

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
31 support for the commission; providing an

1 appropriation; amending s. 1013.33, F.S.;

2 conforming provisions to changes made by the

3 act; providing effective dates.

4

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

6

7 Section 1. Subsection (32) is added to section

8 163.3164, Florida Statutes, to read:

9 163.3164 Local Government Comprehensive Planning and

10 Land Development Regulation Act; definitions.--As used in this

11 act:

12 (32) "Financial feasibility" means that sufficient

13 revenues are currently available or will be available from

14 committed or planned funding sources available for financing

15 capital improvements, such as ad valorem taxes, bonds, state

16 and federal funds, tax revenues, and impact fees and developer

17 contributions, which are adequate to fund the projected costs

18 of the capital improvements necessary to ensure that adopted

19 level-of-service standards are achieved and maintained. The

20 revenue sources must be included in the 5-year schedule of

21 capital improvements and be available during the established

22 planning period of the comprehensive plan.

23 Section 2. Subsections (2) and (3), paragraphs (a),

24 (c), and (h) of subsection (6), and subsection (12) of section

25 163.3177, Florida Statutes, are amended, and subsections (13)

26 and (14) are added to that section, to read:

27 163.3177 Required and optional elements of

28 comprehensive plan; studies and surveys.--

29 (2) Coordination of the several elements of the local

30 comprehensive plan shall be a major objective of the planning

31 process. The several elements of the comprehensive plan shall

1 be consistent, and the comprehensive plan shall be financially
2 ~~economically~~ feasible. Financial feasibility shall be
3 determined using professionally accepted methodologies.

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

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

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

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

21 4. Standards for the management of debt.

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

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

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

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

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

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

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

28 (6) In addition to the requirements of subsections
29 (1)-(5), the comprehensive plan shall include the following
30 elements:
31

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

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

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

26 (c) A general sanitary sewer, solid waste, drainage,
27 potable water, and natural groundwater aquifer recharge
28 element correlated to principles and guidelines for future
29 land use, indicating ways to provide for future potable water,
30 drainage, sanitary sewer, solid waste, and aquifer recharge
31 protection requirements for the area. The element may be a

1 detailed engineering plan including a topographic map
2 depicting areas of prime groundwater recharge. The element
3 shall describe the problems and needs and the general
4 facilities that will be required for solution of the problems
5 and needs. The element shall also include a topographic map
6 depicting any areas adopted by a regional water management
7 district as prime groundwater recharge areas for the Floridan
8 or Biscayne aquifers, pursuant to s. 373.0395. These areas
9 shall be given special consideration when the local government
10 is engaged in zoning or considering future land use for said
11 designated areas. For areas served by septic tanks, soil
12 surveys shall be provided which indicate the suitability of
13 soils for septic tanks. By December 1, 2006, the element must
14 be consistent with ~~consider~~ the appropriate water management
15 district's regional water supply plan approved pursuant to s.
16 373.0361. If the local government chooses to prepare its own
17 water supply analysis, it shall submit a description of the
18 data and methodology used to generate the analysis to the
19 state land planning agency with its plan when the plan is due
20 for compliance review unless it has submitted it for advance
21 review. The state land planning agency shall evaluate the
22 application of the methodology used by a local government in
23 preparing its own water supply analysis and determine whether
24 the particular methodology is professionally accepted. If
25 advance review is requested, the state land planning agency
26 shall provide its findings to the local government within 60
27 days. The state land planning agency shall be guided by the
28 applicable water management district in its review of any
29 methodology proposed by a local government. The element must
30 identify the water supply sources, including conservation and
31 reuse, necessary to meet existing and projected water-use

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

21 (h)1. An intergovernmental coordination element
22 showing relationships and stating principles and guidelines to
23 be used in the accomplishment of coordination of the adopted
24 comprehensive plan with the plans of school boards and other
25 units of local government or regional water supply authorities
26 providing services but not having regulatory authority over
27 the use of land, with the comprehensive plans of adjacent
28 municipalities, the county, adjacent counties, or the region,
29 with the state comprehensive plan and with the applicable
30 regional water supply plan approved pursuant to s. 373.0361,
31 as the case may require and as such adopted plans or plans in

1 preparation may exist. This element of the local
2 comprehensive plan shall demonstrate consideration of the
3 particular effects of the local plan, when adopted, upon the
4 development of adjacent municipalities, the county, adjacent
5 counties, or the region, or upon the state comprehensive plan,
6 as the case may require.

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

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

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

21 2. The intergovernmental coordination element shall
22 further state principles and guidelines to be used in the
23 accomplishment of coordination of the adopted comprehensive
24 plan with the plans of school boards and other units of local
25 government providing facilities and services but not having
26 regulatory authority over the use of land. In addition, the
27 intergovernmental coordination element shall describe joint
28 processes for collaborative planning and decisionmaking on
29 population projections and public school siting, the location
30 and extension of public facilities subject to concurrency, and
31 siting facilities with countywide significance, including

1 locally unwanted land uses whose nature and identity are
2 established in an agreement. Within 1 year of adopting their
3 intergovernmental coordination elements, each county, all the
4 municipalities within that county, the district school board,
5 and any unit of local government service providers in that
6 county shall establish by interlocal or other formal agreement
7 executed by all affected entities, the joint processes
8 described in this subparagraph consistent with their adopted
9 intergovernmental coordination elements.

10 3. To foster coordination between special districts
11 and local general-purpose governments as local general-purpose
12 governments implement local comprehensive plans, each
13 independent special district must submit a public facilities
14 report to the appropriate local government as required by s.
15 189.415.

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

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

28 5. The state land planning agency shall establish a
29 schedule for phased completion and transmittal of plan
30 amendments to implement subparagraphs 1., 2., and 3. from all
31 jurisdictions so as to accomplish their adoption by December

1 31, 1999. A local government may complete and transmit its
2 plan amendments to carry out these provisions prior to the
3 scheduled date established by the state land planning agency.
4 The plan amendments are exempt from the provisions of s.
5 163.3187(1).

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

10 a. Identifies all existing or proposed interlocal
11 service-delivery agreements regarding the following:
12 education; sanitary sewer; public safety; solid waste;
13 drainage; potable water; parks and recreation; and
14 transportation facilities.

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

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

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

31

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

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

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

25 1. The municipality has issued development orders for
26 fewer than 50 residential dwelling units during the preceding
27 5 years, or the municipality has generated fewer than 25
28 additional public school students during the preceding 5
29 years.

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

4 3. The municipality has no public schools located
5 within its boundaries.

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

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

30
31

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

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

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

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

- 14 1. The procedure for an annual update process;
- 15 2. The procedure for school site selection;
- 16 3. The procedure for school permitting;
- 17 4. Provision ~~for~~ ~~of supporting~~ infrastructure
18 necessary to support proposed schools, including potable
19 water, wastewater, drainage, solid waste, transportation, and
20 means by which to assure safe access to schools, including
21 sidewalks, bicycle paths, turn lanes, and signalization;
- 22 5. Provision for colocation of other public
23 facilities, such as parks, libraries, and community centers,
24 in proximity to public schools;
- 25 6. Provision for location of schools proximate to
26 residential areas and to complement patterns of development,
27 including the location of future school sites so they serve as
28 community focal points;
- 29 7. Measures to ensure compatibility of school sites
30 and surrounding land uses;

31

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

5 9. Coordination with the future land use element.

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

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

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

31

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

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

- 13 1. Future growth in the area using population
14 forecasts from the Bureau of Economic and Business Research;
- 15 2. Priorities for economic development;
- 16 3. Preservation of open space, environmentally
17 sensitive lands, and agricultural lands;
- 18 4. Appropriate areas and standards for mixed-use
19 development;
- 20 5. Appropriate areas and standards for high-density
21 commercial and residential development;
- 22 6. Appropriate areas and standards for
23 economic-development opportunities and employment centers;
- 24 7. Provisions for adequate workforce housing;
- 25 8. An efficient, interconnected multimodal
26 transportation system; and
- 27 9. Opportunities to create land use patterns that
28 accommodate the issues listed in subparagraphs 1.-8.

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

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

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

9 3. Incentives for workforce housing;

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

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

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

23 (e) 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 community vision as a
26 component in the plan. This plan amendment must be transmitted
27 and adopted pursuant to the procedures in ss. 163.3184 and
28 163.3189 at public hearings of the governing body other than
29 those identified in paragraph (a).

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

22 163.31777 Public schools interlocal agreement.--

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

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

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

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

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

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

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

29 (f) Participation of the local governments in the
30 preparation of the annual update to the district school
31

1 board's 5-year district facilities work program and
2 educational plant survey prepared pursuant to s. 1013.35.

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

6 (h) A procedure for the resolution of disputes between
7 the district school board and local governments, which may
8 include the dispute resolution processes contained in chapters
9 164 and 186.

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

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

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

1 identifies changes necessary to more fully conform to the
2 provisions of this section.

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

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

10 ~~(b) The district school board's 5 year facilities work~~
11 ~~program and the long term 10 year and 20 year work programs,~~
12 ~~as provided in s. 1013.35, demonstrate that no new school~~
13 ~~facility is needed in the municipality. In addition, the~~
14 ~~district school board must verify in writing that no new~~
15 ~~school facility will be needed in the municipality within the~~
16 ~~5 year and 10 year timeframes.~~

17 (7) At the time of the evaluation and appraisal
18 report, each exempt municipality shall assess the extent to
19 which it continues to meet the criteria for exemption under s.
20 163.3177(12) subsection (6). If the municipality continues to
21 meet these criteria ~~and the district school board verifies in~~
22 ~~writing that no new school facilities will be needed within~~
23 ~~the 5 year and 10 year timeframes~~, the municipality shall
24 continue to be exempt from the interlocal-agreement
25 requirement. Each municipality exempt under s. 163.3177(12)
26 ~~subsection (6)~~ must comply with the provisions of this section
27 within 1 year after the district school board proposes, in its
28 5-year district facilities work program, a new school within
29 the municipality's jurisdiction.

30 Section 5. Paragraph (a) of subsection (1), subsection
31 (2), paragraph (c) of subsection (4), subsections (5), (6),

1 (7), (9), (10), (13), and (15) of section 163.3180, Florida
2 Statutes, are amended, and subsections (16) and (17) are added
3 to that section, to read:

4 163.3180 Concurrency.--

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

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

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

1 committed no later than ~~prior to issuance by~~ the local
2 government's approval to commence construction ~~government of a~~
3 ~~certificate of occupancy or its functional equivalent.~~

4 (c) Consistent with the public welfare, and except as
5 otherwise provided in this section, transportation facilities
6 ~~designated as part of the Florida Intrastate Highway System~~
7 needed to serve new development shall be in place when the
8 local government approves the commencement of construction of
9 each stage or phase of the development, or the facility must
10 be ~~or~~ under actual construction within 3 ~~not more than 5~~ years
11 after the date of the local government's approval to commence
12 construction of each stage or phase of the development.
13 ~~issuance by the local government of a certificate of occupancy~~
14 ~~or its functional equivalent. Other transportation facilities~~
15 ~~needed to serve new development shall be in place or under~~
16 ~~actual construction no more than 3 years after issuance by the~~
17 ~~local government of a certificate of occupancy or its~~
18 ~~functional equivalent.~~

19 (4)

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

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

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

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

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

1 | scheduled events during any calendar year and does not affect
2 | the 100 highest traffic volume hours.

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

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

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

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

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

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

1 shall maintain sufficient records to ensure that the
2 110-percent criterion is not exceeded. Each local government
3 shall submit annually, with its updated capital improvements
4 element, a summary of the de minimus records. If the state
5 land planning agency determines that the 110-percent criterion
6 has been exceeded, the state land planning agency shall notify
7 the local government of the exceedance and that no further de
8 minimis exceptions for the applicable roadway may be granted
9 until such time as the volume is reduced below the 110
10 percent. The local government shall provide proof of this
11 reduction to the state land planning agency before issuing
12 further de minimis exceptions.

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

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

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

29 (b) If a local government has a transportation or
30 school facility backlog for existing development which cannot
31 be adequately addressed in a 10-year plan, the state land

1 | planning agency may allow it to develop a plan and long-term
2 | schedule of capital improvements covering ~~of~~ up to 15 years
3 | for good and sufficient cause, based on a general comparison
4 | between that local government and all other similarly situated
5 | local jurisdictions, using the following factors:

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

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

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

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

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

19 (13) School concurrency, ~~if imposed by local option,~~
20 shall be established on a districtwide basis and shall include
21 all public schools in the district and all portions of the
22 district, whether located in a municipality or an
23 unincorporated area unless exempt from the public school
24 facilities element pursuant to s. 163.3177(12). 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, in
5 accordance with s. 163.3180(16)(a) where adequate school
6 facilities are not in place or under construction within 3
7 years after subdivision or site plan approval, or its
8 functional equivalent, the development order shall be approved
9 if the developer executes a development order may be approved
10 if the developer executes a legally binding commitment to
11 provide mitigation proportionate to the demand for public
12 school facilities to be created by actual development of the
13 property, including, but not limited to, the options described
14 in subparagraph 1. Options for proportionate-share mitigation
15 of impacts on public school facilities shall be established in
16 the public school facilities element and the interlocal
17 agreement pursuant to s. 163.31777.

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

1 be a party to such an agreement. As a condition of its entry
2 into such a development agreement, the local government may
3 require the landowner to agree to continuing renewal of the
4 agreement upon its expiration.

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

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

20 (f) Intergovernmental coordination.--

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

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

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

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

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

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

27 (g) Interlocal agreement for school concurrency.--When
28 establishing concurrency requirements for public schools, a
29 local government must enter into an interlocal agreement that
30 ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6)(h)1.
31 and 2. and 163.31777 and the requirements of this subsection.

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

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

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

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

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 level-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 and any options to provide sufficient
6 capacity;

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

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

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

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

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

1 district area is expected to have on the adopted level of
2 service standards established for Strategic Intermodal System
3 facilities, as defined in s. 339.64. Further, the local
4 government shall, in cooperation with the Department of
5 Transportation, develop a plan to mitigate any impacts to the
6 Strategic Intermodal System, including the development of a
7 long-term concurrency management system pursuant to ss.
8 163.3177(3)(d) and 163.3180(9). Multimodal transportation
9 districts existing prior to July 1, 2005, shall meet, at a
10 minimum, the provisions of this section by July 1, 2006, or at
11 the time of the comprehensive plan update pursuant to the
12 evaluation and appraisal report, whichever occurs last.

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

25 (c) Local governments may establish multimodal
26 level-of-service standards that rely primarily on nonvehicular
27 modes of transportation within the district, when justified by
28 an analysis demonstrating that the existing and planned
29 community design will provide an adequate level of mobility
30 within the district based upon professionally accepted
31 multimodal level-of-service methodologies. ~~The analysis must~~

1 ~~take into consideration the impact on the Florida Intrastate~~
2 ~~Highway System.~~ The analysis must also demonstrate that the
3 capital improvements required to promote community design are
4 financially feasible over the development or redevelopment
5 timeframe for the district and that community design features
6 within the district provide convenient interconnection for a
7 multimodal transportation system. Local governments may issue
8 development permits in reliance upon all planned community
9 design capital improvements that are financially feasible over
10 the development or redevelopment timeframe for the district,
11 without regard to the period of time between development or
12 redevelopment and the scheduled construction of the capital
13 improvements. A determination of financial feasibility shall
14 be based upon currently available funding or funding sources
15 that could reasonably be expected to become available over the
16 planning period.

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

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

31

1 (a) The local government shall authorize in its
2 comprehensive plan mitigation methodologies to satisfy
3 concurrency requirements as an alternative to meeting
4 level-of-service standards. Options may include, but are not
5 limited to, proportionate share of funds, land or public
6 facilities necessary to accommodate any impacts having a
7 rational nexus to the proposed development and the need to
8 construct new facilities or add to the present system of
9 public facilities reasonably attributable to the proposed
10 development. A local government may not approve a development
11 under this subsection unless it can demonstrate that adequate
12 provision to relieve level-of-service pressure on the public
13 facilities needed to accommodate the impacts of the proposed
14 development have or can be made within a reasonable time.

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

22 (c) The comprehensive plan amendment authorizing the
23 mitigation shall designate the corridor, district, or area
24 subject to the mitigation; shall establish the methodology for
25 determining proportionate-share mitigation for development
26 impacts on such facilities; and shall establish the methods by
27 which such mitigation shall be applied to concurrency
28 requirements and implemented through the capital improvements
29 element. The methodology shall take into account other
30 development contributions, such as impact fees, ad valorem
31

1 taxes, and user fees, to ensure fair application of the
2 mitigation requirements.

3 (d) Mitigation for development impacts to facilities
4 on the Strategic Intermodal System or other facilities by the
5 local government, which are subject to the level-of-service
6 standard established by the Department of Transportation,
7 shall require the concurrence of the Department of
8 Transportation.

9 (e) Mitigation for development impacts to public
10 schools shall require the concurrence of the local school
11 board.

12 Section 6. Subsection (17) is added to section
13 163.3184, Florida Statutes, to read:

14 163.3184 Process for adoption of comprehensive plan or
15 plan amendment.--

16 (17) A local government that has adopted a community
17 vision and urban service boundary under s. 163.31773 may adopt
18 a plan amendment related to map amendments solely to property
19 within an urban service boundary in the manner described in
20 subsections (1), (2), (7), (14), (15), and (16) and s.
21 163.3187, such that state and regional agency review is
22 eliminated. The department may not issue an objections,
23 recommendations, and comments report on proposed plan
24 amendments or a notice of intent on adopted plan amendments;
25 however, affected persons, as defined by paragraph (1)(a), may
26 file a petition for administrative review pursuant to the
27 requirements of s. 163.3187(3)(a) to challenge the compliance
28 of an adopted plan amendment. This subsection does not apply
29 to a text change to the goals, policies, or objectives of the
30 local government's comprehensive plan. Amendments submitted
31

1 under this subsection are exempt from the limitation on the
2 frequency of plan amendments in s. 163.3187.

3 Section 7. Subsections (2) and (10) of section
4 163.3191, Florida Statutes, are amended to read:

5 163.3191 Evaluation and appraisal of comprehensive
6 plan.--

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

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

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

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

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

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

31

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

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

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

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

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

31

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

24 (1) The report must evaluate whether the local
25 government has been successful in identifying water supply
26 sources, including conservation and reuse, necessary to meet
27 existing and projected water use demand for the comprehensive
28 plan's established planning period. The water supply sources
29 evaluated in the report must be consistent with evaluation
30 ~~must consider~~ the appropriate water management district's
31 regional water supply plan approved pursuant to s. 373.0361.

1 The report must evaluate the degree to which the local
2 government has implemented the work plan for water supply
3 facilities included in the potable water element. ~~The potable~~
4 ~~water element must be revised to include a work plan, covering~~
5 ~~at least a 10 year planning period, for building any water~~
6 ~~supply facilities that are identified in the element as~~
7 ~~necessary to serve existing and new development and for which~~
8 ~~the local government is responsible.~~

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

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

24 (o) The extent to which a concurrency exception area
25 designated pursuant to s. 163.3180(5), a concurrency
26 management area designated pursuant to s. 163.3180(7), or a
27 multimodal district designated pursuant to s. 163.3180(15) has
28 achieved the purpose for which it was created and otherwise
29 complies with the provisions of s. 163.3180.

30 (p) An assessment of the extent to which changes are
31 needed to develop a common methodology for measuring impacts

1 on transportation facilities for the purpose of implementing
2 its concurrency management system in coordination with the
3 municipalities and counties, as appropriate pursuant to s.
4 163.3180(10).

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

1 | compliance as defined in s. 163.3184(1)(b). Within 6 months
2 | after the effective date of the update amendments to the
3 | comprehensive plan, the local government shall provide to the
4 | state land planning agency and to all agencies designated by
5 | rule a complete copy of the updated comprehensive plan.

6 | Section 8. Effective January 1, 2006, subsections (1),
7 | (2), (3), and (6) of section 212.055, Florida Statutes, are
8 | amended to read:

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

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

23 | (a) 1. Each charter county ~~which adopted a charter~~
24 | ~~prior to January 1, 1984,~~ and each county the government of
25 | which is consolidated with that of one or more municipalities,
26 | may levy a discretionary sales surtax, subject to approval by
27 | a majority vote of the electorate of the county, a majority
28 | vote of the governing body, or ~~by~~ a charter amendment approved
29 | by a majority vote of the electorate of the county.

30 | 2. Notwithstanding paragraphs (e) and (f), if a
31 | noncharter county or a charter county has updated its capital

1 improvement element no earlier than 2005 and if its
2 comprehensive plan has been determined to be in compliance,
3 the noncharter county or charter county may levy a
4 discretionary sales surtax pursuant to this subsection by
5 majority vote of the membership of its governing body or
6 subject to a referendum. The proceeds of the surtax may be
7 used by the county to fund regionally-significant
8 transportation projects identified in the regional
9 transportation plan developed in accordance with an interlocal
10 agreement entered into pursuant to s. 163.01, subject to the
11 provisions of subparagraph (d)5. Surtaxes imposed by majority
12 vote must be used to supplement, not supplant, existing
13 infrastructure funding. A charter county may levy a surtax
14 under both this subparagraph and subparagraph 1. for a
15 combined rate up to 1 percent.

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

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

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

25 1. Deposited by the county in the trust fund and shall
26 be used for the purposes of development, construction,
27 equipment, maintenance, operation, supportive services,
28 including a countywide bus system, and related costs of a
29 fixed guideway rapid transit system;

30 2. Remitted by the governing body of the county to an
31 expressway or transportation authority created by law to be

1 | used, at the discretion of such authority, for the
2 | development, construction, operation, or maintenance of roads
3 | or bridges in the county, for the operation and maintenance of
4 | a bus system, for the payment of principal and interest on
5 | existing bonds issued for the construction of such roads or
6 | bridges, and, upon approval by the county commission, such
7 | proceeds may be pledged for bonds issued to refinance existing
8 | bonds or new bonds issued for the construction of such roads
9 | or bridges;

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

21 | 4. Used by the charter county for the planning,
22 | development, construction, operation, and maintenance of roads
23 | and bridges in the county; for the planning, development,
24 | expansion, operation, and maintenance of bus and fixed
25 | guideway systems; and for the payment of principal and
26 | interest on bonds issued for the construction of fixed
27 | guideway rapid transit systems, bus systems, roads, or
28 | bridges; and such proceeds may be pledged by the governing
29 | body of the county for bonds issued to refinance existing
30 | bonds or new bonds issued for the construction of such fixed
31 | guideway rapid transit systems, bus systems, roads, or

1 bridges. Pursuant to an interlocal agreement entered into
2 pursuant to chapter 163, the governing body of the charter
3 county may distribute proceeds from the tax to a municipality,
4 or an expressway or transportation authority created by law to
5 be expended for the purpose authorized by this paragraph. If
6 imposed by a majority vote of the governing body and there is
7 no interlocal agreement with a municipality, distribution of
8 the surtax proceeds from subparagraphs 1., 2., and 3. and this
9 subparagraph shall be according to the formula provided in s.
10 218.62.

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

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

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

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

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

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

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

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

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

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

31

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

8 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

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

28 (b) A statement which includes a brief general
29 description of the projects to be funded by the surtax and
30 which conforms to the requirements of s. 101.161 shall be
31 placed on the ballot by the governing authority of any county

1 | which enacts an ordinance calling for a referendum on the levy
2 | of the surtax or in which the governing bodies of the
3 | municipalities representing a majority of the county's
4 | population adopt uniform resolutions calling for a referendum
5 | on the surtax. The following question shall be placed on the
6 | ballot:

7 |
8 | FOR the -cent sales tax
9 | AGAINST the -cent sales tax

10 |

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

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

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

24 |

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

29 | (d)1. The proceeds of the surtax authorized by this
30 | subsection and any interest accrued thereto shall be expended
31 | by the school district or within the county and municipalities

1 within the county, or, in the case of a negotiated joint
2 county agreement, within another county, to finance, plan, and
3 construct infrastructure and to acquire land for public
4 recreation or conservation or protection of natural resources
5 and to finance the closure of county-owned or municipally
6 owned solid waste landfills that are already closed or are
7 required to close by order of the Department of Environmental
8 Protection. Any use of such proceeds or interest for purposes
9 of landfill closure prior to July 1, 1993, is ratified.
10 Neither the proceeds nor any interest accrued thereto shall be
11 used for operational expenses of any infrastructure, except
12 that any county with a population of less than 75,000 that is
13 required to close a landfill by order of the Department of
14 Environmental Protection may use the proceeds or any interest
15 accrued thereto for long-term maintenance costs associated
16 with landfill closure. Counties, as defined in s. 125.011(1),
17 and charter counties may, in addition, use the proceeds and
18 any interest accrued thereto to retire or service indebtedness
19 incurred for bonds issued prior to July 1, 1987, for
20 infrastructure purposes, and for bonds subsequently issued to
21 refund such bonds. Any use of such proceeds or interest for
22 purposes of retiring or servicing indebtedness incurred for
23 such refunding bonds prior to July 1, 1999, is ratified.
24 2. For the purposes of this paragraph,
25 "infrastructure" means:
26 a. Any fixed capital expenditure or fixed capital
27 outlay associated with the construction, reconstruction, or
28 improvement of public facilities which have a life expectancy
29 of 5 or more years and any land acquisition, land improvement,
30 design, and engineering costs related thereto.
31

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

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

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

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

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

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

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

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

14 2. A municipality located within a county that has a
15 population of 50,000 or less on April 1, 1992, or within a
16 county 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 not use the proceeds and interest of the
19 surtax for any purpose other than an infrastructure purpose
20 authorized in paragraph (d) unless the municipality's
21 comprehensive plan has been determined to be in compliance
22 with part II of chapter 163 and the municipality has adopted
23 an amendment to its surtax ordinance or resolution pursuant to
24 the procedure provided in s. 166.041 authorizing additional
25 uses of the surtax proceeds and interest. Such municipality
26 may expend the surtax proceeds and interest for any public
27 purpose authorized in the amendment.

28 3. Those counties designated as an area of critical
29 state concern which qualify to use the surtax for any public
30 purpose may use only up to 10 percent of the surtax proceeds
31

1 for any public purpose other than for infrastructure purposes
2 authorized by this section.

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

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

26 1. An advisory board must be created to make
27 recommendations to the board of county commissioners regarding
28 infrastructure projects to address the needs of the community.
29 The governing body of the county shall appoint members to the
30 advisory board who represent the diversity of the community
31 and shall include individuals having an interest in business,

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

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

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

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

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

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

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

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

1 (3) SMALL COUNTY SURTAX.--

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

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

19
20FOR the-cent sales tax
21AGAINST the-cent sales tax
22

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

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

1 and the governing bodies of the municipalities representing a
2 majority of the county's municipal population; or

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

5
6 Any change in the distribution formula shall take effect on
7 the first day of any month that begins at least 60 days after
8 written notification of that change has been made to the
9 department.

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

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

31

1 (e) A school district, county, or municipality that
2 receives proceeds under this subsection following a referendum
3 may pledge the proceeds for the purpose of servicing new bond
4 indebtedness incurred pursuant to law. Local governments may
5 use the services of the Division of Bond Finance pursuant to
6 the State Bond Act to issue any bonds through the provisions
7 of this subsection. A jurisdiction may not issue bonds
8 pursuant to this subsection more frequently than once per
9 year. A county and municipality may join together to issue
10 bonds authorized by this subsection.

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

15 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

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

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

28
29FOR THECENTS TAX
30AGAINST THECENTS TAX
31

1 (c) The resolution providing for the imposition of the
2 surtax shall set forth a plan for use of the surtax proceeds
3 for fixed capital expenditures or fixed capital costs
4 associated with the construction, reconstruction, or
5 improvement of school facilities and campuses which have a
6 useful life expectancy of 5 or more years, and any land
7 acquisition, land improvement, design, and engineering costs
8 related thereto. Additionally, the plan shall include the
9 costs of retrofitting and providing for technology
10 implementation, including hardware and software, for the
11 various sites within the school district. Surtax revenues may
12 be used for the purpose of servicing bond indebtedness to
13 finance projects authorized by this subsection, and any
14 interest accrued thereto may be held in trust to finance such
15 projects. Neither the proceeds of the surtax nor any interest
16 accrued thereto shall be used for operational expenses.

17 (d) Any school board receiving proceeds from ~~imposing~~
18 the surtax shall implement a freeze on noncapital local school
19 property taxes, at the millage rate imposed in the year prior
20 to the implementation of the surtax, for a period of at least
21 3 years from the date of imposition of the surtax. This
22 provision shall not apply to existing debt service or required
23 state taxes.

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

27 (f) Surtaxes imposed by majority vote must be used to
28 supplement, not supplant, existing school capital outlay
29 funding. In order to impose the surtax by a majority vote of
30 the school board, the board must go through the following
31 process:

1 1. An advisory board must be created to make
2 recommendations to the school board regarding the use of the
3 surtax proceeds for fixed capital expenditures or fixed
4 capital costs associated with the construction,
5 reconstruction, or improvement of school facilities and
6 campuses that have a useful life expectancy of 5 or more years
7 and any land acquisition, land improvement, design, and
8 engineering costs related thereto. The school board shall
9 appoint members to the advisory board who represent the
10 diversity of the community and shall include individuals with
11 an interest in business, economic development, the
12 environment, municipal government, education, and public
13 safety and growth management professionals. Based on the
14 estimated amount of the surtax collections, the advisory board
15 will conduct at least two public workshops to develop a
16 project list. A quorum shall consist of a majority of the
17 advisory board members and is necessary to take any action
18 regarding recommendations to the school board. The school
19 board shall provide staff support to the advisory board. All
20 advisory board meetings are open to the public, and minutes of
21 the meetings shall be available to the public. The advisory
22 board shall submit the project list to the school board. The
23 school board must adopt or amend the project list by
24 resolution, and must submit the resolution to the board of
25 county commissioners.

26 2. After the advisory board submits the project list
27 to the school board, it may be amended by the school board
28 only in the following fashion. 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 must be approved at a subsequent
2 meeting. Notice of the intent to adopt the project list must
3 be given and the project list must be approved at a subsequent
4 public meeting that cannot be held sooner than 14 days after
5 the meeting at which the list was amended.

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

10 4. Once the project list has been adopted, the school
11 board may give notice of the intent to adopt the surtax by
12 resolution. The school board shall conduct a public hearing to
13 allow for public input on the proposed surtax. Enacting the
14 resolution for the surtax and adopting the project list may
15 not be accomplished at the same meeting.

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

26 6. If the tax is implemented, the advisory board shall
27 monitor the expenditure of the tax proceeds and shall hold
28 semiannual meetings. The advisory board shall also monitor
29 whether the school board has maintained or increased the level
30 of school capital outlay expenditures over the previous 5
31 years.

1 (g) If the surtax is levied by a majority vote of the
2 school board, the school board shall use due diligence and
3 sound business practices in the design, construction, and use
4 of educational facilities and may not exceed the maximum
5 cost-per-student station established in s. 1013.72(2).

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

8 206.41 State taxes imposed on motor fuel.--

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

11 (a) An excise or license tax of 2 cents per net
12 gallon, which is the tax as levied by s. 16, Art. IX of the
13 State Constitution of 1885, as amended, and continued by s.
14 9(c), Art. XII of the 1968 State Constitution, as amended,
15 which is therein referred to as the "second gas tax," and
16 which is hereby designated the "constitutional fuel tax."

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

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

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

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

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

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

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

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

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

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

13 (g)1. An additional tax is imposed on each net gallon
14 of motor fuel, which tax is on the privilege of selling motor
15 fuel and which is designated the "fuel sales tax," at a rate
16 determined pursuant to this paragraph. Before January 1 of
17 1997, and of each year thereafter, the department shall
18 determine the tax rate applicable to the sale of fuel for the
19 forthcoming 12-month period beginning January 1, rounded to
20 the nearest tenth of a cent, by adjusting the initially
21 established tax rate of 6.9 cents per gallon by the percentage
22 change in the average of the Consumer Price Index issued by
23 the United States Department of Labor for the most recent
24 12-month period ending September 30, compared to the base year
25 average, which is the average for the 12-month period ending
26 September 30, 1989. However, the tax rate shall not be lower
27 than 6.9 cents per gallon.

28 2. The department is authorized to adopt rules and
29 adopt such forms as may be necessary for the administration of
30 this paragraph.
31

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

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

8 336.021 County transportation system; levy of
9 ninth-cent fuel tax on motor fuel and diesel fuel.--

10 (1)(a) Any county in the state, by majority or
11 extraordinary vote of the membership of its governing body or
12 subject to a referendum, may levy the tax imposed by ss.
13 206.41(1)(d) and 206.87(1)(b). County and municipal
14 governments may use the moneys received under this paragraph
15 only for transportation expenditures as defined in s.
16 336.025(7). A county may not levy this surtax by majority vote
17 of the governing body unless it has adopted a community vision
18 under s. 163.3177(13). Municipalities within a county that
19 levies the surtax by a majority vote may not receive surtax
20 proceeds unless they have also completed this requirement.

21 Section 11. Paragraph (b) of subsection (1) of section
22 336.025, Florida Statutes, is amended to read:

23 336.025 County transportation system; levy of local
24 option fuel tax on motor fuel and diesel fuel.--

25 (1)

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

1 | vote of the membership of the governing body of the county or
2 | by referendum.

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

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

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

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

21 Section 12. Paragraph (b) of subsection (4) of section
22 339.135, Florida Statutes, is amended to read:

23 339.135 Work program; legislative budget request;
24 definitions; preparation, adoption, execution, and
25 amendment.--

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

27 (b)1. A tentative work program, including the ensuing
28 fiscal year and the successive 4 fiscal years, shall be
29 prepared for the State Transportation Trust Fund and other
30 funds managed by the department, unless otherwise provided by
31 law. The tentative work program shall be based on the

1 | district work programs and shall set forth all projects by
2 | phase to be undertaken during the ensuing fiscal year and
3 | planned for the successive 4 fiscal years. The total amount of
4 | the liabilities accruing in each fiscal year of the tentative
5 | work program may not exceed the revenues available for
6 | expenditure during the respective fiscal year based on the
7 | cash forecast for that respective fiscal year.

8 | 2. The tentative work program shall be developed in
9 | accordance with the Florida Transportation Plan required in s.
10 | 339.155 and must comply with the program funding levels
11 | contained in the program and resource plan.

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

1 transportation projects that local governments may rely on for
2 planning and concurrency purposes and in the development and
3 amendment of the capital improvements elements of their local
4 government comprehensive plans.

5 4. The tentative work program must include a balanced
6 36-month forecast of cash and expenditures and a 5-year
7 finance plan supporting the tentative work program.

8 Section 13. The Office of Program Policy Analysis and
9 Government Accountability shall perform a study on adjustments
10 to the boundaries of Florida Regional Planning Councils,
11 Florida Water Management Districts, and Department of
12 Transportation Districts. The purpose of this study is to
13 organize these regional boundaries to be more coterminous with
14 one another, creating a more unified system of regional
15 boundaries. This study must be completed by December 31, 2005,
16 and submitted to the President of the Senate, the Speaker of
17 the House of Representatives, and the Governor by January 15,
18 2006.

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

21 163.3247 Century Commission.--

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

24 (2) FINDINGS AND INTENT.--The Legislature finds and
25 declares that the population of this state is expected to more
26 than double over the next 100 years, with commensurate impacts
27 to the state's natural resources and public infrastructure.
28 Consequently, it is in the best interests of the people of the
29 state to ensure sound planning for the proper placement of
30 this growth and protection of the state's land, water, and
31 other natural resources since such resources are essential to

1 our collective quality of life and a strong economy. The
2 state's growth management system should foster economic
3 stability through regional solutions and strategies, urban
4 renewal and infill, and the continued viability of
5 agricultural economies, while allowing for rural economic
6 development and protecting the unique characteristics of rural
7 areas, and should reduce the complexity of the regulatory
8 process while carrying out the intent of the laws and
9 encouraging greater citizen participation.

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

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

1 filled in the same manner as the original appointment and
2 shall be for the unexpired term of that commission seat.
3 Members shall serve 4-year terms.

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

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

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

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

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

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

31

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

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

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

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

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

1 and recommendations of the Century Commission for potential
2 action.

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

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

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

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

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

19 Section 16. Subsections (3), (7) and (8) of section
20 1013.33, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

1 district facilities work program and educational plant survey
2 prepared pursuant to s. 1013.35.

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

6 (h) A procedure for the resolution of disputes between
7 the district school board and local governments, which may
8 include the dispute resolution processes contained in chapters
9 164 and 186.

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

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

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

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

30 (b) ~~The district school board's 5 year facilities work~~
31 ~~program and the long term 10 year and 20 year work programs,~~

1 ~~as provided in s. 1013.35, demonstrate that no new school~~
2 ~~facility is needed in the municipality. In addition, the~~
3 ~~district school board must verify in writing that no new~~
4 ~~school facility will be needed in the municipality within the~~
5 ~~5 year and 10 year timeframes.~~

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

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

21
22
23
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 360

This CS requires a local government to consult with FDOT prior to designating a transportation concurrency exception area, transportation concurrency management area, or multimodal transportation district, regarding the impacts the area or district will have on the level of service for Strategic Intermodal System facilities.

The CS provides map amendments within an urban service boundary are treated as small-scale amendments.

The CS clarifies the proportionate share option is available for transportation and school concurrency.

The CS allows for the levying of the School Capital Outlay Surtax by majority vote of the school board rather than the county commission.