

By the Committee on Community Affairs; and Senator Bennett

578-2081-05

1 A bill to be entitled
2 An act relating to infrastructure planning and
3 funding; amending s. 163.3164, F.S.; defining
4 the term "financial feasibility"; amending s.
5 163.3177, F.S.; revising requirements for the
6 capital improvements element of a comprehensive
7 plan; requiring a schedule of capital
8 improvements; providing a deadline for certain
9 amendments; providing an exception; providing
10 requirements for a local government that
11 prepares its own water supply analysis for
12 purposes of an element of the comprehensive
13 plan; authorizing planning for
14 multijurisdictional water supply facilities;
15 providing requirements for counties and
16 municipalities with respect to the public
17 school facilities element; requiring an
18 interlocal agreement; exempting certain
19 municipalities from such requirements;
20 requiring that the state land planning agency
21 establish a schedule for adopting and updating
22 the public school facilities element;
23 encouraging local governments to include a
24 community vision and an urban service boundary
25 component to their comprehensive plans;
26 prescribing taxing authority of local
27 governments doing so; repealing s. 163.31776,
28 F.S., relating to the public educational
29 facilities element; amending s. 163.31777,
30 F.S.; revising the requirements for the public
31 schools interlocal agreement to conform to

1 changes made by the act; requiring the school
2 board to provide certain information to the
3 local government; amending s. 163.3180, F.S.;
4 revising requirements for concurrency;
5 providing for schools to be subject to
6 concurrency requirements; requiring that an
7 adequate water supply be available for new
8 development; revising requirements for
9 transportation facilities; requiring that
10 certain level-of-service standards established
11 by the Department of Transportation be
12 maintained; providing guidelines under which a
13 local government may grant an exception to the
14 comprehensive plan; revising criteria and
15 providing guidelines for transportation
16 concurrency exception areas; providing a
17 process to monitor de minimus impacts; revising
18 the requirements for a long-term transportation
19 concurrency management system; providing for a
20 long-term school concurrency management system;
21 requiring that school concurrency be
22 established districtwide; providing certain
23 exceptions; authorizing a local government to
24 approve a development order if the developer
25 executes a commitment to mitigate the impacts
26 on public school facilities; providing
27 requirements for such proportionate-share
28 mitigation; revising requirements for
29 interlocal agreements with respect to public
30 school facilities; providing mitigation options
31 for transportation facilities; amending s.

1 163.3184, F.S.; prescribing authority of local
2 governments to adopt plan amendments after
3 adopting community vision and an urban service
4 boundary; providing for expedited plan
5 amendment review under certain circumstances;
6 revising agency review and challenge timeframes
7 for certain amendments; amending s. 163.3191,
8 F.S.; providing additional requirements for the
9 evaluation and assessment of the comprehensive
10 plan for counties and municipalities that do
11 not have a public schools interlocal agreement;
12 revising requirements for the evaluation and
13 appraisal report; providing time limit for
14 amendments relating to the report; amending s.
15 212.055, F.S.; revising permissible rates for
16 charter county transit system surtax; revising
17 methods for approving such a surtax; providing
18 for a noncharter county to levy this surtax
19 under certain circumstances; limiting the
20 expenditure of the proceeds to a specified area
21 under certain circumstances; revising methods
22 for approving a local government infrastructure
23 surtax; limiting the expenditure of the
24 proceeds to a specified area under certain
25 circumstances; revising a ceiling on rates of
26 small county surtaxes; revising methods for
27 approving a school capital outlay surtax;
28 amending s. 206.41, F.S.; providing for annual
29 adjustment of the ninth-cent fuel tax and local
30 option fuel tax; amending s. 336.021, F.S.;
31 revising methods for approving such a fuel tax;

1 limiting authority of a county to impose the
2 ninth-cent fuel tax without adopting a
3 community vision; amending s. 336.025, F.S.;
4 limiting authority of a county to impose the
5 local option fuel tax without adopting a
6 community vision; revising methods for
7 approving such a fuel tax; amending s. 339.135,
8 F.S., relating to tentative work programs of
9 the Department of Transportation; conforming
10 provisions to changes made by the act;
11 requiring the Office of Program Policy Analysis
12 and Government Accountability to perform a
13 study of the boundaries of specified state
14 entities; requiring a report to the
15 Legislature; creating s. 163.3247, F.S.;
16 providing a popular name; providing legislative
17 findings and intent; creating the Century
18 Commission for certain purposes; providing for
19 appointment of commission members; providing
20 for terms; providing for meetings and votes of
21 members; requiring members to serve without
22 compensation; providing for per diem and travel
23 expenses; providing powers and duties of the
24 commission; requiring the creation of a joint
25 select committee of the Legislature; providing
26 purposes; requiring the Secretary of Community
27 Affairs to select an executive director of the
28 commission; requiring the Department of
29 Community Affairs to provide staff for the
30 commission; providing for other agency staff
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1 support for the commission; providing an
2 appropriation; providing effective dates.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (32) is added to section
7 163.3164, Florida Statutes, to read:

8 163.3164 Local Government Comprehensive Planning and
9 Land Development Regulation Act; definitions.--As used in this
10 act:

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

22 Section 2. Subsections (2), (3), (6), and (12) of
23 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
26 comprehensive plan; studies and surveys.--

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

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

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

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

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

20 4. Standards for the management of debt.

21 5. A schedule of capital improvements which recognizes
22 and includes publicly funded projects, and which may include
23 privately funded projects for which the local government has
24 no fiscal responsibility but which are necessary to ensure
25 that adopted level-of-service standards are achieved and
26 maintained. For capital improvements that will be funded by
27 the developer, financial feasibility shall be demonstrated by
28 being guaranteed in an enforceable development agreement
29 pursuant to paragraph (10)(h) and shall be reflected in the
30 schedule of capital improvements. If the local government uses
31 planned revenue sources that require referenda or other

1 actions to secure the revenue source, the plan must, in the
2 event the referenda are not passed or actions do not secure
3 the planned revenue source, identify other existing revenue
4 sources that will be used to fund the capital projects or
5 otherwise amend the plan to ensure financial feasibility.

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

15 (b) The capital improvements element shall be reviewed
16 on an annual basis and modified as necessary in accordance
17 with s. 163.3187 or s. 163.3189, in order to maintain a
18 financially feasible 5-year schedule of capital improvements
19 which are necessary to ensure that adopted level-of-service
20 standards are achieved and maintained except that corrections,
21 ~~updates,~~ and modifications concerning costs, ~~revenue sources,~~
22 ~~or~~ acceptance of facilities pursuant to dedications which are
23 consistent with the plan; ~~or the date of construction of any~~
24 ~~facility enumerated in the capital improvements element~~ may be
25 accomplished by ordinance and shall not be deemed to be
26 amendments to the local comprehensive plan. A copy of the
27 ordinance shall be transmitted to the state land planning
28 agency. An amendment to the comprehensive plan is required to
29 update the schedule on an annual basis or to eliminate, defer,
30 or delay the construction for any facility listed in the
31 5-year schedule. All public facilities shall be consistent

1 with the capital improvements element. Amendments to implement
2 this section must be filed no later than December 1, 2007.
3 Thereafter, a local government may not amend its comprehensive
4 plan, except for plan amendments to update the schedule, plan
5 amendments to meet new requirements under this part, and
6 emergency amendments pursuant to s. 163.3187(1)(a), after
7 December 1 of every year and thereafter, unless and until the
8 local government has adopted the annual update and the annual
9 update to the schedule of capital improvements is found in
10 compliance.

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

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

27 (6) In addition to the requirements of subsections
28 (1)-(5), the comprehensive plan shall include the following
29 elements:

30 (a) A future land use plan element designating
31 proposed future general distribution, location, and extent of

1 | the uses of land for residential uses, commercial uses,
2 | industry, agriculture, recreation, conservation, education,
3 | public buildings and grounds, other public facilities, and
4 | other categories of the public and private uses of land.
5 | Counties are encouraged to designate rural land stewardship
6 | areas, pursuant to the provisions of paragraph (11)(d), as
7 | overlays on the future land use map. Each future land use
8 | category must be defined in terms of uses included, and must
9 | include standards to be followed in the control and
10 | distribution of population densities and building and
11 | structure intensities. The proposed distribution, location,
12 | and extent of the various categories of land use shall be
13 | shown on a land use map or map series which shall be
14 | supplemented by goals, policies, and measurable objectives.
15 | The future land use plan shall be based upon surveys, studies,
16 | and data regarding the area, including the amount of land
17 | required to accommodate anticipated growth; the projected
18 | population of the area; the character of undeveloped land; the
19 | availability of water supplies, public facilities, and
20 | services; the need for redevelopment, including the renewal of
21 | blighted areas and the elimination of nonconforming uses which
22 | are inconsistent with the character of the community; the
23 | compatibility of uses on lands adjacent to or closely
24 | proximate to military installations; and, in rural
25 | communities, the need for job creation, capital investment,
26 | and economic development that will strengthen and diversify
27 | the community's economy. The future land use plan may
28 | designate areas for future planned development use involving
29 | combinations of types of uses for which special regulations
30 | may be necessary to ensure development in accord with the
31 | principles and standards of the comprehensive plan and this

1 act. The future land use plan element shall include criteria
2 to be used to achieve the compatibility of adjacent or closely
3 proximate lands with military installations. In addition, for
4 rural communities, the amount of land designated for future
5 planned industrial use shall be based upon surveys and studies
6 that reflect the need for job creation, capital investment,
7 and the necessity to strengthen and diversify the local
8 economies, and shall not be limited solely by the projected
9 population of the rural community. The future land use plan of
10 a county may also designate areas for possible future
11 municipal incorporation. The land use maps or map series shall
12 generally identify and depict historic district boundaries and
13 shall designate historically significant properties meriting
14 protection. The future land use element must clearly identify
15 the land use categories in which public schools are an
16 allowable use. When delineating the land use categories in
17 which public schools are an allowable use, a local government
18 shall include in the categories sufficient land proximate to
19 residential development to meet the projected needs for
20 schools in coordination with public school boards and may
21 establish differing criteria for schools of different type or
22 size. Each local government shall include lands contiguous to
23 existing school sites, to the maximum extent possible, within
24 the land use categories in which public schools are an
25 allowable use. All comprehensive plans must comply with the
26 school siting requirements of this paragraph no later than
27 October 1, 1999. The failure by a local government to comply
28 with these school siting requirements by October 1, 1999, will
29 result in the prohibition of the local government's ability to
30 amend the local comprehensive plan, except for plan amendments
31 described in s. 163.3187(1)(b), until the school siting

1 requirements are met. Amendments proposed by a local
2 government for purposes of identifying the land use categories
3 in which public schools are an allowable use ~~or for adopting~~
4 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~
5 are exempt from the limitation on the frequency of plan
6 amendments contained in s. 163.3187. The future land use
7 element shall include criteria that encourage the location of
8 schools proximate to urban residential areas to the extent
9 possible and shall require that the local government seek to
10 collocate public facilities, such as parks, libraries, and
11 community centers, with schools to the extent possible and to
12 encourage the use of elementary schools as focal points for
13 neighborhoods. For schools serving predominantly rural
14 counties, defined as a county with a population of 100,000 or
15 fewer, an agricultural land use category shall be eligible for
16 the location of public school facilities if the local
17 comprehensive plan contains school siting criteria and the
18 location is consistent with such criteria. Local governments
19 required to update or amend their comprehensive plan to
20 include criteria and address compatibility of adjacent or
21 closely proximate lands with existing military installations
22 in their future land use plan element shall transmit the
23 update or amendment to the department by June 30, 2006.

24 (b) A traffic circulation element consisting of the
25 types, locations, and extent of existing and proposed major
26 thoroughfares and transportation routes, including bicycle and
27 pedestrian ways. Transportation corridors, as defined in s.
28 334.03, may be designated in the traffic circulation element
29 pursuant to s. 337.273. If the transportation corridors are
30 designated, the local government may adopt a transportation
31 corridor management ordinance.

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

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

27 (d) A conservation element for the conservation, use,
28 and protection of natural resources in the area, including
29 air, water, water recharge areas, wetlands, waterwells,
30 estuarine marshes, soils, beaches, shores, flood plains,
31 rivers, bays, lakes, harbors, forests, fisheries and wildlife,

1 marine habitat, minerals, and other natural and environmental
2 resources. Local governments shall assess their current, as
3 well as projected, water needs and sources for at least a
4 10-year period, considering the appropriate regional water
5 supply plan approved pursuant to s. 373.0361, or, in the
6 absence of an approved regional water supply plan, the
7 district water management plan approved pursuant to s.
8 373.036(2). This information shall be submitted to the
9 appropriate agencies. The land use map or map series
10 contained in the future land use element shall generally
11 identify and depict the following:

- 12 1. Existing and planned waterwells and cones of
13 influence where applicable.
- 14 2. Beaches and shores, including estuarine systems.
- 15 3. Rivers, bays, lakes, flood plains, and harbors.
- 16 4. Wetlands.
- 17 5. Minerals and soils.

18
19 The land uses identified on such maps shall be consistent with
20 applicable state law and rules.

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

27 (f)1. A housing element consisting of standards,
28 plans, and principles to be followed in:

- 29 a. The provision of housing for all current and
30 anticipated future residents of the jurisdiction.
- 31 b. The elimination of substandard dwelling conditions.

1 c. The structural and aesthetic improvement of
2 existing housing.

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

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

11 f. The formulation of housing implementation programs.

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

16
17 The goals, objectives, and policies of the housing element
18 must be based on the data and analysis prepared on housing
19 needs, including the affordable housing needs assessment.
20 State and federal housing plans prepared on behalf of the
21 local government must be consistent with the goals,
22 objectives, and policies of the housing element. Local
23 governments are encouraged to utilize job training, job
24 creation, and economic solutions to address a portion of their
25 affordable housing concerns.

26 2. To assist local governments in housing data
27 collection and analysis and assure uniform and consistent
28 information regarding the state's housing needs, the state
29 land planning agency shall conduct an affordable housing needs
30 assessment for all local jurisdictions on a schedule that
31 coordinates the implementation of the needs assessment with

1 | the evaluation and appraisal reports required by s. 163.3191.
2 | Each local government shall utilize the data and analysis from
3 | the needs assessment as one basis for the housing element of
4 | its local comprehensive plan. The agency shall allow a local
5 | government the option to perform its own needs assessment, if
6 | it uses the methodology established by the agency by rule.

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

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

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

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

22 | 4. Avoidance of irreversible and irretrievable loss of
23 | coastal zone resources.

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

27 | 6. Proposed management and regulatory techniques.

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

30 | 8. Protection of human life against the effects of
31 | natural disasters.

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

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

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

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

28 b. The intergovernmental coordination element shall
29 provide for recognition of campus master plans prepared
30 pursuant to s. 1013.30.
31

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

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

27 3. To foster coordination between special districts
28 and local general-purpose governments as local general-purpose
29 governments implement local comprehensive plans, each
30 independent special district must submit a public facilities
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1 report to the appropriate local government as required by s.
2 189.415.

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

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

15 5. The state land planning agency shall establish a
16 schedule for phased completion and transmittal of plan
17 amendments to implement subparagraphs 1., 2., and 3. from all
18 jurisdictions so as to accomplish their adoption by December
19 31, 1999. A local government may complete and transmit its
20 plan amendments to carry out these provisions prior to the
21 scheduled date established by the state land planning agency.
22 The plan amendments are exempt from the provisions of s.
23 163.3187(1).

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

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

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

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

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

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

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

29 (j) For each unit of local government within an
30 urbanized area designated for purposes of s. 339.175, a
31 transportation element, which shall be prepared and adopted in

1 lieu of the requirements of paragraph (b) and paragraphs
2 (7)(a), (b), (c), and (d) and which shall address the
3 following issues:

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

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

8 3. Parking facilities.

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

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

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

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

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

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

28 (k) An airport master plan, and any subsequent
29 amendments to the airport master plan, prepared by a licensed
30 publicly owned and operated airport under s. 333.06 may be
31 incorporated into the local government comprehensive plan by

1 | the local government having jurisdiction under this act for
2 | the area in which the airport or projected airport development
3 | is located by the adoption of a comprehensive plan amendment.
4 | In the amendment to the local comprehensive plan that
5 | integrates the airport master plan, the comprehensive plan
6 | amendment shall address land use compatibility consistent with
7 | chapter 333 regarding airport zoning; the provision of
8 | regional transportation facilities for the efficient use and
9 | operation of the transportation system and airport;
10 | consistency with the local government transportation
11 | circulation element and applicable metropolitan planning
12 | organization long-range transportation plans; and the
13 | execution of any necessary interlocal agreements for the
14 | purposes of the provision of public facilities and services to
15 | maintain the adopted level of service standards for facilities
16 | subject to concurrency; and may address airport-related or
17 | aviation-related development. Development or expansion of an
18 | airport consistent with the adopted airport master plan that
19 | has been incorporated into the local comprehensive plan in
20 | compliance with this part, and airport-related or
21 | aviation-related development that has been addressed in the
22 | comprehensive plan amendment that incorporates the airport
23 | master plan, shall not be a development of regional impact.
24 | Notwithstanding any other general law, an airport that has
25 | received a ~~development-of-regional-impact~~ development order
26 | pursuant to s. 380.06, but which is no longer required to
27 | undergo ~~development-of-regional-impact~~ review pursuant to this
28 | subsection, may abandon its ~~development-of-regional-impact~~
29 | order upon written notification to the applicable local
30 | government. Upon receipt by the local government, the
31 | ~~development-of-regional-impact~~ development order is void.

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

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

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

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

30 3. The municipality has no public schools located
31 within its boundaries.

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

3 ~~(b)(a)~~ A public school facilities element shall be
4 based upon data and analyses that address, among other items,
5 how level-of-service standards will be achieved and
6 maintained. Such data and analyses must include, at a minimum,
7 such items as: the interlocal agreement adopted pursuant to s.
8 163.31777 and the 5-year school district facilities work
9 program adopted pursuant to s. 1013.35; the educational plant
10 survey prepared pursuant to s. 1013.31 and an existing
11 educational and ancillary plant map or map series; information
12 on existing development and development anticipated for the
13 next 5 years and the long-term planning period; an analysis of
14 problems and opportunities for existing schools and schools
15 anticipated in the future; an analysis of opportunities to
16 collocate future schools with other public facilities such as
17 parks, libraries, and community centers; an analysis of the
18 need for supporting public facilities for existing and future
19 schools; an analysis of opportunities to locate schools to
20 serve as community focal points; projected future population
21 and associated demographics, including development patterns
22 year by year for the upcoming 5-year and long-term planning
23 periods; and anticipated educational and ancillary plants with
24 land area requirements.

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

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

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

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

7 1. The procedure for an annual update process;

8 2. The procedure for school site selection;

9 3. The procedure for school permitting;

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

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

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

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

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

28 9. Coordination with the future land use element.

29 ~~(g)~~~~(f)~~ The element shall include one or more future
30 conditions maps which depict the anticipated location of
31 educational and ancillary plants, including the general

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

8 (h) The state land planning agency shall establish a
9 phased schedule for adoption of the public school facilities
10 element and the required updates to the public schools
11 interlocal agreement pursuant to s. 163.31777. The schedule
12 shall provide for each county and local government within the
13 county to adopt the element and update to the agreement no
14 later than December 1, 2008. Plan amendments to adopt a public
15 school facilities element are exempt from the provisions of s.
16 163.3187(1).

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

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

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

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

6 2. Priorities for economic development;

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

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

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

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

15 7. Provisions for adequate workforce housing;

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

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

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

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

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

30 3. Incentives for workforce housing;

31

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

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

7 (d) The community vision must reflect the community's
8 shared concept for growth and development of the community,
9 including visual representations depicting the desired
10 land-use patterns and character of the community during a
11 10-year planning timeframe.

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

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

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

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

29 (14) Local governments are also encouraged to
30 designate an urban service boundary. This area must be
31 appropriate for compact, contiguous urban development within a

1 10-year planning timeframe. The urban service area boundary
2 must be identified on the future land use map or map series.
3 The local government shall demonstrate that the land included
4 within the urban service boundary is served or is planned to
5 be served with adequate public facilities and services based
6 on the local government's adopted level-of-service standards
7 by adopting a 10-year facilities plan in the capital
8 improvements element which is financially feasible within the
9 10-year planning timeframe. The local government shall
10 demonstrate that the amount of land within the urban service
11 boundary does not exceed the amount of land needed to
12 accommodate the projected population growth at densities
13 consistent with the adopted comprehensive plan within the
14 10-year planning timeframe.

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

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

29 2. This subsection does not prohibit new development
30 outside an urban service boundary. However, a local government
31 that establishes an urban service boundary under this

1 subsection is encouraged to require a full-cost accounting
2 analysis for any new development outside the boundary and to
3 consider the results of that analysis when adopting a plan
4 amendment for property outside the established urban service
5 boundary.

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

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

14 (e) A county that has adopted a community vision under
15 subsection (13) and an urban service boundary under this
16 subsection may levy the local government infrastructure surtax
17 by a majority vote of its governing body in accordance with s.
18 212.055(2).

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

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

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

29 163.31777 Public schools interlocal agreement.--

30 (1)(a) The county and municipalities located within
31 the geographic area of a school district shall enter into an

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

9 (b) The schedule must establish staggered due dates
10 for submission of interlocal agreements that are executed by
11 both the local government and the district school board,
12 commencing on March 1, 2003, and concluding by December 1,
13 2004, and must set the same date for all governmental entities
14 within a school district. However, if the county where the
15 school district is located contains more than 20
16 municipalities, the state land planning agency may establish
17 staggered due dates for the submission of interlocal
18 agreements by these municipalities. The schedule must begin
19 with those areas where both the number of districtwide
20 capital-outlay full-time-equivalent students equals 80 percent
21 or more of the current year's school capacity and the
22 projected 5-year student growth is 1,000 or greater, or where
23 the projected 5-year student growth rate is 10 percent or
24 greater.

25 (c) If the student population has declined over the
26 5-year period preceding the due date for submittal of an
27 interlocal agreement by the local government and the district
28 school board, the local government and the district school
29 board may petition the state land planning agency for a waiver
30 of one or more requirements of subsection (2). The waiver must
31 be granted if the procedures called for in subsection (2) are

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

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

1 district school board of the upcoming deadline and the
2 potential for sanctions.

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

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

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

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

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

1 must address identification of the party or parties
2 responsible for the improvements.

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

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

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

17 (h) A procedure for the resolution of disputes between
18 the district school board and local governments, which may
19 include the dispute resolution processes contained in chapters
20 164 and 186.

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

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

1 ~~comprehensive plan and land development regulations of any~~
2 ~~local government that is a signatory.~~

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

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

1 | planning agency finds the interlocal agreement to be
2 | consistent with the criteria in subsection (2) and this
3 | subsection, the interlocal agreement shall be determined to be
4 | consistent with subsection (2) and this subsection if the
5 | local government's and school board's determination of
6 | consistency is fairly debatable. When the state planning
7 | agency finds the interlocal agreement to be inconsistent with
8 | the requirements of subsection (2) and this subsection, the
9 | local government's and school board's determination of
10 | consistency shall be sustained unless it is shown by a
11 | preponderance of the evidence that the interlocal agreement is
12 | inconsistent.

13 | (c) If the state land planning agency enters a final
14 | order that finds that the interlocal agreement is inconsistent
15 | with the requirements of subsection (2) or this subsection, it
16 | shall forward it to the Administration Commission, which may
17 | impose sanctions against the local government pursuant to s.
18 | 163.3184(11) and may impose sanctions against the district
19 | school board by directing the Department of Education to
20 | withhold from the district school board an equivalent amount
21 | of funds for school construction available pursuant to ss.
22 | 1013.65, 1013.68, 1013.70, and 1013.72.

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

1 | order citing the failure to comply and imposing sanctions
2 | against the local government and district school board by
3 | directing the appropriate agencies to withhold at least 5
4 | percent of state funds pursuant to s. 163.3184(11) and by
5 | directing the Department of Education to withhold from the
6 | district school board at least 5 percent of funds for school
7 | construction available pursuant to ss. 1013.65, 1013.68,
8 | 1013.70, and 1013.72.

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

16 | (6) Except as provided in subsection (7),
17 | municipalities meeting the exemption criteria in s.
18 | 163.3177(12) ~~having no established need for a new school~~
19 | ~~facility and meeting the following criteria~~ are exempt from
20 | the requirements of subsections (1), (2), and (3).⁺

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

23 | ~~(b) The district school board's 5 year facilities work~~
24 | ~~program and the long term 10 year and 20 year work programs,~~
25 | ~~as provided in s. 1013.35, demonstrate that no new school~~
26 | ~~facility is needed in the municipality. In addition, the~~
27 | ~~district school board must verify in writing that no new~~
28 | ~~school facility will be needed in the municipality within the~~
29 | ~~5 year and 10 year timeframes.~~

30 | (7) At the time of the evaluation and appraisal
31 | report, each exempt municipality shall assess the extent to

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

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

14 | 163.3180 Concurrency.--

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

25 | (b) Local governments shall use professionally
26 | accepted techniques for measuring level of service for
27 | automobiles, bicycles, pedestrians, transit, and trucks.
28 | These techniques may be used to evaluate increased
29 | accessibility by multiple modes and reductions in vehicle
30 | miles of travel in an area or zone. The Department of
31 | Transportation shall develop methodologies to assist local

1 governments in implementing this multimodal level-of-service
2 analysis. The Department of Community Affairs and the
3 Department of Transportation shall provide technical
4 assistance to local governments in applying these
5 methodologies.

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

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

26 (c) Consistent with the public welfare, and except as
27 otherwise provided in this section, transportation facilities
28 ~~designated as part of the Florida Intrastate Highway System~~
29 needed to serve new development shall be in place when the
30 local government approves the commencement of construction of
31 each stage or phase of the development, or the facility must

1 ~~be or~~ under actual construction within 3 ~~not more than 5~~ years
2 after the date of the local government's approval to commence
3 construction of each stage or phase of the development.
4 ~~issuance by the local government of a certificate of occupancy~~
5 ~~or its functional equivalent. Other transportation facilities~~
6 ~~needed to serve new development shall be in place or under~~
7 ~~actual construction no more than 3 years after issuance by the~~
8 ~~local government of a certificate of occupancy or its~~
9 ~~functional equivalent.~~

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

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

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

1 (c) The concurrency requirement, except as it relates
2 to transportation facilities, as implemented in local
3 government comprehensive plans, may be waived by a local
4 government for urban infill and redevelopment areas designated
5 pursuant to s. 163.2517 if such a waiver does not endanger
6 public health or safety as defined by the local government in
7 its local government comprehensive plan. The waiver shall be
8 adopted as a plan amendment pursuant to the process set forth
9 in s. 163.3187(3)(a). A local government may grant a
10 concurrency exception pursuant to subsection (5) for
11 transportation facilities located within these urban infill
12 and redevelopment areas. Within the designated urban infill
13 and redevelopment areas, the adopted level-of-service
14 standards established by the Department of Transportation for
15 Strategic Intermodal System facilities, as defined in s.
16 339.64, must be maintained unless a variance pursuant to s.
17 120.542 has been issued.

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

31

1 (b) A local government may grant an exception from the
2 concurrency requirement for transportation facilities if the
3 proposed development is otherwise consistent with the adopted
4 local government comprehensive plan and is a project that
5 promotes public transportation or is located within an area
6 designated in the comprehensive plan for:

- 7 1. Urban infill development,
- 8 2. Urban redevelopment,
- 9 3. Downtown revitalization, or
- 10 4. Urban infill and redevelopment under s. 163.2517.

11 (c) The Legislature also finds that developments
12 located within urban infill, urban redevelopment, existing
13 urban service, or downtown revitalization areas or areas
14 designated as urban infill and redevelopment areas under s.
15 163.2517 which pose only special part-time demands on the
16 transportation system should be excepted from the concurrency
17 requirement for transportation facilities. A special
18 part-time demand is one that does not have more than 200
19 scheduled events during any calendar year and does not affect
20 the 100 highest traffic volume hours.

21 (d) A local government shall establish guidelines for
22 granting the exceptions authorized in paragraphs (b) and (c)
23 in the comprehensive plan. These guidelines must be consistent
24 with and support a comprehensive strategy outlined within
25 applicable chapters of the plan which are intended to promote
26 the purpose of the exception as specified in paragraphs (4)(c)
27 and paragraphs (a)-(c). These guidelines, at a minimum, must
28 address strategies to support and fund alternative modes of
29 transportation to provide for mobility and other measures,
30 such as proportionate-share mitigation or corridor management
31 plans pursuant to s. 337.273, to ensure adequate

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

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

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

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

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

1 for such a transportation concurrency management area based
2 upon an analysis that provides for a justification for the
3 areawide level of service, how urban infill development or
4 redevelopment will be promoted, and how mobility will be
5 accomplished within the transportation concurrency management
6 area. Within the designated transportation concurrency
7 exception area, the adopted level-of-service standards
8 established by the Department of Transportation for Strategic
9 Intermodal System facilities, as defined in s. 339.64, must be
10 maintained unless a variance pursuant to s. 120.542 has been
11 issued. The state land planning agency shall amend chapter
12 9J-5, Florida Administrative Code, to be consistent with this
13 subsection.

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

30 (9)(a) Each local government may adopt as a part of
31 its plan, ~~a~~ long-term transportation and school concurrency

1 management ~~systems~~ ~~system~~ with a planning period of up to 10
2 years for specially designated districts or areas where
3 significant backlogs exist. The plan may include interim
4 level-of-service standards on certain facilities and shall ~~may~~
5 rely on the local government's schedule of capital
6 improvements for up to 10 years as a basis for issuing
7 development orders that authorize commencement of construction
8 ~~permits~~ in these designated districts or areas. The
9 concurrency management system. ~~It~~ must be designed to correct
10 existing deficiencies and set priorities for addressing
11 backlogged facilities. The concurrency management system ~~It~~
12 must be financially feasible and consistent with other
13 portions of the adopted local plan, including the future land
14 use map.

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

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

29 (c) The local government may issue approvals to
30 commence construction notwithstanding s. 163.3180, consistent
31

1 with and in areas that are subject to a long-term concurrency
2 management system.

3 (d) If the local government adopts a long-term
4 concurrency management system, it must evaluate the system
5 periodically. At a minimum, the local government must assess
6 its progress toward improving levels of service within the
7 long-term concurrency management district or area in the
8 evaluation and appraisal report and determine any changes that
9 are necessary to accelerate progress in meeting acceptable
10 levels of service.

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

1 concurrency management system. Counties are encouraged to
2 coordinate with adjacent counties for the purpose of using
3 common methodologies for implementing their concurrency
4 management systems.

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

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

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

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

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

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

30 (12) When authorized by a local comprehensive plan, a
31 multiuse development of regional impact may satisfy the

1 transportation concurrency requirements of the local
2 comprehensive plan, the local government's concurrency
3 management system, and s. 380.06 by payment of a
4 proportionate-share contribution for local and regionally
5 significant traffic impacts, if:

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

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

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

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

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

31

1 The proportionate-share contribution may be applied to any
2 transportation facility to satisfy the provisions of this
3 subsection and the local comprehensive plan, but, for the
4 purposes of this subsection, the amount of the
5 proportionate-share contribution shall be calculated based
6 upon the cumulative number of trips from the proposed
7 development expected to reach roadways during the peak hour
8 from the complete buildout of a stage or phase being approved,
9 divided by the change in the peak hour maximum service volume
10 of roadways resulting from construction of an improvement
11 necessary to maintain the adopted level of service, multiplied
12 by the construction cost, at the time of developer payment, of
13 the improvement necessary to maintain the adopted level of
14 service. For purposes of this subsection, "construction cost"
15 includes all associated costs of the improvement.

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

1 ~~effective in a county until all local governments, except as~~
2 ~~provided in paragraph (f), have adopted the necessary plan~~
3 ~~amendments, which together with the interlocal agreement, are~~
4 ~~determined to be in compliance with the requirements of this~~
5 ~~part.~~ The minimum requirements for school concurrency are the
6 following:

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

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

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

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

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

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

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

28 2. For local governments applying school concurrency
29 on a less than districtwide basis, such as utilizing school
30 attendance zones or larger school concurrency service areas,
31 local governments and school boards shall have the burden to

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

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

28 (d) Financial feasibility.--The Legislature recognizes
29 that financial feasibility is an important issue because the
30 premise of concurrency is that the public facilities will be
31 provided in order to achieve and maintain the adopted

1 level-of-service standard. This part and chapter 9J-5, Florida
2 Administrative Code, contain specific standards to determine
3 the financial feasibility of capital programs. These standards
4 were adopted to make concurrency more predictable and local
5 governments more accountable.

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

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

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

27 (e) Availability standard.--Consistent with the public
28 welfare, a local government may not deny a development order
29 or its functional equivalent ~~permit~~ authorizing residential
30 development for failure to achieve and maintain the
31 level-of-service standard for public school capacity in a

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

14 1. Appropriate mitigation options include the
15 contribution of land; the construction, expansion, or payment
16 for land acquisition or construction of a public school
17 facility; or the creation of mitigation banking based on the
18 construction of a public school facility in exchange for the
19 right to sell capacity credits. Such options must include
20 execution by the applicant and the local government of a
21 binding development agreement pursuant to ss.
22 163.3220-163.3243 which constitutes a legally binding
23 commitment to pay proportionate-share mitigation for the
24 additional residential units approved by the local government
25 in a development order and actually developed on the property,
26 taking into account residential density allowed on the
27 property prior to the plan amendment that increased overall
28 residential density. The district school board shall be a
29 party to such an agreement. As a condition of its entry into
30 such a development agreement, the local government may require
31

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

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

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

18 (f) Intergovernmental coordination.--

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

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

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

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

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

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

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

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

1 uniform system of free public schools on a countywide basis,
2 and the land use authority of local governments, including
3 their authority to approve or deny comprehensive plan
4 amendments and development orders. The interlocal agreement
5 shall be submitted to the state land planning agency by the
6 local government as a part of the compliance review, along
7 with the other necessary amendments to the comprehensive plan
8 required by this part. In addition to the requirements of ss.
9 ~~s.~~ 163.3177(6)(h) and 163.31777, the interlocal agreement
10 shall meet the following requirements:
11 1. Establish the mechanisms for coordinating the
12 development, adoption, and amendment of each local
13 government's public school facilities element with each other
14 and the plans of the school board to ensure a uniform
15 districtwide school concurrency system.
16 ~~2. Establish a process by which each local government~~
17 ~~and the school board shall agree and base their plans on~~
18 ~~consistent projections of the amount, type, and distribution~~
19 ~~of population growth and coordinate and share information~~
20 ~~relating to existing and planned public school facilities~~
21 ~~projections and proposals for development and redevelopment,~~
22 ~~and infrastructure required to support public school~~
23 ~~facilities.~~
24 ~~2.3.~~ Establish a process for the development of siting
25 criteria which encourages the location of public schools
26 proximate to urban residential areas to the extent possible
27 and seeks to collocate schools with other public facilities
28 such as parks, libraries, and community centers to the extent
29 possible.
30
31

1 ~~3.4.~~ Specify uniform, districtwide level-of-service
2 standards for public schools of the same type and the process
3 for modifying the adopted levels-of-service standards.

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

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

29 ~~6.7.~~ Establish a uniform districtwide procedure for
30 implementing school concurrency which provides for:
31

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

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

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

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

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

18 (14) The state land planning agency shall, by October
19 1, 1998, adopt by rule minimum criteria for the review and
20 determination of compliance of a public school facilities
21 element adopted by a local government for purposes of
22 imposition of school concurrency.

23 (15)(a) Multimodal transportation districts may be
24 established under a local government comprehensive plan in
25 areas delineated on the future land use map for which the
26 local comprehensive plan assigns secondary priority to vehicle
27 mobility and primary priority to assuring a safe, comfortable,
28 and attractive pedestrian environment, with convenient
29 interconnection to transit. Such districts must incorporate
30 community design features that will reduce the number of
31

1 automobile trips or vehicle miles of travel and will support
2 an integrated, multimodal transportation system.

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

15 (c) Local governments may establish multimodal
16 level-of-service standards that rely primarily on nonvehicular
17 modes of transportation within the district, when justified by
18 an analysis demonstrating that the existing and planned
19 community design will provide an adequate level of mobility
20 within the district based upon professionally accepted
21 multimodal level-of-service methodologies. Within the
22 multimodal transportation district, the adopted level of
23 service standards established by the Department of
24 Transportation for Strategic Intermodal System facilities, as
25 defined in s. 339.64, must be maintained unless a variance
26 pursuant to s. 120.542 has been issued. The analysis must take
27 into consideration the impact on the Florida Intrastate
28 Highway System. The analysis must also demonstrate that the
29 capital improvements required to promote community design are
30 financially feasible over the development or redevelopment
31 timeframe for the district and that community design features

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

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

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

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

31

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

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

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

1 Section 6. Subsection (17) is added to section
2 163.3184, Florida Statutes, to read:

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

5 (17) Notwithstanding subsection (6), a local
6 government that has adopted a community vision and urban
7 service boundary under s. 163.31773 may adopt a plan amendment
8 related solely to property within an urban service boundary
9 before transmittal of the plan amendment to the state land
10 planning agency. A plan amendment submitted under this
11 subsection is limited to a map amendment and may not involve a
12 text change to the goals, policies, or objectives of the local
13 government's comprehensive plan. The local government must
14 transmit the plan amendment to the state land planning agency
15 immediately after the governing body adopts the amendment.

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

19 (b) A petitioner may file a petition under subsections
20 (8), (9), and (10) within 60 days after the adoption of the
21 plan amendment.

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

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

31

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

3 163.3191 Evaluation and appraisal of comprehensive
4 plan.--

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

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

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

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

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

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

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

1 appropriate strategic regional policy plan since the adoption
2 of the original plan or the most recent evaluation and
3 appraisal report update amendments.

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

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

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

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

28 (k) The coordination of the comprehensive plan with
29 existing public schools and those identified in the applicable
30 educational facilities plan adopted pursuant to s. 1013.35.
31 The assessment shall address, where relevant, the success or

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

20 (1) The report must evaluate whether the local
21 government has been successful in identifying water supply
22 sources, including conservation and reuse, necessary to meet
23 existing and projected water use demand for the comprehensive
24 plan's established planning period. The water supply sources
25 evaluated in the report must be consistent with evaluation
26 ~~must consider~~ the appropriate water management district's
27 regional water supply plan approved pursuant to s. 373.0361.
28 The report must evaluate the degree to which the local
29 government has implemented the work plan for water supply
30 facilities included in the potable water element. The potable
31 ~~water element must be revised to include a work plan, covering~~

1 ~~at least a 10 year planning period, for building any water~~
2 ~~supply facilities that are identified in the element as~~
3 ~~necessary to serve existing and new development and for which~~
4 ~~the local government is responsible.~~

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

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

20 (10) The governing body shall amend its comprehensive
21 plan based on the recommendations in the report and shall
22 update the comprehensive plan based on the components of
23 subsection (2), pursuant to the provisions of ss. 163.3184,
24 163.3187, and 163.3189. Amendments to update a comprehensive
25 plan based on the evaluation and appraisal report shall be
26 adopted during a single amendment cycle within 18 months after
27 the report is determined to be sufficient by the state land
28 planning agency, except the state land planning agency may
29 grant an extension for adoption of a portion of such
30 amendments. The state land planning agency may grant a
31 6-month extension for the adoption of such amendments if the

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

21 Section 8. Effective January 1, 2006, subsections (1),
22 (2), (3), and (6) of section 212.055, Florida Statutes, are
23 amended to read:

24 212.055 Discretionary sales surtaxes; legislative
25 intent; authorization and use of proceeds.--It is the
26 legislative intent that any authorization for imposition of a
27 discretionary sales surtax shall be published in the Florida
28 Statutes as a subsection of this section, irrespective of the
29 duration of the levy. Each enactment shall specify the types
30 of counties authorized to levy; the rate or rates which may be
31 imposed; the maximum length of time the surtax may be imposed,

1 | if any; the procedure which must be followed to secure voter
2 | approval, if required; the purpose for which the proceeds may
3 | be expended; and such other requirements as the Legislature
4 | may provide. Taxable transactions and administrative
5 | procedures shall be as provided in s. 212.054.

6 | (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

7 | (a) 1. Each charter county ~~which adopted a charter~~
8 | ~~prior to January 1, 1984,~~ and each county the government of
9 | which is consolidated with that of one or more municipalities,
10 | may levy a discretionary sales surtax, subject to approval by
11 | a majority vote of the electorate of the county, a majority
12 | vote of the governing body, or ~~by~~ a charter amendment approved
13 | by a majority vote of the electorate of the county.

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

30 | (b) The rate shall be 0.5 percent or up to 1 percent.
31 |

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

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

9 1. Deposited by the county in the trust fund and shall
10 be used for the purposes of development, construction,
11 equipment, maintenance, operation, supportive services,
12 including a countywide bus system, and related costs of a
13 fixed guideway rapid transit system;

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

25 3. Used by the charter county for the development,
26 construction, operation, and maintenance of roads and bridges
27 in the county; for the expansion, operation, and maintenance
28 of bus and fixed guideway systems; and for the payment of
29 principal and interest on bonds issued for the construction of
30 fixed guideway rapid transit systems, bus systems, roads, or
31 bridges; and such proceeds may be pledged by the governing

1 | body of the county for bonds issued to refinance existing
2 | bonds or new bonds issued for the construction of such fixed
3 | guideway rapid transit systems, bus systems, roads, or bridges
4 | and no more than 25 percent used for nontransit uses; and
5 | 4. Used by the charter county for the planning,
6 | development, construction, operation, and maintenance of roads
7 | and bridges in the county; for the planning, development,
8 | expansion, operation, and maintenance of bus and fixed
9 | guideway systems; and for the payment of principal and
10 | interest on bonds issued for the construction of fixed
11 | guideway rapid transit systems, bus systems, roads, or
12 | bridges; and such proceeds may be pledged by the governing
13 | body of the county for bonds issued to refinance existing
14 | bonds or new bonds issued for the construction of such fixed
15 | guideway rapid transit systems, bus systems, roads, or
16 | bridges. Pursuant to an interlocal agreement entered into
17 | pursuant to chapter 163, the governing body of the charter
18 | county may distribute proceeds from the tax to a municipality,
19 | or an expressway or transportation authority created by law to
20 | be expended for the purpose authorized by this paragraph. If
21 | imposed by a majority vote of the governing body and there is
22 | no interlocal agreement with a municipality, distribution of
23 | the surtax proceeds from subparagraphs 1., 2., and 3. and this
24 | subparagraph shall be according to the formula provided in s.
25 | 218.62.
26 | 5. Used by the county to fund regionally-significant
27 | transportation projects identified in a regional
28 | transportation plan developed in accordance with an interlocal
29 | agreement entered into pursuant to s. 163.01 by two or more
30 | contiguous metropolitan planning organizations; one or more
31 | metropolitan planning organizations and one or more contiguous

1 counties that are not members of a metropolitan planning
2 organization; a multicounty regional transportation authority
3 created by or pursuant to law; two or more contiguous
4 counties; or metropolitan planning organizations comprised of
5 three or more counties. Projects to be funded shall be in
6 compliance with part II of chapter 163 after the effective
7 date of this act or to implement a long-term concurrency
8 management system adopted by a local government in accordance
9 with s. 163.3177(3) or (9).

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

14 1. An advisory board must be created to make
15 recommendations to the board of county commissioners regarding
16 infrastructure projects to address the needs of the community.
17 The governing body of the county shall appoint members to the
18 advisory board who represent the diversity of the community
19 and shall include individuals having an interest in business,
20 finance and accounting, economic development, the environment,
21 transportation, municipal government, education, and public
22 safety and growth management professionals. Based on the
23 estimated amount of the surtax collections, the advisory board
24 must conduct at least two public workshops to develop a
25 project list. Priority shall be given to projects that address
26 existing infrastructure deficits identified in a long-term
27 concurrency management system adopted by a local government in
28 accordance with s. 163.3177(3) or (9) or identified in the
29 capital improvements element. A quorum shall consist of a
30 majority of the advisory board members and is necessary to
31 take any action regarding recommendations to the governing

1 board of the local government. The board of county
2 commissioners shall provide staff support to the advisory
3 board. All advisory board meetings are open to the public, and
4 minutes of the meetings shall be available to the public.

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

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

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

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

30 6. Once the ordinance adopting the surtax has been
31 enacted, the project list can be amended only in the following

1 manner. The board of county commissioners must give notice of
2 the intent to hold a public hearing to discuss adding or
3 removing projects from the list. The board of county
4 commissioners must take public testimony on the proposal.
5 Action may not be taken at that meeting with regards to the
6 proposal to amend the project list. Action may be taken at a
7 subsequent noticed public meeting that must be held at least
8 14 days after the meeting at which the proposed changes to the
9 project list were discussed.

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

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

22 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

23 (a)1. The governing authority in each county may levy
24 a discretionary sales surtax of 0.5 percent or 1 percent. The
25 levy of the surtax shall be pursuant to ordinance enacted by a
26 majority of the members of the county governing authority or
27 ~~and~~ approved by a majority of the electors of the county
28 voting in a referendum on the surtax. If the governing bodies
29 of the municipalities representing a majority of the county's
30 population adopt uniform resolutions establishing the rate of
31 the surtax and calling for a referendum on the surtax, the

1 levy of the surtax shall be placed on the ballot and shall
2 take effect if approved by a majority of the electors of the
3 county voting in the referendum on the surtax.

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

11 (b) A statement which includes a brief general
12 description of the projects to be funded by the surtax and
13 which conforms to the requirements of s. 101.161 shall be
14 placed on the ballot by the governing authority of any county
15 which enacts an ordinance calling for a referendum on the levy
16 of the surtax or in which the governing bodies of the
17 municipalities representing a majority of the county's
18 population adopt uniform resolutions calling for a referendum
19 on the surtax. The following question shall be placed on the
20 ballot:

21
22 FOR the -cent sales tax
23 AGAINST the -cent sales tax
24

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

29 1. An interlocal agreement between the county
30 governing authority and the governing bodies of the
31 municipalities representing a majority of the county's

1 municipal population, which agreement may include a school
2 district with the consent of the county governing authority
3 and the governing bodies of the municipalities representing a
4 majority of the county's municipal population; or

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

7
8 Any change in the distribution formula must take effect on the
9 first day of any month that begins at least 60 days after
10 written notification of that change has been made to the
11 department.

12 (d)1. The proceeds of the surtax authorized by this
13 subsection and any interest accrued thereto shall be expended
14 by the school district or within the county and municipalities
15 within the county, or, in the case of a negotiated joint
16 county agreement, within another county, to finance, plan, and
17 construct infrastructure and to acquire land for public
18 recreation or conservation or protection of natural resources
19 and to finance the closure of county-owned or municipally
20 owned solid waste landfills that are already closed or are
21 required to close by order of the Department of Environmental
22 Protection. Any use of such proceeds or interest for purposes
23 of landfill closure prior to July 1, 1993, is ratified.

24 Neither the proceeds nor any interest accrued thereto shall be
25 used for operational expenses of any infrastructure, except
26 that any county with a population of less than 75,000 that is
27 required to close a landfill by order of the Department of
28 Environmental Protection may use the proceeds or any interest
29 accrued thereto for long-term maintenance costs associated
30 with landfill closure. Counties, as defined in s. 125.011(1),
31 and charter counties may, in addition, use the proceeds and

1 any interest accrued thereto to retire or service indebtedness
2 incurred for bonds issued prior to July 1, 1987, for
3 infrastructure purposes, and for bonds subsequently issued to
4 refund such bonds. Any use of such proceeds or interest for
5 purposes of retiring or servicing indebtedness incurred for
6 such refunding bonds prior to July 1, 1999, is ratified.

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

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

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

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

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

1 to make an allocation under the authority of this
2 subparagraph.

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

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

- 20 a. The debt service obligations for any year are met;
21 b. The county's comprehensive plan has been determined
22 to be in compliance with part II of chapter 163; and
23 c. The county has adopted an amendment to the surtax
24 ordinance pursuant to the procedure provided in s. 125.66
25 authorizing additional uses of the surtax proceeds and
26 interest.

27 2. A municipality located within a county that has a
28 population of 50,000 or less on April 1, 1992, or within a
29 county designated as an area of critical state concern on the
30 effective date of this act, and that imposed the surtax before
31 July 1, 1992, may not use the proceeds and interest of the

1 | surtax for any purpose other than an infrastructure purpose
2 | authorized in paragraph (d) unless the municipality's
3 | comprehensive plan has been determined to be in compliance
4 | with part II of chapter 163 and the municipality has adopted
5 | an amendment to its surtax ordinance or resolution pursuant to
6 | the procedure provided in s. 166.041 authorizing additional
7 | uses of the surtax proceeds and interest. Such municipality
8 | may expend the surtax proceeds and interest for any public
9 | purpose authorized in the amendment.

10 | 3. Those counties designated as an area of critical
11 | state concern which qualify to use the surtax for any public
12 | purpose may use only up to 10 percent of the surtax proceeds
13 | for any public purpose other than for infrastructure purposes
14 | authorized by this section.

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

27 | (h) Notwithstanding any other provision of this
28 | section, a county shall not levy local option sales surtaxes
29 | authorized in this subsection and subsections (3), (4), and
30 | (5) in excess of a combined rate of 1 percent. However, a
31 | small county may levy the local option sales surtax authorized

1 in this subsection and subsection (3) for a combined rate of
2 up to 2 percent. Surtaxes imposed by majority vote must be
3 used to supplement, not supplant, existing infrastructure
4 funding. In order to impose the surtax by a majority vote of
5 the governing body, the county must go through the following
6 process:

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

26 2. After the advisory board submits the project list
27 to the board of county commissioners, it may be amended by the
28 board of county commissioners. A public notice must be given
29 of the intent to add additional projects or remove projects
30 recommended by the advisory board. Actions to amend the
31 project list may be taken at the noticed public hearing. Once

1 amended, the project list may not be approved at the same
2 meeting at which it was amended. Notice of the intent to adopt
3 the project list must be given and the list must be approved
4 at a subsequent public meeting that may not be held sooner
5 than 14 days after the meeting at which the list was amended.

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

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

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

20 6. Once the ordinance adopting the surtax has been
21 enacted, the project list can be amended only in the following
22 manner. The board of county commissioners must give notice of
23 the intent to hold a public hearing to discuss adding or
24 removing projects from the list. The board of county
25 commissioners must take public testimony on the proposal.
26 Action may not be taken at that meeting with regards to the
27 proposal to amend the project list. Action may be taken at a
28 subsequent noticed public meeting that must be held at least
29 14 days after the meeting at which the proposed changes to the
30 project list were discussed.

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

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

14 (3) SMALL COUNTY SURTAX.--

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

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

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

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

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

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

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

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

1 | to an ordinance approved by an extraordinary vote of the
2 | members of the county governing authority, the proceeds and
3 | any interest accrued thereto may be used for operational
4 | expenses of any infrastructure or for any public purpose
5 | authorized in the ordinance under which the surtax is levied.

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

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

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

27 | (6) SCHOOL CAPITAL OUTLAY SURTAX.--

28 | (a) The school board in each county may levy, pursuant
29 | to resolution conditioned to take effect only upon approval by
30 | a majority vote of the electors of the county voting in a
31 | referendum or by majority vote of the county governing body, a

1 discretionary sales surtax at a rate that may not exceed 0.5
2 percent.

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

9
10FOR THECENTS TAX
11AGAINST THECENTS TAX
12

13 (c) The resolution providing for the imposition of the
14 surtax shall set forth a plan for use of the surtax proceeds
15 for fixed capital expenditures or fixed capital costs
16 associated with the construction, reconstruction, or
17 improvement of school facilities and campuses which have a
18 useful life expectancy of 5 or more years, and any land
19 acquisition, land improvement, design, and engineering costs
20 related thereto. Additionally, the plan shall include the
21 costs of retrofitting and providing for technology
22 implementation, including hardware and software, for the
23 various sites within the school district. Surtax revenues may
24 be used for the purpose of servicing bond indebtedness to
25 finance projects authorized by this subsection, and any
26 interest accrued thereto may be held in trust to finance such
27 projects. Neither the proceeds of the surtax nor any interest
28 accrued thereto shall be used for operational expenses.

29 (d) Any school board receiving proceeds from ~~imposing~~
30 the surtax shall implement a freeze on noncapital local school
31 property taxes, at the millage rate imposed in the year prior

1 to the implementation of the surtax, for a period of at least
2 3 years from the date of imposition of the surtax. This
3 provision shall not apply to existing debt service or required
4 state taxes.

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

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

13 1. An advisory board must be created to make
14 recommendations to the board of county commissioners regarding
15 the use of the surtax proceeds for fixed capital expenditures
16 or fixed capital costs associated with the construction,
17 reconstruction, or improvement of school facilities and
18 campuses that have a useful life expectancy of 5 or more years
19 and any land acquisition, land improvement, design, and
20 engineering costs related thereto. The governing body of the
21 county shall appoint members to the advisory board who
22 represent the diversity of the community and shall include
23 individuals with an interest in business, economic
24 development, the environment, municipal government, education,
25 and public safety and growth management professionals. Based
26 on the estimated amount of the surtax collections, the
27 advisory board will conduct at least two public workshops to
28 develop a project list. A quorum shall consist of a majority
29 of the advisory board members and is necessary to take any
30 action regarding recommendations to the governing board of the
31 local government. The board of county commissioners shall

1 provide staff support to the advisory board. All advisory
2 board meetings are open to the public, and minutes of the
3 meetings shall be available to the public.

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

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

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

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

29 6. Once the ordinance adopting the surtax has been
30 enacted, the project list can be amended only in the following
31 manner. The board of county commissioners must give notice of

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

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

14 (g) If the surtax is levied by a majority vote of the
15 governing body, the school board shall use due diligence and
16 sound business practices in the design, construction, and use
17 of educational facilities and may not exceed the maximum
18 cost-per-student station established in s. 1013.72(2).

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

21 206.41 State taxes imposed on motor fuel.--

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

24 (a) An excise or license tax of 2 cents per net
25 gallon, which is the tax as levied by s. 16, Art. IX of the
26 State Constitution of 1885, as amended, and continued by s.
27 9(c), Art. XIII of the 1968 State Constitution, as amended,
28 which is therein referred to as the "second gas tax," and
29 which is hereby designated the "constitutional fuel tax."
30
31

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

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

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

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

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

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

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

1 compared to the base year, which is the 12-month period ending
2 September 30, 2005, and rounded to the nearest tenth of a
3 cent.

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

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

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

16 3. Beginning January 1, 1992, and on January 1 of each
17 year thereafter, the tax rate provided in subparagraph 2.
18 shall be adjusted by the percentage change in the average of
19 the Consumer Price Index issued by the United States
20 Department of Labor for the most recent 12-month period ending
21 September 30, compared to the base year average, which is the
22 average for the 12-month period ending September 30, 1990, and
23 rounded to the nearest tenth of a cent.

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

28 (g)1. An additional tax is imposed on each net gallon
29 of motor fuel, which tax is on the privilege of selling motor
30 fuel and which is designated the "fuel sales tax," at a rate
31 determined pursuant to this paragraph. Before January 1 of

1 1997, and of each year thereafter, the department shall
2 determine the tax rate applicable to the sale of fuel for the
3 forthcoming 12-month period beginning January 1, rounded to
4 the nearest tenth of a cent, by adjusting the initially
5 established tax rate of 6.9 cents per gallon by the percentage
6 change in the average of the Consumer Price Index issued by
7 the United States Department of Labor for the most recent
8 12-month period ending September 30, compared to the base year
9 average, which is the average for the 12-month period ending
10 September 30, 1989. However, the tax rate shall not be lower
11 than 6.9 cents per gallon.

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

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

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

22 336.021 County transportation system; levy of
23 ninth-cent fuel tax on motor fuel and diesel fuel.--

24 (1)(a) Any county in the state, by majority or
25 extraordinary vote of the membership of its governing body or
26 subject to a referendum, may levy the tax imposed by ss.
27 206.41(1)(d) and 206.87(1)(b). County and municipal
28 governments may use the moneys received under this paragraph
29 only for transportation expenditures as defined in s.
30 336.025(7). A county may not levy this surtax by majority vote
31 of the governing body unless it has adopted a community vision

1 under s. 163.3177(13). Municipalities within a county that
2 levies the surtax by a majority vote may not receive surtax
3 proceeds unless they have also completed this requirement.

4 Section 11. Paragraph (b) of subsection (1) of section
5 336.025, Florida Statutes, is amended to read:

6 336.025 County transportation system; levy of local
7 option fuel tax on motor fuel and diesel fuel.--

8 (1)

9 (b) In addition to other taxes allowed by law, there
10 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
11 3-cent, 4-cent, or 5-cent local option fuel tax upon every
12 gallon of motor fuel sold in a county and taxed under the
13 provisions of part I of chapter 206. The tax shall be levied
14 by an ordinance adopted by a majority or majority plus one
15 vote of the membership of the governing body of the county or
16 by referendum.

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

23 2. The county may, prior to levy of the tax, establish
24 by interlocal agreement with one or more municipalities
25 located therein, representing a majority of the population of
26 the incorporated area within the county, a distribution
27 formula for dividing the entire proceeds of the tax among
28 county government and all eligible municipalities within the
29 county. If no interlocal agreement is adopted before the
30 effective date of the tax, tax revenues shall be distributed
31 pursuant to the provisions of subsection (4). If no interlocal

1 | agreement exists, a new interlocal agreement may be
2 | established prior to June 1 of any year pursuant to this
3 | subparagraph. However, any interlocal agreement agreed to
4 | under this subparagraph after the initial levy of the tax or
5 | change in the tax rate authorized in this section shall under
6 | no circumstances materially or adversely affect the rights of
7 | holders of outstanding bonds which are backed by taxes
8 | authorized by this paragraph, and the amounts distributed to
9 | the county government and each municipality shall not be
10 | reduced below the amount necessary for the payment of
11 | principal and interest and reserves for principal and interest
12 | as required under the covenants of any bond resolution
13 | outstanding on the date of establishment of the new interlocal
14 | agreement.

15 | 3. County and municipal governments shall use moneys
16 | received pursuant to this paragraph for transportation
17 | expenditures needed to meet the requirements of the capital
18 | improvements element of an adopted comprehensive plan or for
19 | expenditures needed to meet immediate local transportation
20 | problems and for other transportation-related expenditures
21 | that are critical for building comprehensive roadway networks
22 | by local governments. For purposes of this paragraph,
23 | expenditures for the construction of new roads, the
24 | reconstruction or resurfacing of existing paved roads, or the
25 | paving of existing graded roads shall be deemed to increase
26 | capacity and such projects shall be included in the capital
27 | improvements element of an adopted comprehensive plan.
28 | Expenditures for purposes of this paragraph shall not include
29 | routine maintenance of roads.

30 | 4. A county may not levy this surtax by majority vote
31 | of the governing body unless it has adopted a community vision

1 under s. 163.3177(13). Municipalities within a county that
2 levies the surtax by a majority vote may not receive surtax
3 proceeds unless they have also completed this requirement.

4 Section 12. Paragraph (b) of subsection (4) of section
5 339.135, Florida Statutes, is amended to read:

6 339.135 Work program; legislative budget request;
7 definitions; preparation, adoption, execution, and
8 amendment.--

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

10 (b)1. A tentative work program, including the ensuing
11 fiscal year and the successive 4 fiscal years, shall be
12 prepared for the State Transportation Trust Fund and other
13 funds managed by the department, unless otherwise provided by
14 law. The tentative work program shall be based on the
15 district work programs and shall set forth all projects by
16 phase to be undertaken during the ensuing fiscal year and
17 planned for the successive 4 fiscal years. The total amount of
18 the liabilities accruing in each fiscal year of the tentative
19 work program may not exceed the revenues available for
20 expenditure during the respective fiscal year based on the
21 cash forecast for that respective fiscal year.

22 2. The tentative work program shall be developed in
23 accordance with the Florida Transportation Plan required in s.
24 339.155 and must comply with the program funding levels
25 contained in the program and resource plan.

26 3. The department may include in the tentative work
27 program proposed changes to the programs contained in the
28 previous work program adopted pursuant to subsection (5);
29 however, the department shall minimize changes and adjustments
30 that affect the scheduling of project phases in the 4 common
31 fiscal years contained in the previous adopted work program

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

19 4. The tentative work program must include a balanced
20 36-month forecast of cash and expenditures and a 5-year
21 finance plan supporting the tentative work program.

22 Section 13. The Office of Program Policy Analysis and
23 Government Accountability shall perform a study on adjustments
24 to the boundaries of Florida Regional Planning Councils,
25 Florida Water Management Districts, and Department of
26 Transportation Districts. The purpose of this study is to
27 organize these regional boundaries to be more coterminous with
28 one another, creating a more unified system of regional
29 boundaries. This study must be completed by December 31, 2005,
30 and submitted to the President of the Senate, the Speaker of
31

1 the House of Representatives, and the Governor by January 15,
2 2006.

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

5 163.3247 Century Commission.--

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

8 (2) FINDINGS AND INTENT.--The Legislature finds and
9 declares that the population of this state is expected to more
10 than double over the next 100 years, with commensurate impacts
11 to the state's natural resources and public infrastructure.
12 Consequently, it is in the best interests of the people of the
13 state to ensure sound planning for the proper placement of
14 this growth and protection of the state's land, water, and
15 other natural resources since such resources are essential to
16 our collective quality of life and a strong economy. The
17 state's growth management system should foster economic
18 stability through regional solutions and strategies, urban
19 renewal and infill, and the continued viability of
20 agricultural economies, while allowing for rural economic
21 development and protecting the unique characteristics of rural
22 areas, and should reduce the complexity of the regulatory
23 process while carrying out the intent of the laws and
24 encouraging greater citizen participation.

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

29 (a) The 21-member commission shall be appointed by the
30 Governor. Four members shall be members of the Legislature who
31 shall be appointed with the advice and consultation of the

1 President of the Senate and the Speaker of the House of
2 Representatives. The Secretary of Community Affairs, the
3 Commissioner of Agriculture, the Secretary of Transportation,
4 the Secretary of Environmental Protection, and the Executive
5 Director of the Fish and Wildlife Conservation Commission, or
6 their designees, shall also serve as voting members. The other
7 12 appointments shall reflect the diversity of this state's
8 citizens, and must include individuals representing each of
9 the following interests: growth management, business and
10 economic development, environmental protection, agriculture,
11 municipal governments, county governments, regional planning
12 entities, education, public safety, planning professionals,
13 transportation planners, and urban infill and redevelopment.
14 One member shall be designated by the Governor as chair of the
15 commission. Any vacancy that occurs on the commission must be
16 filled in the same manner as the original appointment and
17 shall be for the unexpired term of that commission seat.
18 Members shall serve 4-year terms, except that, initially, to
19 provide for staggered terms, three of the appointees, one each
20 by the Governor, the President of the Senate, and the Speaker
21 of the House of Representatives, shall serve 2-year terms,
22 three shall serve 4-year terms, and three shall serve 6-year
23 terms. All subsequent appointments shall be for 4-year terms.
24 An appointee may not serve more than 6 years.

25 (b) The first meeting of the commission shall be held
26 no later than December 1, 2005, and shall meet at the call of
27 the chair but not less frequently than three times per year in
28 different regions of the state to solicit input from the
29 public or any other individuals offering testimony relevant to
30 the issues to be considered.
31

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

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

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

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

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

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

30 (d) Focus on essential state interests, defined as
31 those interests that transcend local or regional boundaries

1 and are most appropriately conserved, protected, and promoted
2 at the state level.

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

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

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

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

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

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

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

4 Section 15. Effective July 1, 2005, the sum of
5 \$250,000 is appropriated from the General Revenue Fund to the
6 Department of Community Affairs to provide the necessary staff
7 and other assistance to the Century Commission required by
8 section 163.3247, Florida Statutes, as created by this act.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 360

4 The committee substitute (CS) requires a local government's
5 comprehensive plan to be financially feasible and the capital
6 improvements element in a local comprehensive plan to include
7 a schedule of improvements that ensure the adopted
8 level-of-service standards are achieved and maintained. Also,
9 it requires an annual review of the capital improvements
10 element to maintain a financially feasible 5-year schedule of
11 capital improvements.

12 The 1985 Growth Management Act required that "public
13 facilities and services" be available concurrently with
14 development. This CS adds schools to the list of
15 infrastructure subject to the concurrency requirement on a
16 statewide basis. Transportation facilities must be in place
17 when the local government approves the commencement of
18 construction of each stage or phase of a development or the
19 facility must be under actual construction within 3 years of
20 such approval. The CS contains mitigation options for
21 transportation and schools. It strengthens the link between
22 development approval and water supply planning. The potable
23 water element of a local government's comprehensive plan must
24 be consistent with the applicable regional water supply plan
25 by December 1, 2006.

26 A local government is encouraged to develop a community
27 vision. The process of developing a community vision requires
28 the local government to hold a workshop with stakeholders and
29 two public hearings. Also, a local government is encouraged to
30 adopt an urban service boundary. This area must be appropriate
31 for compact, contiguous urban development within a 10-year
planning timeframe. The establishment of an urban service
boundary does not preclude development outside the boundary.

Under this CS, a county that has adopted an urban service
boundary and a community vision may levy the charter county
transit system surtax and the local government infrastructure
surtax under s. 212.055, F.S., by majority vote. A small
county that has adopted a community vision and an urban
service boundary may levy the infrastructure surtax and small
county surtax under s. 212.055, F.S., by majority vote for a
combined rate of up to 2 percent. This CS allows a county to
levy the school capital outlay surtax by majority vote. A
county that has adopted a community vision may levy the local
option fuel tax and the ninth-cent fuel tax by majority vote.
This CS provides for the indexing of local option gas taxes.

In addition, the CS allows a local government to rely on the
first 3 years of the tentative work program relating to the
State Transportation Trust Fund for planning and concurrency
purposes. The Office of Program Policy Analysis and Government
Accountability is to perform a study by December 31, 2005,
regarding adjustments to the boundaries of the Florida
Regional Planning Councils, Florida Water Management
Districts, and Department of Transportation Districts. The CS
creates the 21-member Century Commission with its members to
be appointed by the Governor. It appropriates the sum of

1 | \$250,000 from the General Revenue Fund to the Department of
2 | Community Affairs for the funding of the Commission and staff
3 | during the 2005-2006 fiscal year.
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