proportionate-share mitigation;  
4326 amending s. 163.3184, F.S.; correcting cross references;  
4327 authorizing instead of requiring the state land planning  
4328 agency to review plan amendments; amending s. 163.3187,  
4329 F.S.; providing additional criteria for small scale  
4330 amendments to adopted comprehensive plans; providing an  
4331 additional exception to a limitation on amending an  
4332 adopted comprehensive plan by certain municipalities;  
4333 providing procedures and requirements; providing for  
4334 notice and public hearings; correcting a cross reference;  
4335 providing for nonapplication; amending s. 163.3191, F.S.;  
4336 providing additional requirements for the evaluation and  
4337 assessment of the comprehensive plan for counties and  
4338 municipalities that do not have a public schools  
4339 interlocal agreement; revising requirements for the  
4340 evaluation and appraisal report; providing time limit for

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

4341 amendments relating to the report; amending s. 339.135,  
4342 F.S., relating to tentative work programs of the  
4343 Department of Transportation; conforming provisions to  
4344 changes made by the act; requiring the Office of Program  
4345 Policy Analysis and Government Accountability to perform a  
4346 study of the boundaries of specified state entities;  
4347 requiring a report to the Legislature; creating s.  
4348 163.3247, F.S.; providing a popular name; providing  
4349 legislative findings and intent; creating the Century  
4350 Commission for a Sustainable Florida for certain purposes;  
4351 providing for appointment of commission members; providing  
4352 for terms; providing for meetings and votes of members;  
4353 requiring members to serve without compensation; providing  
4354 for per diem and travel expenses; providing powers and  
4355 duties of the commission; requiring the creation of a  
4356 joint select committee of the Legislature; providing  
4357 purposes; requiring the Secretary of Community Affairs to  
4358 select an executive director of the commission; requiring  
4359 the Department of Community Affairs to provide staff for  
4360 the commission; providing for other agency staff support  
4361 for the commission; amending s. 215.211, F.S.; providing  
4362 for deposit of certain service charge revenues into the  
4363 State Transportation Trust Fund to be used for certain  
4364 purposes; creating s. 339.28171, F.S.; creating the  
4365 Transportation Incentive Program for a Sustainable  
4366 Florida; providing program requirements; requiring the  
4367 Department of Transportation to develop criteria to assist

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

4368 local governments in evaluating concurrency management  
4369 system backlogs; specifying criteria requirements;  
4370 providing requirements for local governments; specifying  
4371 percentages and requirements for apportioning matching  
4372 funds among grant applicants; authorizing the department  
4373 to administer contracts as requested by local governments;  
4374 amending s. 337.107, F.S.; allowing the inclusion of  
4375 right-of-way services in certain design-build contracts;  
4376 amending s. 337.107, F.S., effective July 1, 2007;  
4377 eliminating the inclusion of right-of-way services and as  
4378 part of design-build contracts under certain  
4379 circumstances; amending s. 337.11, F.S.; allowing the  
4380 Department of Transportation to include right-of-way  
4381 services and design and construction into a single  
4382 contract; providing an exception; delaying construction  
4383 activities in certain circumstances; amending s. 337.11,  
4384 F.S., effective July 1, 2007; deleting language allowing  
4385 right-of-way services and design and construction phases  
4386 to be combined for certain projects; deleting an  
4387 exception; creating s. 373.19615, F.S.; creating the  
4388 Florida's Sustainable Water Supplies Program; providing  
4389 funding requirements for local government development of  
4390 alternative water supply projects; providing for  
4391 allocation of funds to water management districts;  
4392 providing definitions; specifying factors to consider in  
4393 funding certain projects; providing funding requirements;  
4394 requiring the Department of Environmental Protection to

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 360

Amendment No. (for drafter's use only)

4395 establish factors for granting financial assistance to  
4396 eligible projects; creating s. 373.19616, F.S.; creating  
4397 the Water Transition Assistance Program to establish a  
4398 low-interest revolving loan program for infrastructure  
4399 financing for alternative water supplies; providing  
4400 legislative declarations; providing definitions;  
4401 authorizing the Department of Environmental Protection to  
4402 make loans to local governments for certain purposes;  
4403 authorizing local governments to borrow funds and pledge  
4404 revenues for repayment; providing loan limitations;  
4405 authorizing the department to adopt certain rules;  
4406 requiring the department to prepare an annual report on  
4407 such financial assistance; providing loan approval  
4408 requirements for local governments; authorizing the  
4409 department to conduct or require audits; authorizing the  
4410 department to require reasonable loan service fees;  
4411 providing limitations; providing requirements for  
4412 financial assistance funding; providing for enforcement of  
4413 loan defaults; authorizing the department to impose  
4414 penalties for delinquent loan payments; authorizing the  
4415 department to terminate financial assistance agreements  
4416 under certain circumstances; amending s. 380.06, F.S.;  
4417 providing additional exemptions from development of  
4418 regional impact provisions for certain projects in  
4419 proposed developments or redevelopments within an area  
4420 designated in a comprehensive plan and for proposed  
4421 developments within certain rural land stewardship areas;

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Amendment No. (for drafter's use only)

4422 authorizing certain municipalities to adopt an ordinance  
4423 imposing a fee on certain applicants for certain purposes;  
4424 specifying fee uses; providing a limitation; amending s.  
4425 1013.33, F.S.; conforming provisions to changes made by  
4426 the act; amending s. 339.08, F.S.; providing for  
4427 expenditure of moneys in the State Transportation Trust  
4428 Fund; amending s. 339.155, F.S.; providing for the  
4429 development of regional transportation plans in Regional  
4430 Transportation Areas; amending s. 339.175, F.S.; making  
4431 conforming changes to provisions of the act; amending s.  
4432 339.55, F.S.; providing for loans for certain projects  
4433 from the state-funded infrastructure bank within the  
4434 Department of Transportation; amending s. 1013.64, F.S.;  
4435 requiring the Department of Education to establish the  
4436 High Growth County Facility Construction Account as a  
4437 separate account within the Public Education Capital  
4438 Outlay and Debt Service Trust Fund for certain purposes;  
4439 specifying requirements for funding from the account;  
4440 providing for the expenditure of funds in the Public  
4441 Education Capital Outlay and Debt Service Trust Fund;  
4442 amending s. 1013.65, F.S.; providing funding for the  
4443 Classrooms for Kids Program; amending s. 201.15, F.S.;  
4444 providing for the expenditure of certain funds in the Land  
4445 Acquisition Trust Fund; creating the School Concurrency  
4446 Task Force; providing purposes; providing for membership;  
4447 requiring a report to the Governor and Legislature;  
4448 creating the Florida Impact Fee Review Task Force;

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Amendment No. (for drafter's use only)

4449 providing legislative findings; providing for membership;  
4450 providing for meetings; providing duties and  
4451 responsibilities of the task force; prohibiting  
4452 compensation of the task force; providing for per diem and  
4453 travel expenses; requiring a report to the Governor and  
4454 Legislature; specifying report contents; requiring the  
4455 Legislative Committee on Intergovernmental Relations to  
4456 serve as staff; providing an appropriation; providing an  
4457 appropriation to fund the High Growth County Facility  
4458 Construction Account; providing for appropriations for the  
4459 2005-2006 fiscal year on a nonrecurring basis for certain  
4460 purposes; requiring the Department of Transportation to  
4461 amend the tentative work program and budget for 2005-2006;  
4462 prohibits reversion of certain funds; providing a  
4463 declaration of important state interest; providing for  
4464 nonapplication of certain provisions of law to certain  
4465 developments of regional impact under certain  
4466 circumstances; requiring the Department of Community  
4467 Affairs to conduct a study; specifying study criteria;  
4468 requiring a report to the Legislature; providing  
4469 severability; providing effective dates.

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