

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

1 changes made by the act; requiring the school  
2 board to provide certain information to the  
3 local government; amending s. 163.3180, F.S.;  
4 revising requirements for concurrency;  
5 providing for schools to be subject to  
6 concurrency requirements; requiring that an  
7 adequate water supply be available for new  
8 development; revising requirements for  
9 transportation facilities; requiring that the  
10 Department of Transportation be consulted  
11 regarding certain level-of-service standards;  
12 revising criteria and providing guidelines for  
13 transportation concurrency exception areas;  
14 requiring a local government to consider the  
15 transportation level-of-service standards of  
16 adjacent jurisdictions for certain roads;  
17 providing a process to monitor de minimis  
18 impacts; revising the requirements for a  
19 long-term transportation concurrency management  
20 system; providing for a long-term school  
21 concurrency management system; requiring that  
22 school concurrency be established on less than  
23 a districtwide basis within 5 years; providing  
24 certain exceptions; authorizing a local  
25 government to approve a development order if  
26 the developer executes a commitment to mitigate  
27 the impacts on public school facilities;  
28 providing for the adoption of a transportation  
29 concurrency management system by ordinance;  
30 providing requirements for proportionate  
31 fair-share mitigation; amending s. 163.3184,

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

1 ninth-cent fuel tax without adopting a  
2 community vision; amending s. 336.025, F.S.;  
3 limiting authority of a county to impose the  
4 local option fuel tax without adopting a  
5 community vision; revising methods for  
6 approving such a fuel tax; amending s. 339.135,  
7 F.S., relating to tentative work programs of  
8 the Department of Transportation; conforming  
9 provisions to changes made by the act;  
10 requiring the Office of Program Policy Analysis  
11 and Government Accountability to perform a  
12 study of the boundaries of specified state  
13 entities; requiring a report to the  
14 Legislature; creating s. 163.3247, F.S.;  
15 providing a popular name; providing legislative  
16 findings and intent; creating the Century  
17 Commission for certain purposes; providing for  
18 appointment of commission members; providing  
19 for terms; providing for meetings and votes of  
20 members; requiring members to serve without  
21 compensation; providing for per diem and travel  
22 expenses; providing powers and duties of the  
23 commission; requiring the creation of a joint  
24 select committee of the Legislature; providing  
25 purposes; requiring the Secretary of Community  
26 Affairs to select an executive director of the  
27 commission; requiring the Department of  
28 Community Affairs to provide staff for the  
29 commission; providing for other agency staff  
30 support for the commission; creating s.  
31 339.2819, F.S.; creating the Transportation

1 Regional Incentive Program within the  
2 Department of Transportation; providing  
3 matching funds for projects meeting certain  
4 criteria; amending s. 337.107, F.S.; allowing  
5 the inclusion of right-of-way services in  
6 certain design-build contracts; amending s.  
7 337.107, F.S., effective July 1, 2007;  
8 eliminating the inclusion of right-of-way  
9 services and as part of design-build contracts  
10 under certain circumstances; amending s.  
11 337.11, F.S.; allowing the Department of  
12 Transportation to include right-of-way services  
13 and design and construction into a single  
14 contract; providing an exception; delaying  
15 construction activities in certain  
16 circumstances; amending s. 337.11, F.S.,  
17 effective July 1, 2007; deleting language  
18 allowing right-of-way services and design and  
19 construction phases to be combined for certain  
20 projects; deleting an exception; amending s.  
21 380.06, F.S.; providing an exception; amending  
22 s. 1013.33, F.S.; conforming provisions to  
23 changes made by the act; amending s. 206.46,  
24 F.S.; increasing the threshold for maximum debt  
25 service for transfers in the State  
26 Transportation Trust Fund; amending s. 339.08,  
27 F.S.; providing for expenditure of moneys in  
28 the State Transportation Trust Fund; amending  
29 s. 339.155, F.S.; providing for the development  
30 of regional transportation plans in Regional  
31 Transportation Areas; amending s. 339.175,

1 F.S.; making conforming changes to provisions  
 2 of the act; amending s. 339.55, F.S.; providing  
 3 for loans for certain projects from the  
 4 state-funded infrastructure bank within the  
 5 Department of Transportation; amending s.  
 6 1013.64, F.S.; providing for the expenditure of  
 7 funds in the Public Education Capital Outlay  
 8 and Debt Service Trust Fund; amending s.  
 9 1013.65, F.S.; providing funding for the  
 10 Classrooms for Kids Program; amending s.  
 11 201.15, F.S.; providing for the expenditure of  
 12 certain funds in the Land Acquisition Trust  
 13 Fund; providing for appropriations for the  
 14 2005-2006 fiscal year on a nonrecurring basis  
 15 for certain purposes; requiring the Department  
 16 of Transportation to amend the tentative work  
 17 program and budget for 2005-2006; prohibits  
 18 reversion of certain funds; providing a  
 19 declaration of important state interest;  
 20 providing effective dates.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Subsection (32) is added to section  
 25 163.3164, Florida Statutes, to read:  
 26 163.3164 Local Government Comprehensive Planning and  
 27 Land Development Regulation Act; definitions.--As used in this  
 28 act:

29 (32) "Financial feasibility" means that sufficient  
 30 revenues are currently available or will be available from  
 31 committed funding sources for the first 3 years, or will be

1 available from committed or planned funding sources for years  
2 4 and 5, of a 5-year capital improvement schedule for  
3 financing capital improvements, such as ad valorem taxes,  
4 bonds, state and federal funds, tax revenues, impact fees, and  
5 developer contributions, which are adequate to fund the  
6 projected costs of the capital improvements identified in the  
7 comprehensive plan necessary to ensure that adopted  
8 level-of-service standards are achieved and maintained within  
9 the period covered by the 5-year schedule of capital  
10 improvements.

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

15 163.3177 Required and optional elements of  
16 comprehensive plan; studies and surveys.--

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

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

27 1. A component which outlines principles for  
28 construction, extension, or increase in capacity of public  
29 facilities, as well as a component which outlines principles  
30 for correcting existing public facility deficiencies, which  
31

1 are necessary to implement the comprehensive plan. The  
2 components shall cover at least a 5-year period.

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

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

10 4. Standards for the management of debt.

11 5. A schedule of capital improvements which includes  
12 publicly funded projects, and which may include privately  
13 funded projects for which the local government has no fiscal  
14 responsibility, necessary to ensure that adopted  
15 level-of-service standards are achieved and maintained. For  
16 capital improvements that will be funded by the developer,  
17 financial feasibility shall be demonstrated by being  
18 guaranteed in an enforceable development agreement or  
19 interlocal agreement pursuant to paragraph (10)(h), or other  
20 enforceable agreement. These development agreements and  
21 interlocal agreements shall be reflected in the schedule of  
22 capital improvements if the capital improvement is necessary  
23 to serve development within the 5-year schedule. If the local  
24 government uses planned revenue sources that require referenda  
25 or other actions to secure the revenue source, the plan must,  
26 in the event the referenda are not passed or actions do not  
27 secure the planned revenue source, identify other existing  
28 revenue sources that will be used to fund the capital projects  
29 or otherwise amend the plan to ensure financial feasibility.  
30 6. The schedule must include transportation  
31 improvements included in the applicable metropolitan planning



1 organization's transportation improvement program adopted  
2 pursuant to s. 339.175(7) to the extent that such improvements  
3 are relied upon to ensure concurrency and financial  
4 feasibility. The schedule must also be coordinated with the  
5 applicable metropolitan planning organization's long-range  
6 transportation plan adopted pursuant to s. 339.175(6).

7 (b)1. The capital improvements element shall be  
8 reviewed on an annual basis and modified as necessary in  
9 accordance with s. 163.3187 or s. 163.3189 in order to  
10 maintain a financially feasible 5-year schedule of capital  
11 improvements., ~~except that~~ Corrections, ~~updates,~~ and  
12 modifications concerning costs; revenue sources; or acceptance  
13 of facilities pursuant to dedications which are consistent  
14 with the plan; ~~or the date of construction of any facility~~  
15 ~~enumerated in the capital improvements element~~ may be  
16 accomplished by ordinance and shall not be deemed to be  
17 amendments to the local comprehensive plan. A copy of the  
18 ordinance shall be transmitted to the state land planning  
19 agency. An amendment to the comprehensive plan is required to  
20 update the schedule on an annual basis or to eliminate, defer,  
21 or delay the construction for any facility listed in the  
22 5-year schedule. All public facilities shall be consistent  
23 with the capital improvements element. Amendments to implement  
24 this section must be adopted and transmitted no later than  
25 December 1, 2007. Thereafter, a local government may not amend  
26 its future land use map, except for plan amendments to meet  
27 new requirements under this part and emergency amendments  
28 pursuant to s. 163.3187(1)(a), after December 1, 2007, and  
29 every year thereafter, unless and until the local government  
30 has adopted the annual update and it has been transmitted to  
31 the state land planning agency.

1           2. Capital improvements element amendments adopted  
2 after the effective date of this act shall require only a  
3 single public hearing before the governing board which shall  
4 be an adoption hearing as described in s. 163.3184(7). Such  
5 amendments are not subject to the requirements of s.  
6 163.3184(3)-(6).

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

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

21           (6) In addition to the requirements of subsections  
22 (1)-(5) and (12), the comprehensive plan shall include the  
23 following elements:

24           (a) A future land use plan element designating  
25 proposed future general distribution, location, and extent of  
26 the uses of land for residential uses, commercial uses,  
27 industry, agriculture, recreation, conservation, education,  
28 public buildings and grounds, other public facilities, and  
29 other categories of the public and private uses of land.  
30 Counties are encouraged to designate rural land stewardship  
31 areas, pursuant to the provisions of paragraph (11)(d), as

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

1 and the necessity to strengthen and diversify the local  
2 economies, and shall not be limited solely by the projected  
3 population of the rural community. The future land use plan of  
4 a county may also designate areas for possible future  
5 municipal incorporation. The land use maps or map series shall  
6 generally identify and depict historic district boundaries and  
7 shall designate historically significant properties meriting  
8 protection. The future land use element must clearly identify  
9 the land use categories in which public schools are an  
10 allowable use. When delineating the land use categories in  
11 which public schools are an allowable use, a local government  
12 shall include in the categories sufficient land proximate to  
13 residential development to meet the projected needs for  
14 schools in coordination with public school boards and may  
15 establish differing criteria for schools of different type or  
16 size. Each local government shall include lands contiguous to  
17 existing school sites, to the maximum extent possible, within  
18 the land use categories in which public schools are an  
19 allowable use. ~~All comprehensive plans must comply with the~~  
20 ~~school siting requirements of this paragraph no later than~~  
21 ~~October 1, 1999.~~ The failure by a local government to comply  
22 with these school siting requirements ~~by October 1, 1999,~~ will  
23 result in the prohibition of the local government's ability to  
24 amend the local comprehensive plan, except for plan amendments  
25 described in s. 163.3187(1)(b), until the school siting  
26 requirements are met. Amendments proposed by a local  
27 government for purposes of identifying the land use categories  
28 in which public schools are an allowable use ~~or for adopting~~  
29 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~  
30 are exempt from the limitation on the frequency of plan  
31 amendments contained in s. 163.3187. The future land use

1 element shall include criteria that encourage the location of  
2 schools proximate to urban residential areas to the extent  
3 possible and shall require that the local government seek to  
4 collocate public facilities, such as parks, libraries, and  
5 community centers, with schools to the extent possible and to  
6 encourage the use of elementary schools as focal points for  
7 neighborhoods. For schools serving predominantly rural  
8 counties, defined as a county with a population of 100,000 or  
9 fewer, an agricultural land use category shall be eligible for  
10 the location of public school facilities if the local  
11 comprehensive plan contains school siting criteria and the  
12 location is consistent with such criteria. Local governments  
13 required to update or amend their comprehensive plan to  
14 include criteria and address compatibility of adjacent or  
15 closely proximate lands with existing military installations  
16 in their future land use plan element shall transmit the  
17 update or amendment to the department by June 30, 2006.

18 (c) A general sanitary sewer, solid waste, drainage,  
19 potable water, and natural groundwater aquifer recharge  
20 element correlated to principles and guidelines for future  
21 land use, indicating ways to provide for future potable water,  
22 drainage, sanitary sewer, solid waste, and aquifer recharge  
23 protection requirements for the area. The element may be a  
24 detailed engineering plan including a topographic map  
25 depicting areas of prime groundwater recharge. The element  
26 shall describe the problems and needs and the general  
27 facilities that will be required for solution of the problems  
28 and needs. The element shall also include a topographic map  
29 depicting any areas adopted by a regional water management  
30 district as prime groundwater recharge areas for the Floridan  
31 or Biscayne aquifers, pursuant to s. 373.0395. These areas

1 shall be given special consideration when the local government  
2 is engaged in zoning or considering future land use for said  
3 designated areas. For areas served by septic tanks, soil  
4 surveys shall be provided which indicate the suitability of  
5 soils for septic tanks. Within 18 months after the governing  
6 board approves an updated regional water supply plan ~~By~~  
7 ~~December 1, 2006~~, the element must incorporate the alternative  
8 water supply project or projects selected by the local  
9 government from those identified in the regional water supply  
10 plan pursuant to s. 373.0361(2)(a) or proposed by the local  
11 government under s. 373.0361(7)(b) ~~consider the appropriate~~  
12 ~~water management district's regional water supply plan~~  
13 ~~approved pursuant to s. 373.0361.~~ If a local government is  
14 located within two water management districts, the local  
15 government shall adopt its comprehensive plan amendment within  
16 18 months after the later updated regional water supply plan.  
17 The element must identify such alternative water supply  
18 projects and traditional water supply projects and  
19 conservation and reuse necessary to meet the water needs  
20 identified in s. 373.0361(2)(a) within the local government's  
21 jurisdiction and include a work plan, covering at least a 10  
22 year planning period, for building public, private, and  
23 regional water supply facilities, including development of  
24 alternative water supplies, which ~~that~~ are identified in the  
25 element as necessary to serve existing and new development ~~and~~  
26 ~~for which the local government is responsible.~~ The work plan  
27 shall be updated, at a minimum, every 5 years within 18 ~~12~~  
28 months after the governing board of a water management  
29 district approves an updated regional water supply plan.  
30 Amendments to incorporate the work plan do not count toward  
31 the limitation on the frequency of adoption of amendments to

1 the comprehensive plan. Local governments, public and private  
2 utilities, regional water supply authorities, special  
3 districts, and water management districts are encouraged to  
4 cooperatively plan for the development of multijurisdictional  
5 water supply facilities that are sufficient to meet projected  
6 demands for established planning periods, including the  
7 development of alternative water sources to supplement  
8 traditional sources of ground and surface water supplies.

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

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

31

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

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

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

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



1 governments implement local comprehensive plans, each  
2 independent special district must submit a public facilities  
3 report to the appropriate local government as required by s.  
4 189.415.

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

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

17 5. The state land planning agency shall establish a  
18 schedule for phased completion and transmittal of plan  
19 amendments to implement subparagraphs 1., 2., and 3. from all  
20 jurisdictions so as to accomplish their adoption by December  
21 31, 1999. A local government may complete and transmit its  
22 plan amendments to carry out these provisions prior to the  
23 scheduled date established by the state land planning agency.  
24 The plan amendments are exempt from the provisions of s.  
25 163.3187(1).

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

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

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

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

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

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

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

25 (12) A public school facilities element adopted to  
26 implement a school concurrency program shall meet the  
27 requirements of this subsection. Each county and each  
28 municipality within the county, unless exempt or subject to a  
29 waiver, must adopt a public school facilities element that is  
30 consistent with those adopted by the other local governments  
31

1 within the county and enter the interlocal agreement pursuant  
2 to s. 163.31777.

3 (a) The state land planning agency may provide a  
4 waiver to a county and to the municipalities within the county  
5 if the capacity rate for all schools within the school  
6 district is no greater than 100 percent and the projected  
7 5-year capital outlay full-time equivalent student growth rate  
8 is less than 10 percent. The state land planning agency may  
9 allow for a single school to exceed the 100-percent limitation  
10 if it can be demonstrated that the capacity rate for that  
11 single school is not greater than 105 percent. In making this  
12 determination, the state land planning agency shall consider  
13 the following criteria:

14 1. Whether the exceedance is due to temporary  
15 circumstances;

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

19 3. Whether one or more additional schools within the  
20 school district are at or approaching the 100-percent  
21 threshold; and

22 4. The adequacy of the data and analysis submitted to  
23 support the waiver request.

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

27 1. The municipality has issued development orders for  
28 fewer than 50 residential dwelling units during the preceding  
29 5 years, or the municipality has generated fewer than 25  
30 additional public school students during the preceding 5  
31 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           ~~(b)(a)~~ A public school facilities element shall be  
7 based upon data and analyses that address, among other items,  
8 how level-of-service standards will be achieved and  
9 maintained. Such data and analyses must include, at a minimum,  
10 such items as: the interlocal agreement adopted pursuant to s.  
11 163.31777 and the 5-year school district facilities work  
12 program adopted pursuant to s. 1013.35; the educational plant  
13 survey prepared pursuant to s. 1013.31 and an existing  
14 educational and ancillary plant map or map series; information  
15 on existing development and development anticipated for the  
16 next 5 years and the long-term planning period; an analysis of  
17 problems and opportunities for existing schools and schools  
18 anticipated in the future; an analysis of opportunities to  
19 collocate future schools with other public facilities such as  
20 parks, libraries, and community centers; an analysis of the  
21 need for supporting public facilities for existing and future  
22 schools; an analysis of opportunities to locate schools to  
23 serve as community focal points; projected future population  
24 and associated demographics, including development patterns  
25 year by year for the upcoming 5-year and long-term planning  
26 periods; and anticipated educational and ancillary plants with  
27 land area requirements.

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

31

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

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

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

11           1. The procedure for an annual update process;

12           2. The procedure for school site selection;

13           3. The procedure for school permitting;

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

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

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

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

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

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

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

21           (i) Failure to adopt the public school facility  
22 element, to enter into an approved interlocal agreement as  
23 required by subparagraph (6)(h)2. and 163.31777, or to amend  
24 the comprehensive plan as necessary to implement school  
25 concurrency, according to the phased schedule, shall result in  
26 a local government being prohibited from adopting amendments  
27 to the comprehensive plan which increase residential density  
28 until the necessary amendments have been adopted and  
29 transmitted to the state land planning agency.

30           (j) The state land planning agency may issue the  
31 school board a notice to show cause why sanctions should not

1 be enforced for failure to enter into an approved interlocal  
2 agreement as required by s. 163.31777 or for failure to  
3 implement the provisions of this act relating to public school  
4 concurrency. The school board may be subject to sanctions  
5 imposed by the Administration Commission directing the  
6 Department of Education to withhold from the district school  
7 board an equivalent amount of funds for school construction  
8 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
9 1013.72.

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

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

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

- 28 1. Future growth in the area using population  
29 forecasts from the Bureau of Economic and Business Research;
- 30 2. Priorities for economic development;

31

- 1           3. Preservation of open space, environmentally  
2 sensitive lands, and agricultural lands;
- 3           4. Appropriate areas and standards for mixed-use  
4 development;
- 5           5. Appropriate areas and standards for high-density  
6 commercial and residential development;
- 7           6. Appropriate areas and standards for  
8 economic-development opportunities and employment centers;
- 9           7. Provisions for adequate workforce housing;
- 10          8. An efficient, interconnected multimodal  
11 transportation system; and
- 12          9. Opportunities to create land use patterns that  
13 accommodate the issues listed in subparagraphs 1.-8.
- 14          (c) As part of the workshops and public meetings, the  
15 local government must discuss strategies for addressing the  
16 topics discussed under paragraph (b), including:
- 17           1. Strategies to preserve open space and  
18 environmentally sensitive lands, and to encourage a healthy  
19 agricultural economy, including innovative planning and  
20 development strategies, such as the transfer of development  
21 rights;
- 22           2. Incentives for mixed-use development, including  
23 increased height and intensity standards for buildings that  
24 provide residential use in combination with office or  
25 commercial space;
- 26           3. Incentives for workforce housing;
- 27           4. Designation of an urban service boundary pursuant  
28 to subsection (2); and
- 29           5. Strategies to provide mobility within the community  
30 and to protect the Strategic Intermodal System, including the  
31



1 development of a transportation corridor management plan under  
2 s. 337.273.

3 (d) The community vision must reflect the community's  
4 shared concept for growth and development of the community,  
5 including visual representations depicting the desired  
6 land-use patterns and character of the community during a  
7 10-year planning timeframe. The community vision must also  
8 take into consideration economic viability of the vision and  
9 private property interests.

10 (e) 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 community vision as a  
13 component in the plan. This plan amendment must be transmitted  
14 and adopted pursuant to the procedures in ss. 163.3184 and  
15 163.3189 at public hearings of the governing body other than  
16 those identified in paragraph (a).

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

20 (g) A county that has adopted a community vision and  
21 the plan amendment incorporating the vision has been found in  
22 compliance may levy a local option fuel tax under s.  
23 336.025(1)(b) by a majority vote of its governing body.

24 (h) A county that has adopted a community vision as a  
25 component of the comprehensive plan and the plan amendment  
26 incorporating the community vision as a component has been  
27 found in compliance may levy the ninth-cent fuel tax under s.  
28 336.021(1)(a) by a majority vote of its governing body.

29 (i) A local government that has developed a community  
30 vision or completed a visioning process after July 1, 2000,  
31 and before July 1, 2005, which substantially accomplishes the

1 goals set forth in this subsection and the appropriate goals,  
2 policies, or objectives have been adopted as part of the  
3 comprehensive plan or reflected in subsequently adopted land  
4 development regulations and the plan amendment incorporating  
5 the community vision as a component has been found in  
6 compliance may levy the local option fuel tax under s.  
7 336.025(1)(b) and the ninth-cent fuel tax under s.  
8 336.021(1)(a) by a majority vote of its governing body.

9 (14) Local governments are also encouraged to  
10 designate an urban service boundary. This area must be  
11 appropriate for compact, contiguous urban development within a  
12 10-year planning timeframe. The urban service area boundary  
13 must be identified on the future land use map or map series.  
14 The local government shall demonstrate that the land included  
15 within the urban service boundary is served or is planned to  
16 be served with adequate public facilities and services based  
17 on the local government's adopted level-of-service standards  
18 by adopting a 10-year facilities plan in the capital  
19 improvements element which is financially feasible. The local  
20 government shall demonstrate that the amount of land within  
21 the urban service boundary does not exceed the amount of land  
22 needed to accommodate the projected population growth at  
23 densities consistent with the adopted comprehensive plan  
24 within the 10-year planning timeframe.

25 (a) As part of the process of establishing an urban  
26 service boundary, the local government must hold two public  
27 meetings with at least one of those meetings before the local  
28 planning agency. Before those public meetings, the local  
29 government must hold at least one public workshop with  
30 stakeholder groups such as neighborhood associations,  
31 community organizations, businesses, private property owners,

1 housing and development interests, and environmental  
2 organizations.

3 (b)1. After the workshops and public meetings required  
4 under paragraph (a) are held, the local government may amend  
5 its comprehensive plan to include the urban service boundary.  
6 This plan amendment must be transmitted and adopted pursuant  
7 to the procedures in ss. 163.3184 and 163.3189 at meetings of  
8 the governing body other than those required under paragraph  
9 (a).

10 2. This subsection does not prohibit new development  
11 outside an urban service boundary. However, a local government  
12 that establishes an urban service boundary under this  
13 subsection is encouraged to require a full-cost accounting  
14 analysis for any new development outside the boundary and to  
15 consider the results of that analysis when adopting a plan  
16 amendment for property outside the established urban service  
17 boundary.

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

21 (d) A county that has adopted a community vision under  
22 subsection (13) and an urban service boundary under this  
23 subsection as part of its comprehensive plan and the plan  
24 amendments incorporating the vision and the urban service  
25 boundary have been found in compliance may levy the charter  
26 county transit system surtax under s. 212.055(1) by a majority  
27 vote of the governing body.

28 (e) A county that has adopted a community vision under  
29 subsection (13) and an urban service boundary under this  
30 subsection and the plan amendments incorporating the vision  
31 and the urban service boundary have been found in compliance

1 may levy the local government infrastructure surtax under s.  
2 212.055(2) by a majority vote of its governing body.

3 (f) A small county that has adopted a community vision  
4 under subsection (13) and an urban service boundary under this  
5 subsection and the plan amendment incorporating the vision and  
6 the urban service boundary has been found in compliance may  
7 levy the local government infrastructure surtax under s.  
8 212.055(2) and the small county surtax under s. 212.055(3) by  
9 a majority vote of its governing body for a combined rate of  
10 up to 2 percent.

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

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

15 163.31777 Public schools interlocal agreement.--

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

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

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

31

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

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

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

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

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

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

1 include the dispute resolution processes contained in chapters  
2 164 and 186.

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

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

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

26 (6) Except as provided in subsection (7),  
27 municipalities meeting the exemption criteria in s.  
28 163.3177(12) having no established need for a new school  
29 facility and meeting the following criteria are exempt from  
30 the requirements of subsections (1), (2), and (3).~~+~~

31

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

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

10           (7) At the time of the evaluation and appraisal  
11 report, each exempt municipality shall assess the extent to  
12 which it continues to meet the criteria for exemption under s.  
13 163.3177(12) ~~subsection (6)~~. If the municipality continues to  
14 meet these criteria ~~and the district school board verifies in~~  
15 ~~writing that no new school facilities will be needed within~~  
16 ~~the 5 year and 10 year timeframes~~, the municipality shall  
17 continue to be exempt from the interlocal-agreement  
18 requirement. Each municipality exempt under s. 163.3177(12)  
19 ~~subsection (6)~~ must comply with the provisions of this section  
20 within 1 year after the district school board proposes, in its  
21 5-year district facilities work program, a new school within  
22 the municipality's jurisdiction.

23           Section 5. Paragraph (a) of subsection (1), subsection  
24 (2), paragraph (c) of subsection (4), subsections (5), (6),  
25 (7), (9), (10), (13), and (15) of section 163.3180, Florida  
26 Statutes, are amended, and subsections (16) and (17) are added  
27 to that section, to read:

28           163.3180 Concurrency.--

29           (1)(a) Sanitary sewer, solid waste, drainage, potable  
30 water, parks and recreation, schools, and transportation  
31 facilities, including mass transit, where applicable, are the

1 only public facilities and services subject to the concurrency  
2 requirement on a statewide basis. Additional public facilities  
3 and services may not be made subject to concurrency on a  
4 statewide basis without appropriate study and approval by the  
5 Legislature; however, any local government may extend the  
6 concurrency requirement so that it applies to additional  
7 public facilities within its jurisdiction.

8 (2)(a) Consistent with public health and safety,  
9 sanitary sewer, solid waste, drainage, adequate water  
10 supplies, and potable water facilities shall be in place and  
11 available to serve new development no later than the issuance  
12 by the local government of a certificate of occupancy or its  
13 functional equivalent. Prior to approval of a building permit  
14 or its functional equivalent, the local government shall  
15 consult with the applicable water supplier to determine  
16 whether adequate water supplies to serve the new development  
17 will be available no later than the anticipated date of  
18 issuance by the local government of a certificate of occupancy  
19 or its functional equivalent.

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



1 ~~government's approval to commence construction~~ ~~government of a~~  
2 ~~certificate of occupancy or its functional equivalent.~~

3 (c) Consistent with the public welfare, and except as  
4 otherwise provided in this section, transportation facilities  
5 ~~designated as part of the Florida Intrastate Highway System~~  
6 needed to serve new development shall be in place or under  
7 actual construction within 3 ~~not more than 5~~ years after the  
8 local government approves a building permit or its functional  
9 equivalent that results in traffic generation ~~issuance by the~~  
10 ~~local government of a certificate of occupancy or its~~  
11 ~~functional equivalent. Other transportation facilities needed~~  
12 ~~to serve new development shall be in place or under actual~~  
13 ~~construction no more than 3 years after issuance by the local~~  
14 ~~government of a certificate of occupancy or its functional~~  
15 ~~equivalent.~~

16 (4)

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

29 (5)(a) The Legislature finds that under limited  
30 circumstances dealing with transportation facilities,  
31 countervailing planning and public policy goals may come into

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

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

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

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

31

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

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

19           (f) Prior to the designation of a concurrency  
20 exception area, the Department of Transportation shall be  
21 consulted by the local government to assess the impact that  
22 the proposed exception area is expected to have on the adopted  
23 level of service standards established for Strategic  
24 Intermodal System facilities, as defined in s. 339.64, and  
25 roadway facilities funded in accordance with s. 339.2819.  
26 Further, the local government shall, in cooperation with the  
27 Department of Transportation, develop a plan to mitigate any  
28 impacts to the Strategic Intermodal System, including, if  
29 appropriate, the development of a long-term concurrency  
30 management system pursuant to ss. 163.3177(3)(d) and  
31 163.3180(9). in the comprehensive plan. These guidelines must

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

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

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

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

12 (7) In order to promote infill development and  
13 redevelopment, one or more transportation concurrency  
14 management areas may be designated in a local government  
15 comprehensive plan. A transportation concurrency management  
16 area must be a compact geographic area with an existing  
17 network of roads where multiple, viable alternative travel  
18 paths or modes are available for common trips. A local  
19 government may establish an areawide level-of-service standard  
20 for such a transportation concurrency management area based  
21 upon an analysis that provides for a justification for the  
22 areawide level of service, how urban infill development or  
23 redevelopment will be promoted, and how mobility will be  
24 accomplished within the transportation concurrency management  
25 area. Prior to the designation of a concurrency management  
26 area, the Department of Transportation shall be consulted by  
27 the local government to assess the impact that the proposed  
28 concurrency management area is expected to have on the adopted  
29 level of service standards established for Strategic  
30 Intermodal System facilities, as defined in s. 339.64, and  
31 roadway facilities funded in accordance with s. 339.2819.

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~~ 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 System designated in accordance with ss.  
26 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate  
27 Highway System as defined in s. 338.001, and roadway  
28 facilities funded in accordance with s. 339.2819 with  
29 ~~concurrence from the Department of Transportation, the~~  
30 ~~level of service standard for general lanes in urbanized~~  
31 ~~areas, as defined in s. 334.03(36), may be established by the~~

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

23 (13) School concurrency, ~~if imposed by local option,~~  
24 shall be established on a districtwide basis and shall include  
25 all public schools in the district and all portions of the  
26 district, whether located in a municipality or an  
27 unincorporated area unless exempt from the public school  
28 facilities element pursuant to s. 163.3177(12). The  
29 application of school concurrency to development shall be  
30 based upon the adopted comprehensive plan, as amended. All  
31 local governments within a county, except as provided in



1 paragraph (f), shall adopt and transmit to the state land  
2 planning agency the necessary plan amendments, along with the  
3 interlocal agreement, for a compliance review pursuant to s.  
4 163.3184(7) and (8). ~~School concurrency shall not become~~  
5 ~~effective in a county until all local governments, except as~~  
6 ~~provided in paragraph (f), have adopted the necessary plan~~  
7 ~~amendments, which together with the interlocal agreement, are~~  
8 ~~determined to be in compliance with the requirements of this~~  
9 ~~part.~~ The minimum requirements for school concurrency are the  
10 following:

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

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

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

30 2. Public school level-of-service standards shall be  
31 included and adopted into the capital improvements element of

1 the local comprehensive plan and shall apply districtwide to  
2 all schools of the same type. Types of schools may include  
3 elementary, middle, and high schools as well as special  
4 purpose facilities such as magnet schools.

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

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

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

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

19           3. Where school capacity is available on a  
20 districtwide basis but school concurrency is applied on a less  
21 than districtwide basis in the form of concurrency service  
22 areas, if the adopted level-of-service standard cannot be met  
23 in a particular service area as applied to an application for  
24 a development permit and if the needed capacity for the  
25 particular service area is available in one or more contiguous  
26 service areas, as adopted by the local government, then the  
27 local government may not deny an application for site plan or  
28 final subdivision approval or the functional equivalent for a  
29 development or phase of a development on the basis of school  
30 concurrency, and if order shall be issued, development impacts  
31 shall be shifted to contiguous service areas with schools

1 ~~having available capacity and mitigation measures shall not be~~  
2 ~~exacted.~~

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

12 1. A comprehensive plan amendment seeking to impose  
13 school concurrency shall contain appropriate amendments to the  
14 capital improvements element of the comprehensive plan,  
15 consistent with the requirements of s. 163.3177(3) and rule  
16 9J-5.016, Florida Administrative Code. The capital  
17 improvements element shall set forth a financially feasible  
18 public school capital facilities program, established in  
19 conjunction with the school board, that demonstrates that the  
20 adopted level-of-service standards will be achieved and  
21 maintained.

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

28 3. When the financial feasibility of a public school  
29 capital facilities program is evaluated by the state land  
30 planning agency for purposes of a compliance determination,  
31

1 the evaluation shall be based upon the service areas selected  
2 by the local governments and school board.

3 (e) Availability standard.--Consistent with the public  
4 welfare, a local government may not deny an application for  
5 site plan, final subdivision approval, or the functional  
6 equivalent for a development or phase of a development ~~permit~~  
7 authorizing residential development for failure to achieve and  
8 maintain the level-of-service standard for public school  
9 capacity in a local ~~option~~ school concurrency management  
10 system where adequate school facilities will be in place or  
11 under actual construction within 3 years after the ~~permit~~  
12 issuance of final subdivision or site plan approval, or the  
13 functional equivalent. School concurrency shall be satisfied  
14 if the developer executes a legally binding commitment to  
15 provide mitigation proportionate to the demand for public  
16 school facilities to be created by actual development of the  
17 property, including, but not limited to, the options described  
18 in subparagraph 1. Options for proportionate-share mitigation  
19 of impacts on public school facilities shall be established in  
20 the public school facilities element and the interlocal  
21 agreement pursuant to s. 163.31777.

22 1. Appropriate mitigation options include the  
23 contribution of land; the construction, expansion, or payment  
24 for land acquisition or construction of a public school  
25 facility; or the creation of mitigation banking based on the  
26 construction of a public school facility in exchange for the  
27 right to sell capacity credits. Such options must include  
28 execution by the applicant and the local government of a  
29 binding development agreement that constitutes a legally  
30 binding commitment to pay proportionate-share mitigation for  
31 the additional residential units approved by the local

1 government in a development order and actually developed on  
2 the property, taking into account residential density allowed  
3 on the property prior to the plan amendment that increased  
4 overall residential density. The district school board shall  
5 be a party to such an agreement. As a condition of its entry  
6 into such a development agreement, the local government may  
7 require the landowner to agree to continuing renewal of the  
8 agreement upon its expiration.

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

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

24       4. This paragraph does not limit the authority of a  
25 local government to deny a development permit or its  
26 functional equivalent pursuant to its home-rule regulatory  
27 powers, except as provided in this part.

28       (f) Intergovernmental coordination.--

29       1. When establishing concurrency requirements for  
30 public schools, a local government shall satisfy the  
31 requirements for intergovernmental coordination set forth in

1 s. 163.3177(6)(h)1. and 2., except that a municipality is not  
2 required to be a signatory to the interlocal agreement  
3 required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.3177(6), as a  
4 prerequisite for imposition of school concurrency, and as a  
5 nonsignatory, shall not participate in the adopted local  
6 school concurrency system, if the municipality meets all of  
7 the following criteria for having no significant impact on  
8 school attendance:

9 a. The municipality has issued development orders for  
10 fewer than 50 residential dwelling units during the preceding  
11 5 years, or the municipality has generated fewer than 25  
12 additional public school students during the preceding 5  
13 years.

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

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

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

21 2. A municipality which qualifies as having no  
22 significant impact on school attendance pursuant to the  
23 criteria of subparagraph 1. must review and determine at the  
24 time of its evaluation and appraisal report pursuant to s.  
25 163.3191 whether it continues to meet the criteria pursuant to  
26 s. 163.3177(6). If the municipality determines that it no  
27 longer meets the criteria, it must adopt appropriate school  
28 concurrency goals, objectives, and policies in its plan  
29 amendments based on the evaluation and appraisal report, and  
30 enter into the existing interlocal agreement required by ss.  
31 ~~s.~~ 163.3177(6)(h)2. and 163.3177, in order to fully

1 participate in the school concurrency system. If such a  
2 municipality fails to do so, it will be subject to the  
3 enforcement provisions of s. 163.3191.

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

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

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

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



1 ~~and infrastructure required to support public school~~  
2 ~~facilities.~~

3 2.3. Establish a process for the development of siting  
4 criteria which encourages the location of public schools  
5 proximate to urban residential areas to the extent possible  
6 and seeks to collocate schools with other public facilities  
7 such as parks, libraries, and community centers to the extent  
8 possible.

9 3.4. Specify uniform, districtwide level-of-service  
10 standards for public schools of the same type and the process  
11 for modifying the adopted level-of-service standards.

12 4.5. Establish a process for the preparation,  
13 amendment, and joint approval by each local government and the  
14 school board of a public school capital facilities program  
15 which is financially feasible, and a process and schedule for  
16 incorporation of the public school capital facilities program  
17 into the local government comprehensive plans on an annual  
18 basis.

19 5.6. Define the geographic application of school  
20 concurrency. If school concurrency is to be applied on a less  
21 than districtwide basis in the form of concurrency service  
22 areas, the agreement shall establish criteria and standards  
23 for the establishment and modification of school concurrency  
24 service areas. The agreement shall also establish a process  
25 and schedule for the mandatory incorporation of the school  
26 concurrency service areas and the criteria and standards for  
27 establishment of the service areas into the local government  
28 comprehensive plans. The agreement shall ensure maximum  
29 utilization of school capacity, taking into account  
30 transportation costs and court-approved desegregation plans,  
31 as well as other factors. The agreement shall also ensure the

1 achievement and maintenance of the adopted level-of-service  
2 standards for the geographic area of application throughout  
3 the 5 years covered by the public school capital facilities  
4 plan and thereafter by adding a new fifth year during the  
5 annual update.

6 ~~6.7.~~ Establish a uniform districtwide procedure for  
7 implementing school concurrency which provides for:

8 a. The evaluation of development applications for  
9 compliance with school concurrency requirements, including  
10 information provided by the school board on affected schools,  
11 impact on levels of service, and programmed improvements for  
12 affected schools and any options to provide sufficient  
13 capacity;

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

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

19 ~~7.8.~~ Include provisions relating to ~~termination,~~  
20 ~~suspension, and~~ amendment of the agreement. ~~The agreement~~  
21 ~~shall provide that if the agreement is terminated or~~  
22 ~~suspended, the application of school concurrency shall be~~  
23 ~~terminated or suspended.~~

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

26 (h) This subsection does not limit the authority of a  
27 local government to grant or deny a development permit or its  
28 functional equivalent prior to the implementation of school  
29 concurrency.

30 (15)(a) Multimodal transportation districts may be  
31 established under a local government comprehensive plan in

1 areas delineated on the future land use map for which the  
2 local comprehensive plan assigns secondary priority to vehicle  
3 mobility and primary priority to assuring a safe, comfortable,  
4 and attractive pedestrian environment, with convenient  
5 interconnection to transit. Such districts must incorporate  
6 community design features that will reduce the number of  
7 automobile trips or vehicle miles of travel and will support  
8 an integrated, multimodal transportation system. Prior to the  
9 designation of multimodal transportation districts, the  
10 Department of Transportation shall be consulted by the local  
11 government to assess the impact that the proposed multimodal  
12 district area is expected to have on the adopted level of  
13 service standards established for Strategic Intermodal System  
14 facilities, as defined in s. 339.64, and roadway facilities  
15 funded in accordance with s. 339.2819. Further, the local  
16 government shall, in cooperation with the Department of  
17 Transportation, develop a plan to mitigate any impacts to the  
18 Strategic Intermodal System, including the development of a  
19 long-term concurrency management system pursuant to ss.  
20 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
21 districts existing prior to July 1, 2005, shall meet, at a  
22 minimum, the provisions of this section by July 1, 2006, or at  
23 the time of the comprehensive plan update pursuant to the  
24 evaluation and appraisal report, whichever occurs last.

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

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

6 (c) Local governments may establish multimodal  
7 level-of-service standards that rely primarily on nonvehicular  
8 modes of transportation within the district, when justified by  
9 an analysis demonstrating that the existing and planned  
10 community design will provide an adequate level of mobility  
11 within the district based upon professionally accepted  
12 multimodal level-of-service methodologies. ~~The analysis must~~  
13 ~~take into consideration the impact on the Florida Intrastate~~  
14 ~~Highway System.~~ The analysis must also demonstrate that the  
15 capital improvements required to promote community design are  
16 financially feasible over the development or redevelopment  
17 timeframe for the district and that community design features  
18 within the district provide convenient interconnection for a  
19 multimodal transportation system. Local governments may issue  
20 development permits in reliance upon all planned community  
21 design capital improvements that are financially feasible over  
22 the development or redevelopment timeframe for the district,  
23 without regard to the period of time between development or  
24 redevelopment and the scheduled construction of the capital  
25 improvements. A determination of financial feasibility shall  
26 be based upon currently available funding or funding sources  
27 that could reasonably be expected to become available over the  
28 planning period.

29 (d) Local governments may reduce impact fees or local  
30 access fees for development within multimodal transportation  
31 districts based on the reduction of vehicle trips per

1 household or vehicle miles of travel expected from the  
2 development pattern planned for the district.

3 (16) It is the intent of the Legislature to provide a  
4 method by which the impacts of development on transportation  
5 facilities can be mitigated by the cooperative efforts of the  
6 public and private sectors. The methodology used to calculate  
7 proportionate fair-share mitigation under this subsection must  
8 ensure that development is assessed in a manner and for the  
9 purpose of funding public facilities necessary to accommodate  
10 any impacts having a rational nexus to the proposed  
11 development when the need to construct new facilities or add  
12 to the present system of public facilities is reasonably  
13 attributable to the proposed development.

14 (a) By December 1, 2006, each local government shall  
15 adopt by ordinance a transportation concurrency management  
16 system that shall include a methodology for assessing  
17 proportionate fair-share mitigation options. By December 1,  
18 2005, the Department of Transportation shall develop a model  
19 transportation concurrency management ordinance with  
20 methodologies for assessing proportionate fair-share  
21 mitigation options.

22 (b)1. In its concurrency management system, a local  
23 government shall, by December 1, 2006, include methodologies  
24 that will be applied to calculate proportionate fair-share  
25 mitigation to satisfy transportation concurrency requirements  
26 when the impacted road segments are specifically identified  
27 for funding in the 5-year schedule of capital improvements in  
28 the capital improvements element of the local plan or the  
29 long-term concurrency management system. If a proportionate  
30 fair-share agreement or development order condition reflects  
31 mitigation to a road segment or facility which is not on the

1 5-year schedule of capital improvements at the time of  
2 approval, the local government shall reflect such improvement  
3 in the 5-year schedule of capital improvements at the next  
4 update of the capital improvements element.

5 2. Proportionate fair-share mitigation shall be  
6 applied as a credit against impact fees to the extent that all  
7 or a portion of the proportionate fair-share mitigation is  
8 used to address the same capital infrastructure improvements  
9 contemplated by the local government's impact fee ordinance.  
10 The credit shall not apply to internal, onsite facilities  
11 required by local regulations or to any offsite facilities to  
12 the extent such facilities are necessary to provide safe and  
13 adequate services to the development. The proportionate  
14 fair-share methodology shall be applicable to all development  
15 contributing to the need for new or expanded public  
16 facilities.

17 (c) Proportionate fair-share mitigation includes,  
18 without limitation, separately or collectively, private funds,  
19 contributions of land, and construction and contribution of  
20 facilities and may include public funds as determined by the  
21 local government. The fair market value of the proportionate  
22 fair-share mitigation may not differ based on the form of  
23 mitigation.

24 (d) In order to assist a local government with meeting  
25 concurrency requirements, a local government may impose  
26 proportionate fair-share mitigation adopted under this  
27 subsection on a transportation facility regardless of whether  
28 it meets or fails to meet the established levels of service.

29 (e) Nothing in this subsection limits the home rule  
30 authority of a local government to enter into a public-private  
31 partnership or funding agreement to provide or govern the

1 provision of essential infrastructure deemed necessary by the  
2 local government payable from available taxes, fees, special  
3 assessments or developer contributions.

4 (f) Mitigation for development impacts to facilities  
5 on the Strategic Intermodal System made pursuant to this  
6 subsection requires the concurrence of the Department of  
7 Transportation.

8 Section 6. Subsection (17) is added to section  
9 163.3184, Florida Statutes, to read:

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

12 (17) A local government that has adopted a community  
13 vision and urban service boundary under s. 163.31773(13) and  
14 (14) may adopt a plan amendment related to map amendments  
15 solely to property within an urban service boundary in the  
16 manner described in subsections (1), (2), (7), (14), (15), and  
17 (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that  
18 state and regional agency review is eliminated. The department  
19 may not issue an objections, recommendations, and comments  
20 report on proposed plan amendments or a notice of intent on  
21 adopted plan amendments; however, affected persons, as defined  
22 by paragraph (1)(a), may file a petition for administrative  
23 review pursuant to the requirements of s. 163.3187(3)(a) to  
24 challenge the compliance of an adopted plan amendment. This  
25 subsection does not apply to any amendment within an area of  
26 critical state concern, to any amendment that increases  
27 residential densities allowable in high-hazard coastal areas  
28 as defined in s. 163.3178(2)(h), or to a text change to the  
29 goals, policies, or objectives of the local government's  
30 comprehensive plan. Amendments submitted under this subsection  
31

1 are exempt from the limitation on the frequency of plan  
2 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 extent to which the local government has been  
25 successful in identifying alternative water supply projects  
26 and traditional water supply projects, including conservation  
27 and reuse, necessary to meet the water needs identified in s.  
28 373.0361(2)(a) within the local government's jurisdiction. The  
29 report must evaluate the degree to which the local government  
30 has implemented the work plan for building public, private,  
31 and regional water supply facilities, including development of

1 ~~alternative water supplies, The evaluation must consider the~~  
2 ~~appropriate water management district's regional water supply~~  
3 ~~plan approved pursuant to s. 373.0361. The potable water~~  
4 ~~element must be revised to include a work plan, covering at~~  
5 ~~least a 10 year planning period, for building any water supply~~  
6 ~~facilities that are identified in the element as necessary to~~  
7 ~~serve existing and new development and for which the local~~  
8 ~~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 transportation district designated pursuant to s.  
28 163.3180(15) has achieved the purpose for which it was created  
29 and otherwise 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 transmitted to the state land planning  
29 agency. The prohibition on plan amendments shall commence when  
30 the update amendments to the comprehensive plan are past due.  
31 The comprehensive plan as amended shall be in compliance as

1 defined in s. 163.3184(1)(b). Within 6 months after the  
 2 effective date of the update amendments to the comprehensive  
 3 plan, the local government shall provide to the state land  
 4 planning agency and to all agencies designated by rule a  
 5 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 improvements 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 use of the proceeds of the surtax  
7 shall be used by the county subject to the provisions of  
8 subparagraph (d)5. Surtaxes imposed by majority vote must be  
9 used to supplement, not supplant, existing infrastructure  
10 funding. A charter county may levy a surtax under both this  
11 subparagraph and subparagraph 1. for a combined rate up to 1  
12 percent.

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

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

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

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

27 2. Remitted by the governing body of the county to an  
28 expressway or transportation authority created by law to be  
29 used, at the discretion of such authority, for the  
30 development, construction, operation, or maintenance of roads  
31 or bridges in the county, for the operation and maintenance of

1 a bus system, for the payment of principal and interest on  
2 existing bonds issued for the construction of such roads or  
3 bridges, and, upon approval by the county commission, such  
4 proceeds may be pledged for bonds issued to refinance existing  
5 bonds or new bonds issued for the construction of such roads  
6 or bridges;

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

18           4. Used by the charter county for the planning,  
19 development, construction, operation, and maintenance of roads  
20 and bridges in the county; for the planning, development,  
21 expansion, operation, and maintenance of bus and fixed  
22 guideway systems; and for the payment of principal and  
23 interest on bonds issued for the construction of fixed  
24 guideway rapid transit systems, bus systems, roads, or  
25 bridges; and such proceeds may be pledged by the governing  
26 body of the county for bonds issued to refinance existing  
27 bonds or new bonds issued for the construction of such fixed  
28 guideway rapid transit systems, bus systems, roads, or  
29 bridges. Pursuant to an interlocal agreement entered into  
30 pursuant to chapter 163, the governing body of the charter  
31 county may distribute proceeds from the tax to a municipality,

1 or an expressway or transportation authority created by law to  
2 be expended for the purpose authorized by this paragraph. If  
3 imposed by a majority vote of the governing body and there is  
4 no interlocal agreement with a municipality, distribution of  
5 the surtax proceeds from subparagraphs 1., 2., and 3. and this  
6 subparagraph shall be according to the formula provided in s.  
7 218.62.

8 5. Used by the county to fund regionally-significant  
9 transportation projects identified in a regional  
10 transportation plan developed in accordance with s.  
11 339.155(c), (d), and (e), and capital funding for projects  
12 under the New Starts Transit Program, authorized by Title 49,  
13 U.S.C. 5309 and specified in s. 341.051. Projects to be funded  
14 shall be in compliance with part II of chapter 163 after the  
15 effective date of this act or to implement a long-term  
16 concurrency management system adopted by a local government in  
17 accordance with s. 163.3177(3) or (9).

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

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



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

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

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

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

31

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

31           (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

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

20 (b) A statement which includes a brief general  
 21 description of the projects to be funded by the surtax and  
 22 which conforms to the requirements of s. 101.161 shall be  
 23 placed on the ballot by the governing authority of any county  
 24 which enacts an ordinance calling for a referendum on the levy  
 25 of the surtax or in which the governing bodies of the  
 26 municipalities representing a majority of the county's  
 27 population adopt uniform resolutions calling for a referendum  
 28 on the surtax. The following question shall be placed on the  
 29 ballot:

30  
 31

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

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

2

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

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

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

16

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

21           (d)1. The proceeds of the surtax authorized by this  
22 subsection and any interest accrued thereto shall be expended  
23 by the school district or within the county and municipalities  
24 within the county, or, in the case of a negotiated joint  
25 county agreement, within another county, to finance, plan, and  
26 construct infrastructure and to acquire land for public  
27 recreation or conservation or protection of natural resources  
28 and to finance the closure of county-owned or municipally  
29 owned solid waste landfills that are already closed or are  
30 required to close by order of the Department of Environmental  
31 Protection. Any use of such proceeds or interest for purposes

1 of landfill closure prior to July 1, 1993, is ratified.  
2 Neither the proceeds nor any interest accrued thereto shall be  
3 used for operational expenses of any infrastructure, except  
4 that any county with a population of less than 75,000 that is  
5 required to close a landfill by order of the Department of  
6 Environmental Protection may use the proceeds or any interest  
7 accrued thereto for long-term maintenance costs associated  
8 with landfill closure. Counties, as defined in s. 125.011(1),  
9 and charter counties may, in addition, use the proceeds and  
10 any interest accrued thereto to retire or service indebtedness  
11 incurred for bonds issued prior to July 1, 1987, for  
12 infrastructure purposes, and for bonds subsequently issued to  
13 refund such bonds. Any use of such proceeds or interest for  
14 purposes of retiring or servicing indebtedness incurred for  
15 such refunding bonds prior to July 1, 1999, is ratified.

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

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

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

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

31

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

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

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

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

31

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

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

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

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

26           (g) Notwithstanding paragraph (d), a county having a  
27 population greater than 75,000 in which the taxable value of  
28 real property is less than 60 percent of the just value of  
29 real property for ad valorem tax purposes for the tax year in  
30 which an infrastructure surtax referendum is placed before the  
31 voters, and the municipalities within such a county, may use

1 the proceeds and interest of the surtax for operation and  
2 maintenance of parks and recreation programs and facilities  
3 established with the proceeds of the surtax throughout the  
4 duration of the surtax levy or while interest earnings  
5 accruing from the proceeds of the surtax are available for  
6 such use, whichever period is longer.

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

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



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

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

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

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

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

31

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

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

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

25       (3) SMALL COUNTY SURTAX.--

26       (a) The governing authority in each county that has a  
27 population of 50,000 or less on April 1, 1992, may levy a  
28 discretionary sales surtax of 0.5 percent or 1 percent. The  
29 levy of the surtax shall be pursuant to ordinance enacted by  
30 an extraordinary vote of the members of the county governing  
31 authority if the surtax revenues are expended for operating

1 purposes. If the surtax revenues are expended for the purpose  
2 of servicing bond indebtedness, the surtax shall be approved  
3 by a majority of the electors of the county voting in a  
4 referendum on the surtax.

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

11 The following question shall be placed on the ballot:

12  
13 . . . .FOR the . . . .-cent sales tax  
14 . . . .AGAINST the . . . .-cent sales tax  
15

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

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

27 2. If there is no interlocal agreement, according to  
28 the formula provided in s. 218.62.  
29

30 Any change in the distribution formula shall take effect on  
31 the first day of any month that begins at least 60 days after

1 written notification of that change has been made to the  
2 department.

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

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

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

1 year. A county and municipality may join together to issue  
2 bonds authorized by this subsection.

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

7 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

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

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

20  
21 . . . .FOR THE . . . .CENTS TAX  
22 . . . .AGAINST THE . . . .CENTS TAX

23  
24 (c) The resolution providing for the imposition of the  
25 surtax shall set forth a plan for use of the surtax proceeds  
26 for fixed capital expenditures or fixed capital costs  
27 associated with the construction, reconstruction, or  
28 improvement of school facilities and campuses which have a  
29 useful life expectancy of 5 or more years, and any land  
30 acquisition, land improvement, design, and engineering costs  
31 related thereto. Additionally, the plan shall include the

1 costs of retrofitting and providing for technology  
2 implementation, including hardware and software, for the  
3 various sites within the school district. Surtax revenues may  
4 be used for the purpose of servicing bond indebtedness to  
5 finance projects authorized by this subsection, and any  
6 interest accrued thereto may be held in trust to finance such  
7 projects. Neither the proceeds of the surtax nor any interest  
8 accrued thereto shall be used for operational expenses.

9 (d) Any school board ~~receiving proceeds from imposing~~  
10 the surtax shall implement a freeze on noncapital local school  
11 property taxes, at the millage rate imposed in the year prior  
12 to the implementation of the surtax, for a period of at least  
13 3 years from the date of imposition of the surtax. This  
14 provision shall not apply to existing debt service or required  
15 state taxes.

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

19 (f) Surtaxes imposed by majority vote must be used to  
20 supplement, not supplant, existing school capital outlay  
21 funding. In order to impose the surtax by a majority vote of  
22 the school board, the board must go through the following  
23 process:

24 1. An advisory board must be created to make  
25 recommendations to the school board regarding the use of the  
26 surtax proceeds for fixed capital expenditures or fixed  
27 capital costs associated with the construction,  
28 reconstruction, or improvement of school facilities and  
29 campuses that have a useful life expectancy of 5 or more years  
30 and any land acquisition, land improvement, design, and  
31 engineering costs related thereto. The school board shall

1 appoint members to the advisory board who represent the  
2 diversity of the community and shall include individuals with  
3 an interest in business, economic development, the  
4 environment, municipal government, education, and public  
5 safety and growth management professionals. Based on the  
6 estimated amount of the surtax collections, the advisory board  
7 will conduct at least two public workshops to develop a  
8 project list. A quorum shall consist of a majority of the  
9 advisory board members and is necessary to take any action  
10 regarding recommendations to the school board. The school  
11 board shall provide staff support to the advisory board. All  
12 advisory board meetings are open to the public, and minutes of  
13 the meetings shall be available to the public. The advisory  
14 board shall submit the project list to the school board. The  
15 school board must adopt or amend the project list by  
16 resolution, and must submit the resolution to the board of  
17 county commissioners.

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

29 3. If the school board does not amend the recommended  
30 project list, it may adopt the proposed project list at a  
31

1 public meeting following public notice of the intent to adopt  
2 the recommendations of the advisory board.

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

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

19 6. 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 school board has maintained or increased the level  
23 of school capital outlay expenditures over the previous 5  
24 years.

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

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



1           206.41 State taxes imposed on motor fuel.--

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

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

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

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

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

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

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

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

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

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

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

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

25           3. Beginning January 1, 1992, and on January 1 of each  
26 year thereafter, the tax rate provided in subparagraph 2.  
27 shall be adjusted by the percentage change in the average of  
28 the Consumer Price Index issued by the United States  
29 Department of Labor for the most recent 12-month period ending  
30 September 30, compared to the base year average, which is the  
31

1 average for the 12-month period ending September 30, 1990, and  
2 rounded to the nearest tenth of a cent.

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

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

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

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

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

1           336.021 County transportation system; levy of  
2 ninth-cent fuel tax on motor fuel and diesel fuel.--  
3           (1)(a) Any county in the state, by majority or  
4 extraordinary vote of the membership of its governing body or  
5 subject to a referendum, may levy the tax imposed by ss.  
6 206.41(1)(d) and 206.87(1)(b). County and municipal  
7 governments may use the moneys received under this paragraph  
8 only for transportation expenditures as defined in s.  
9 336.025(7). A county may not levy this surtax by majority vote  
10 of the governing body unless it has adopted a community vision  
11 under s. 163.3177(13). Municipalities within a county that  
12 levies the surtax by a majority vote may not receive surtax  
13 proceeds unless they have also completed this requirement.  
14           Section 11. Paragraph (b) of subsection (1) of section  
15 336.025, Florida Statutes, is amended to read:  
16           336.025 County transportation system; levy of local  
17 option fuel tax on motor fuel and diesel fuel.--  
18           (1)  
19           (b) In addition to other taxes allowed by law, there  
20 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,  
21 3-cent, 4-cent, or 5-cent local option fuel tax upon every  
22 gallon of motor fuel sold in a county and taxed under the  
23 provisions of part I of chapter 206. The tax shall be levied  
24 by an ordinance adopted by a majority or majority plus one  
25 vote of the membership of the governing body of the county or  
26 by referendum.  
27           1. All impositions and rate changes of the tax shall  
28 be levied before July 1, to be effective January 1 of the  
29 following year. However, levies of the tax which were in  
30 effect on July 1, 2002, and which expire on August 31 of any  
31

1 year may be reimposed at the current authorized rate effective  
2 September 1 of the year of expiration.

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

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

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

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

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

17 339.135 Work program; legislative budget request;  
18 definitions; preparation, adoption, execution, and  
19 amendment.--

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

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

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

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

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

31

1           4. The tentative work program must include a balanced  
2 36-month forecast of cash and expenditures and a 5-year  
3 finance plan supporting the tentative work program.

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

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

17           163.3247 Century Commission.--

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

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



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

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

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

31

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

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

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

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

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

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

28       (c) Bring together people representing varied  
29 interests to develop a shared image of the state and its  
30 developed and natural areas. The process should involve  
31 exploring the impact of the estimated population increase and

1 other emerging trends and issues; creating a vision for the  
2 future; and developing a strategic action plan to achieve that  
3 vision using 25-year and 50-year intermediate planning  
4 timeframes.

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

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

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

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

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

30 (a) The Secretary of Community Affairs shall select an  
31 executive director of the commission, and the executive

1 director shall serve at the pleasure of the secretary under  
2 the supervision and control of the commission.

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

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

9 Section 15. Section 339.2819, Florida Statutes, is  
10 created to read:

11 339.2819 Transportation Regional Incentive Program.--

12 (1) There is created within the Department of  
13 Transportation a Transportation Regional Incentive Program for  
14 the purpose of providing funds to improve regionally  
15 significant transportation facilities in regional  
16 transportation areas created pursuant to s. 339.155(5).

17 (2) The percentage of matching funds provided from the  
18 Transportation Regional Incentive Program shall be 50 percent  
19 of project costs, or up to 50 percent of the nonfederal share  
20 of the eligible project cost for a public transportation  
21 facility project.

22 (3) The department shall allocate funding available  
23 for the Transportation Regional Incentive Program to the  
24 districts based on a factor derived from equal parts of  
25 population and motor fuel collections for eligible counties in  
26 regional transportation areas created pursuant to s.  
27 339.155(5).

28 (4)(a) Projects to be funded with Transportation  
29 Regional Incentive Program funds shall, at a minimum:  
30  
31

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

4           2. Be identified in the capital improvements element  
5 of a comprehensive plan that has been determined to be in  
6 compliance with part II of chapter 163, after July 1, 2005, or  
7 to implement a long-term concurrency management system adopted  
8 by a local government in accordance with s. 163.3177(9).

9 Further, the project shall be in compliance with local  
10 government comprehensive plan policies relative to corridor  
11 management.

12           3. Be consistent with the Strategic Intermodal System  
13 Plan developed under s. 339.64.

14           4. Have a commitment for local, regional, or private  
15 financial matching funds as a percentage of the overall  
16 project cost.

17           (b) In allocating Transportation Regional Incentive  
18 Program funds, priority shall be given to projects that:

19           1. Provide connectivity to the Strategic Intermodal  
20 System developed under s. 339.64.

21           2. Support economic development and the movement of  
22 goods in rural areas of critical economic concern designated  
23 under s. 288.0656(7).

24           3. Are subject to a local ordinance that establishes  
25 corridor management techniques, including access management  
26 strategies, right-of-way acquisition and protection measures,  
27 appropriate land use strategies, zoning, and setback  
28 requirements for adjacent land uses.

29           4. Improve connectivity between military installations  
30 and the Strategic Highway Network or the Strategic Rail  
31 Corridor Network.

1           Section 16. Section 337.107, Florida Statutes, is  
2 amended to read:

3           337.107 Contracts for right-of-way services.--The  
4 department may enter into contracts pursuant to s. 287.055 for  
5 right-of-way services on transportation corridors and  
6 transportation facilities, or the department may include  
7 right-of-way services as part of design-build contracts  
8 awarded under s. 337.11. Right-of-way services include  
9 negotiation and acquisition services, appraisal services,  
10 demolition and removal of improvements, and asbestos-abatement  
11 services.

12           Section 17. Effective July 1, 2007, section 337.107,  
13 Florida Statutes, as amended by this act is amended to read:

14           337.107 Contracts for right-of-way services.--The  
15 department may enter into contracts pursuant to s. 287.055 for  
16 right-of-way services on transportation corridors and  
17 transportation facilities, ~~or the department may include~~  
18 ~~right of way services as part of design build contracts~~  
19 ~~awarded under s. 337.11~~. Right-of-way services include  
20 negotiation and acquisition services, appraisal services,  
21 demolition and removal of improvements, and asbestos-abatement  
22 services.

23           Section 18. Paragraph (a) of subsection (7) of section  
24 337.11, Florida Statutes, is amended to read:

25           337.11 Contracting authority of department; bids;  
26 emergency repairs, supplemental agreements, and change orders;  
27 combined design and construction contracts; progress payments;  
28 records; requirements of vehicle registration.--

29           (7)(a) If the head of the department determines that  
30 it is in the best interests of the public, the department may  
31 combine the right-of-way services and design and construction

1 phases of any a building, a major bridge, a limited access  
2 facility, or a rail corridor project into a single contract,  
3 except for a resurfacing or minor bridge project, the  
4 right-of-way services and design and construction phases of  
5 which may be combined under s. 337.025. Such contract is  
6 referred to as a design-build contract. Design-build contracts  
7 may be advertised and awarded notwithstanding the requirements  
8 of paragraph (3)(c). However, construction activities may not  
9 begin on any portion of such projects until title to the  
10 necessary rights-of-way and easements for the construction of  
11 that portion of the project has vested in the state or a local  
12 governmental entity and all railroad crossing and utility  
13 agreements have been executed. Title to rights-of-way vests in  
14 the state when the title has been dedicated to the public or  
15 acquired by prescription.

16 Section 19. Effective July 1, 2007, paragraph (a) of  
17 subsection (7) of section 337.11, Florida Statutes, as amended  
18 by this act, is amended to read:

19 337.11 Contracting authority of department; bids;  
20 emergency repairs, supplemental agreements, and change orders;  
21 combined design and construction contracts; progress payments;  
22 records; requirements of vehicle registration.--

23 (7)(a) If the head of the department determines that  
24 it is in the best interests of the public, the department may  
25 combine the ~~right of way services and~~ design and construction  
26 phases of a building, a major bridge, a limited access  
27 facility, or a rail corridor ~~any~~ project into a single  
28 contract, ~~except for a resurfacing or minor bridge project,~~  
29 ~~the right of way services and design and construction phase of~~  
30 ~~which may be combined under s. 337.025.~~ Such contract is  
31 referred to as a design-build contract. Design-build contracts

1 may be advertised and awarded notwithstanding the requirements  
 2 of paragraph (3)(c). However, construction activities may not  
 3 begin on any portion of such projects for which the  
 4 department has not yet obtained title to the necessary  
 5 rights-of-way and easements for the construction of that  
 6 portion of the project has vested in the state or a local  
 7 governmental entity and all railroad crossing and utility  
 8 agreements have been executed. Title to rights-of-way shall be  
 9 deemed to have vested in the state when the title has been  
 10 dedicated to the public or acquired by prescription.

11 Section 20. Paragraph (1) is added to subsection (24)  
 12 of section 380.06, Florida Statutes, to read:

13 380.06 Developments of regional impact.--

14 (24) STATUTORY EXEMPTIONS.--

15 (1) Any proposed development within an urban service  
 16 boundary established under s. 163.3177(14) is exempt from the  
 17 provisions of this section if the local government having  
 18 jurisdiction over the area where the development is proposed  
 19 has adopted the urban service boundary and has entered into a  
 20 binding agreement with adjacent jurisdictions and the  
 21 Department of Transportation regarding the mitigation of  
 22 impacts on state and regional transportation facilities, and  
 23 has adopted a proportionate share methodology pursuant to s.  
 24 163.3180(16).

25 Section 21. Subsections (3), (7), and (8) of section  
 26 1013.33, Florida Statutes, are amended to read:

27 1013.33 Coordination of planning with local governing  
 28 bodies.--

29 (3) At a minimum, the interlocal agreement must  
 30 address interlocal-agreement requirements in s.  
 31 163.3180(13)(g), except for exempt local governments as



1 provided in s. 163.3177(12), and must address the following  
2 issues:

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

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

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

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

28 (e) A process for the school board to inform the local  
29 government regarding the effect of comprehensive plan  
30 amendments on school capacity. The capacity reporting must be  
31 consistent with laws and rules regarding measurement of school

1 facility capacity and must also identify how the district  
2 school board will meet the public school demand based on the  
3 facilities work program adopted pursuant to s. 1013.35.

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

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

11 (h) A procedure for the resolution of disputes between  
12 the district school board and local governments, which may  
13 include the dispute resolution processes contained in chapters  
14 164 and 186.

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

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

28 (7) Except as provided in subsection (8),  
29 municipalities meeting the exemption criteria in s.  
30 163.3177(12) ~~having no established need for a new facility and~~  
31

1 ~~meeting the following criteria~~ are exempt from the  
 2 requirements of subsections (2), (3), and (4).~~+~~

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

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

12 (8) At the time of the evaluation and appraisal  
 13 report, each exempt municipality shall assess the extent to  
 14 which it continues to meet the criteria for exemption under s.  
 15 163.3177(12) ~~subsection (7)~~. If the municipality continues to  
 16 meet these criteria ~~and the district school board verifies in~~  
 17 ~~writing that no new school facilities will be needed within~~  
 18 ~~the 5 year and 10 year timeframes~~, the municipality shall  
 19 continue to be exempt from the interlocal-agreement  
 20 requirement. Each municipality exempt under s. 163.3177(12)  
 21 ~~subsection (7)~~ must comply with the provisions of subsections  
 22 (2)-(8) within 1 year after the district school board  
 23 proposes, in its 5-year district facilities work program, a  
 24 new school within the municipality's jurisdiction.

25 Section 22. Subsection (2) of section 206.46, Florida  
 26 Statutes, is amended to read:

27 206.46 State Transportation Trust Fund.--

28 (2) Notwithstanding any other provisions of law, from  
 29 the revenues deposited into the State Transportation Trust  
 30 Fund a maximum of 7 percent in each fiscal year shall be  
 31 transferred into the Right-of-Way Acquisition and Bridge

1 Construction Trust Fund created in s. 215.605, as needed to  
2 meet the requirements of the documents authorizing the bonds  
3 issued or proposed to be issued under ss. 215.605 and 337.276  
4 or at a minimum amount sufficient to pay for the debt service  
5 coverage requirements of outstanding bonds. Notwithstanding  
6 the 7 percent annual transfer authorized in this subsection,  
7 the annual amount transferred under this subsection shall not  
8 exceed an amount necessary to provide the required debt  
9 service coverage levels for a maximum debt service not to  
10 exceed ~~\$275~~\$200 million. Such transfer shall be payable  
11 primarily from the motor and diesel fuel taxes transferred to  
12 the State Transportation Trust Fund from the Fuel Tax  
13 Collection Trust Fund.

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

16 339.08 Use of moneys in State Transportation Trust  
17 Fund.--

18 (1) The department shall expend moneys in the State  
19 Transportation Trust Fund accruing to the department, in  
20 accordance with its annual budget. The use of such moneys  
21 shall be restricted to the following purposes:

22 (a) To pay administrative expenses of the department,  
23 including administrative expenses incurred by the several  
24 state transportation districts, but excluding administrative  
25 expenses of commuter rail authorities that do not operate rail  
26 service.

27 (b) To pay the cost of construction of the State  
28 Highway System.

29 (c) To pay the cost of maintaining the State Highway  
30 System.

31

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

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

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

8 (g) To lend or pay a portion of the operating,  
9 maintenance, and capital costs of a revenue-producing  
10 transportation project that is located on the State Highway  
11 System or that is demonstrated to relieve traffic congestion  
12 on the State Highway System.

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

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

19 (j) To pay the cost of county or municipal road  
20 projects selected in accordance with the County Incentive  
21 Grant Program created in s. 339.2817 and the Small County  
22 Outreach Program created in s. 339.2818.

23 (k) To provide loans and credit enhancements for use  
24 in constructing and improving highway transportation  
25 facilities selected in accordance with the state-funded  
26 infrastructure bank created in s. 339.55.

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

29 (m) To pay the cost of transportation projects  
30 selected in accordance with the Transportation Regional  
31 Incentive Program created in s. 339.2819.

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

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

5           339.155 Transportation planning.--

6           (5) ADDITIONAL TRANSPORTATION PLANS.--

7           (c) Regional transportation plans may be developed in  
8 regional transportation areas in accordance with an interlocal  
9 agreement entered into pursuant to s. 163.01 by two or more  
10 contiguous metropolitan planning organizations; one or more  
11 metropolitan planning organizations and one or more contiguous  
12 counties, none of which is a member of a metropolitan planning  
13 organization; a multicounty regional transportation authority  
14 created by or pursuant to law; two or more contiguous counties  
15 that are not members of a metropolitan planning organization;  
16 or metropolitan planning organizations comprised of three or  
17 more counties.

18           (d) The interlocal agreement must, at a minimum,  
19 identify the entity that will coordinate the development of  
20 the regional transportation plan; delineate the boundaries of  
21 the regional transportation area; provide the duration of the  
22 agreement and specify how the agreement may be terminated,  
23 modified, or rescinded; describe the process by which the  
24 regional transportation plan will be developed; and provide  
25 how members of the entity will resolve disagreements regarding  
26 interpretation of the interlocal agreement or disputes  
27 relating to the development or content of the regional  
28 transportation plan. Such interlocal agreement shall become  
29 effective upon its recordation in the official public records  
30 of each county in the regional transportation area.

31

1           (e) The regional transportation plan developed  
2 pursuant to this section must, at a minimum, identify  
3 regionally significant transportation facilities located  
4 within a regional transportation area and contain a  
5 prioritized list of regionally significant projects. The  
6 level-of-service standards for facilities to be funded under  
7 this subsection shall be adopted by the appropriate local  
8 government in accordance with s. 163.3180(10). The projects  
9 shall be adopted into the capital improvements schedule of the  
10 local government comprehensive plan pursuant to s.  
11 163.3177(3).

12           Section 25. Section 339.175, Florida Statutes, is  
13 amended to read:

14           339.175 Metropolitan planning organization.--It is the  
15 intent of the Legislature to encourage and promote the safe  
16 and efficient management, operation, and development of  
17 surface transportation systems that will serve the mobility  
18 needs of people and freight within and through urbanized areas  
19 of this state while minimizing transportation-related fuel  
20 consumption and air pollution. To accomplish these objectives,  
21 metropolitan planning organizations, referred to in this  
22 section as M.P.O.'s, shall develop, in cooperation with the  
23 state and public transit operators, transportation plans and  
24 programs for metropolitan areas. The plans and programs for  
25 each metropolitan area must provide for the development and  
26 integrated management and operation of transportation systems  
27 and facilities, including pedestrian walkways and bicycle  
28 transportation facilities that will function as an intermodal  
29 transportation system for the metropolitan area, based upon  
30 the prevailing principles provided in s. 334.046(1). The  
31 process for developing such plans and programs shall provide

1 for consideration of all modes of transportation and shall be  
2 continuing, cooperative, and comprehensive, to the degree  
3 appropriate, based on the complexity of the transportation  
4 problems to be addressed. To ensure that the process is  
5 integrated with the statewide planning process, M.P.O.'s shall  
6 develop plans and programs that identify transportation  
7 facilities that should function as an integrated metropolitan  
8 transportation system, giving emphasis to facilities that  
9 serve important national, state, and regional transportation  
10 functions. For the purposes of this section, those facilities  
11 include the facilities on the Strategic Intermodal System  
12 designated under s. 339.63 and facilities for which projects  
13 have been identified pursuant to s. 339.2819(4).

14 (1) DESIGNATION.--

15 (a)1. An M.P.O. shall be designated for each urbanized  
16 area of the state; however, this does not require that an  
17 individual M.P.O. be designated for each such area. Such  
18 designation shall be accomplished by agreement between the  
19 Governor and units of general-purpose local government  
20 representing at least 75 percent of the population of the  
21 urbanized area; however, the unit of general-purpose local  
22 government that represents the central city or cities within  
23 the M.P.O. jurisdiction, as defined by the United States  
24 Bureau of the Census, must be a party to such agreement.

25 2. More than one M.P.O. may be designated within an  
26 existing metropolitan planning area only if the Governor and  
27 the existing M.P.O. determine that the size and complexity of  
28 the existing metropolitan planning area makes the designation  
29 of more than one M.P.O. for the area appropriate.

30 (b) Each M.P.O. shall be created and operated under  
31 the provisions of this section pursuant to an interlocal



1 agreement entered into pursuant to s. 163.01. The signatories  
2 to the interlocal agreement shall be the department and the  
3 governmental entities designated by the Governor for  
4 membership on the M.P.O. If there is a conflict between this  
5 section and s. 163.01, this section prevails.

6 (c) The jurisdictional boundaries of an M.P.O. shall  
7 be determined by agreement between the Governor and the  
8 applicable M.P.O. The boundaries must include at least the  
9 metropolitan planning area, which is the existing urbanized  
10 area and the contiguous area expected to become urbanized  
11 within a 20-year forecast period, and may encompass the entire  
12 metropolitan statistical area or the consolidated metropolitan  
13 statistical area.

14 (d) In the case of an urbanized area designated as a  
15 nonattainment area for ozone or carbon monoxide under the  
16 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
17 the metropolitan planning area in existence as of the date of  
18 enactment of this paragraph shall be retained, except that the  
19 boundaries may be adjusted by agreement of the Governor and  
20 affected metropolitan planning organizations in the manner  
21 described in this section. If more than one M.P.O. has  
22 authority within a metropolitan area or an area that is  
23 designated as a nonattainment area, each M.P.O. shall consult  
24 with other M.P.O.'s designated for such area and with the  
25 state in the coordination of plans and programs required by  
26 this section.

27  
28 Each M.P.O. required under this section must be fully  
29 operative no later than 6 months following its designation.

30 (2) VOTING MEMBERSHIP.--  
31

1           (a) The voting membership of an M.P.O. shall consist  
2 of not fewer than 5 or more than 19 apportioned members, the  
3 exact number to be determined on an equitable  
4 geographic-population ratio basis by the Governor, based on an  
5 agreement among the affected units of general-purpose local  
6 government as required by federal rules and regulations. The  
7 Governor, in accordance with 23 U.S.C. s. 134, may also  
8 provide for M.P.O. members who represent municipalities to  
9 alternate with representatives from other municipalities  
10 within the metropolitan planning area that do not have members  
11 on the M.P.O. County commission members shall compose not less  
12 than one-third of the M.P.O. membership, except for an M.P.O.  
13 with more than 15 members located in a county with a  
14 five-member county commission or an M.P.O. with 19 members  
15 located in a county with no more than 6 county commissioners,  
16 in which case county commission members may compose less than  
17 one-third percent of the M.P.O. membership, but all county  
18 commissioners must be members. All voting members shall be  
19 elected officials of general-purpose governments, except that  
20 an M.P.O. may include, as part of its apportioned voting  
21 members, a member of a statutorily authorized planning board,  
22 an official of an agency that operates or administers a major  
23 mode of transportation, or an official of the Florida Space  
24 Authority. The county commission shall compose not less than  
25 20 percent of the M.P.O. membership if an official of an  
26 agency that operates or administers a major mode of  
27 transportation has been appointed to an M.P.O.

28           (b) In metropolitan areas in which authorities or  
29 other agencies have been or may be created by law to perform  
30 transportation functions and are performing transportation  
31 functions that are not under the jurisdiction of a general

1 | purpose local government represented on the M.P.O., they shall  
2 | be provided voting membership on the M.P.O. In all other  
3 | M.P.O.'s where transportation authorities or agencies are to  
4 | be represented by elected officials from general purpose local  
5 | governments, the M.P.O. shall establish a process by which the  
6 | collective interests of such authorities or other agencies are  
7 | expressed and conveyed.

8 |         (c) Any other provision of this section to the  
9 | contrary notwithstanding, a chartered county with over 1  
10 | million population may elect to reapportion the membership of  
11 | an M.P.O. whose jurisdiction is wholly within the county. The  
12 | charter county may exercise the provisions of this paragraph  
13 | if:

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

16 |             2. The M.P.O. and the charter county determine that  
17 | the reapportionment plan is needed to fulfill specific goals  
18 | and policies applicable to that metropolitan planning area;  
19 | and

20 |             3. The charter county determines the reapportionment  
21 | plan otherwise complies with all federal requirements  
22 | pertaining to M.P.O. membership.

23 |  
24 | Any charter county that elects to exercise the provisions of  
25 | this paragraph shall notify the Governor in writing.

26 |         (d) Any other provision of this section to the  
27 | contrary notwithstanding, any county chartered under s. 6(e),  
28 | Art. VIII of the State Constitution may elect to have its  
29 | county commission serve as the M.P.O., if the M.P.O.  
30 | jurisdiction is wholly contained within the county. Any  
31 | charter county that elects to exercise the provisions of this

1 paragraph shall so notify the Governor in writing. Upon  
2 receipt of such notification, the Governor must designate the  
3 county commission as the M.P.O. The Governor must appoint  
4 four additional voting members to the M.P.O., one of whom must  
5 be an elected official representing a municipality within the  
6 county, one of whom must be an expressway authority member,  
7 one of whom must be a person who does not hold elected public  
8 office and who resides in the unincorporated portion of the  
9 county, and one of whom must be a school board member.

10 (3) APPORTIONMENT.--

11 (a) The Governor shall, with the agreement of the  
12 affected units of general-purpose local government as required  
13 by federal rules and regulations, apportion the membership on  
14 the applicable M.P.O. among the various governmental entities  
15 within the area and shall prescribe a method for appointing  
16 alternate members who may vote at any M.P.O. meeting that an  
17 alternate member attends in place of a regular member. An  
18 appointed alternate member must be an elected official serving  
19 the same governmental entity or a general-purpose local  
20 government with jurisdiction within all or part of the area  
21 that the regular member serves. The governmental entity so  
22 designated shall appoint the appropriate number of members to  
23 the M.P.O. from eligible officials. Representatives of the  
24 department shall serve as nonvoting members of the M.P.O.  
25 Nonvoting advisers may be appointed by the M.P.O. as deemed  
26 necessary. The Governor shall review the composition of the  
27 M.P.O. membership in conjunction with the decennial census as  
28 prepared by the United States Department of Commerce, Bureau  
29 of the Census, and reapportion it as necessary to comply with  
30 subsection (2).  
31

1           (b) Except for members who represent municipalities on  
2 the basis of alternating with representatives from other  
3 municipalities that do not have members on the M.P.O. as  
4 provided in paragraph (2)(a), the members of an M.P.O. shall  
5 serve 4-year terms. Members who represent municipalities on  
6 the basis of alternating with representatives from other  
7 municipalities that do not have members on the M.P.O. as  
8 provided in paragraph (2)(a) may serve terms of up to 4 years  
9 as further provided in the interlocal agreement described in  
10 paragraph (1)(b). The membership of a member who is a public  
11 official automatically terminates upon the member's leaving  
12 his or her elective or appointive office for any reason, or  
13 may be terminated by a majority vote of the total membership  
14 of a county or city governing entity represented by the  
15 member. A vacancy shall be filled by the original appointing  
16 entity. A member may be reappointed for one or more  
17 additional 4-year terms.

18           (c) If a governmental entity fails to fill an assigned  
19 appointment to an M.P.O. within 60 days after notification by  
20 the Governor of its duty to appoint, that appointment shall be  
21 made by the Governor from the eligible representatives of that  
22 governmental entity.

23           (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
24 responsibility of an M.P.O. is to manage a continuing,  
25 cooperative, and comprehensive transportation planning process  
26 that, based upon the prevailing principles provided in s.  
27 334.046(1), results in the development of plans and programs  
28 which are consistent, to the maximum extent feasible, with the  
29 approved local government comprehensive plans of the units of  
30 local government the boundaries of which are within the  
31 metropolitan area of the M.P.O. An M.P.O. shall be the forum

1 for cooperative decisionmaking by officials of the affected  
2 governmental entities in the development of the plans and  
3 programs required by subsections (5), (6), (7), and (8).

4 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
5 privileges, and authority of an M.P.O. are those specified in  
6 this section or incorporated in an interlocal agreement  
7 authorized under s. 163.01. Each M.P.O. shall perform all  
8 acts required by federal or state laws or rules, now and  
9 subsequently applicable, which are necessary to qualify for  
10 federal aid. It is the intent of this section that each M.P.O.  
11 shall be involved in the planning and programming of  
12 transportation facilities, including, but not limited to,  
13 airports, intercity and high-speed rail lines, seaports, and  
14 intermodal facilities, to the extent permitted by state or  
15 federal law.

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

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

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

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

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

28 1. Support the economic vitality of the metropolitan  
29 area, especially by enabling global competitiveness,  
30 productivity, and efficiency;

31

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

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

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

7           5. Enhance the integration and connectivity of the  
8 transportation system, across and between modes, for people  
9 and freight;

10          6. Promote efficient system management and operation;  
11 and

12          7. Emphasize the preservation of the existing  
13 transportation system.

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

17           1. Prepare a congestion management system for the  
18 metropolitan area and cooperate with the department in the  
19 development of all other transportation management systems  
20 required by state or federal law;

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

23           3. Assist the department in performing its duties  
24 relating to access management, functional classification of  
25 roads, and data collection;

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

28           5. Represent all the jurisdictional areas within the  
29 metropolitan area in the formulation of transportation plans  
30 and programs required by this section; and  
31

1           6. Perform all other duties required by state or  
2 federal law.

3           (d) Each M.P.O. shall appoint a technical advisory  
4 committee that includes planners; engineers; representatives  
5 of local aviation authorities, port authorities, and public  
6 transit authorities or representatives of aviation  
7 departments, seaport departments, and public transit  
8 departments of municipal or county governments, as applicable;  
9 the school superintendent of each county within the  
10 jurisdiction of the M.P.O. or the superintendent's designee;  
11 and other appropriate representatives of affected local  
12 governments. In addition to any other duties assigned to it by  
13 the M.P.O. or by state or federal law, the technical advisory  
14 committee is responsible for considering safe access to  
15 schools in its review of transportation project priorities,  
16 long-range transportation plans, and transportation  
17 improvement programs, and shall advise the M.P.O. on such  
18 matters. In addition, the technical advisory committee shall  
19 coordinate its actions with local school boards and other  
20 local programs and organizations within the metropolitan area  
21 which participate in school safety activities, such as locally  
22 established community traffic safety teams. Local school  
23 boards must provide the appropriate M.P.O. with information  
24 concerning future school sites and in the coordination of  
25 transportation service.

26           (e)1. Each M.P.O. shall appoint a citizens' advisory  
27 committee, the members of which serve at the pleasure of the  
28 M.P.O. The membership on the citizens' advisory committee must  
29 reflect a broad cross section of local residents with an  
30 interest in the development of an efficient, safe, and  
31



1 cost-effective transportation system. Minorities, the elderly,  
2 and the handicapped must be adequately represented.

3 2. Notwithstanding the provisions of subparagraph 1.,  
4 an M.P.O. may, with the approval of the department and the  
5 applicable federal governmental agency, adopt an alternative  
6 program or mechanism to ensure citizen involvement in the  
7 transportation planning process.

8 (f) The department shall allocate to each M.P.O., for  
9 the purpose of accomplishing its transportation planning and  
10 programming duties, an appropriate amount of federal  
11 transportation planning funds.

12 (g) Each M.P.O. may employ personnel or may enter into  
13 contracts with local or state agencies, private planning  
14 firms, or private engineering firms to accomplish its  
15 transportation planning and programming duties required by  
16 state or federal law.

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

21 1. Coordinate transportation projects deemed to be  
22 regionally significant by the committee.

23 2. Review the impact of regionally significant land  
24 use decisions on the region.

25 3. Review all proposed regionally significant  
26 transportation projects in the respective transportation  
27 improvement programs which affect more than one of the  
28 M.P.O.'s represented on the committee.

29 4. Institute a conflict resolution process to address  
30 any conflict that may arise in the planning and programming of  
31 such regionally significant projects.

1 (i)1. The Legislature finds that the state's rapid  
2 growth in recent decades has caused many urbanized areas  
3 subject to M.P.O. jurisdiction to become contiguous to each  
4 other. As a result, various transportation projects may cross  
5 from the jurisdiction of one M.P.O. into the jurisdiction of  
6 another M.P.O. To more fully accomplish the purposes for which  
7 M.P.O.'s have been mandated, M.P.O.'s shall develop  
8 coordination mechanisms with one another to expand and improve  
9 transportation within the state. The appropriate method of  
10 coordination between M.P.O.'s shall vary depending upon the  
11 project involved and given local and regional needs.  
12 Consequently, it is appropriate to set forth a flexible  
13 methodology that can be used by M.P.O.'s to coordinate with  
14 other M.P.O.'s and appropriate political subdivisions as  
15 circumstances demand.

16 2. Any M.P.O. may join with any other M.P.O. or any  
17 individual political subdivision to coordinate activities or  
18 to achieve any federal or state transportation planning or  
19 development goals or purposes consistent with federal or state  
20 law. When an M.P.O. determines that it is appropriate to join  
21 with another M.P.O. or any political subdivision to coordinate  
22 activities, the M.P.O. or political subdivision shall enter  
23 into an interlocal agreement pursuant to s. 163.01, which, at  
24 a minimum, creates a separate legal or administrative entity  
25 to coordinate the transportation planning or development  
26 activities required to achieve the goal or purpose; provide  
27 the purpose for which the entity is created; provide the  
28 duration of the agreement and the entity, and specify how the  
29 agreement may be terminated, modified, or rescinded; describe  
30 the precise organization of the entity, including who has  
31 voting rights on the governing board, whether alternative

1 voting members are provided for, how voting members are  
2 appointed, and what the relative voting strength is for each  
3 constituent M.P.O. or political subdivision; provide the  
4 manner in which the parties to the agreement will provide for  
5 the financial support of the entity and payment of costs and  
6 expenses of the entity; provide the manner in which funds may  
7 be paid to and disbursed from the entity; and provide how  
8 members of the entity will resolve disagreements regarding  
9 interpretation of the interlocal agreement or disputes  
10 relating to the operation of the entity. Such interlocal  
11 agreement shall become effective upon its recordation in the  
12 official public records of each county in which a member of  
13 the entity created by the interlocal agreement has a voting  
14 member. This paragraph does not require any M.P.O.'s to merge,  
15 combine, or otherwise join together as a single M.P.O.

16 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
17 develop a long-range transportation plan that addresses at  
18 least a 20-year planning horizon. The plan must include both  
19 long-range and short-range strategies and must comply with all  
20 other state and federal requirements. The prevailing  
21 principles to be considered in the long-range transportation  
22 plan are: preserving the existing transportation  
23 infrastructure; enhancing Florida's economic competitiveness;  
24 and improving travel choices to ensure mobility. The  
25 long-range transportation plan must be consistent, to the  
26 maximum extent feasible, with future land use elements and the  
27 goals, objectives, and policies of the approved local  
28 government comprehensive plans of the units of local  
29 government located within the jurisdiction of the M.P.O. The  
30 approved long-range transportation plan must be considered by  
31 local governments in the development of the transportation

1 elements in local government comprehensive plans and any  
2 amendments thereto. The long-range transportation plan must,  
3 at a minimum:

4 (a) Identify transportation facilities, including, but  
5 not limited to, major roadways, airports, seaports,  
6 spaceports, commuter rail systems, transit systems, and  
7 intermodal or multimodal terminals that will function as an  
8 integrated metropolitan transportation system. The long-range  
9 transportation plan must give emphasis to those transportation  
10 facilities that serve national, statewide, or regional  
11 functions, and must consider the goals and objectives  
12 identified in the Florida Transportation Plan as provided in  
13 s. 339.155. If a project is located within the boundaries of  
14 more than one M.P.O., the M.P.O.'s must coordinate plans  
15 regarding the project in the long-range transportation plan.

16 (b) Include a financial plan that demonstrates how the  
17 plan can be implemented, indicating resources from public and  
18 private sources which are reasonably expected to be available  
19 to carry out the plan, and recommends any additional financing  
20 strategies for needed projects and programs. The financial  
21 plan may include, for illustrative purposes, additional  
22 projects that would be included in the adopted long-range  
23 transportation plan if reasonable additional resources beyond  
24 those identified in the financial plan were available. For the  
25 purpose of developing the long-range transportation plan, the  
26 M.P.O. and the department shall cooperatively develop  
27 estimates of funds that will be available to support the plan  
28 implementation. Innovative financing techniques may be used to  
29 fund needed projects and programs. Such techniques may  
30 include the assessment of tolls, the use of value capture  
31 financing, or the use of value pricing.

1 (c) Assess capital investment and other measures  
2 necessary to:

3 1. Ensure the preservation of the existing  
4 metropolitan transportation system including requirements for  
5 the operation, resurfacing, restoration, and rehabilitation of  
6 major roadways and requirements for the operation,  
7 maintenance, modernization, and rehabilitation of public  
8 transportation facilities; and

9 2. Make the most efficient use of existing  
10 transportation facilities to relieve vehicular congestion and  
11 maximize the mobility of people and goods.

12 (d) Indicate, as appropriate, proposed transportation  
13 enhancement activities, including, but not limited to,  
14 pedestrian and bicycle facilities, scenic easements,  
15 landscaping, historic preservation, mitigation of water  
16 pollution due to highway runoff, and control of outdoor  
17 advertising.

18 (e) In addition to the requirements of paragraphs  
19 (a)-(d), in metropolitan areas that are classified as  
20 nonattainment areas for ozone or carbon monoxide, the M.P.O.  
21 must coordinate the development of the long-range  
22 transportation plan with the State Implementation Plan  
23 developed pursuant to the requirements of the federal Clean  
24 Air Act.

25  
26 In the development of its long-range transportation plan, each  
27 M.P.O. must provide the public, affected public agencies,  
28 representatives of transportation agency employees, freight  
29 shippers, providers of freight transportation services,  
30 private providers of transportation, representatives of users  
31 of public transit, and other interested parties with a

1 reasonable opportunity to comment on the long-range  
2 transportation plan. The long-range transportation plan must  
3 be approved by the M.P.O.

4 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
5 shall, in cooperation with the state and affected public  
6 transportation operators, develop a transportation improvement  
7 program for the area within the jurisdiction of the M.P.O. In  
8 the development of the transportation improvement program,  
9 each M.P.O. must provide the public, affected public agencies,  
10 representatives of transportation agency employees, freight  
11 shippers, providers of freight transportation services,  
12 private providers of transportation, representatives of users  
13 of public transit, and other interested parties with a  
14 reasonable opportunity to comment on the proposed  
15 transportation improvement program.

16 (a) Each M.P.O. is responsible for developing,  
17 annually, a list of project priorities and a transportation  
18 improvement program. The prevailing principles to be  
19 considered by each M.P.O. when developing a list of project  
20 priorities and a transportation improvement program are:  
21 preserving the existing transportation infrastructure;  
22 enhancing Florida's economic competitiveness; and improving  
23 travel choices to ensure mobility. The transportation  
24 improvement program will be used to initiate federally aided  
25 transportation facilities and improvements as well as other  
26 transportation facilities and improvements including transit,  
27 rail, aviation, spaceport, and port facilities to be funded  
28 from the State Transportation Trust Fund within its  
29 metropolitan area in accordance with existing and subsequent  
30 federal and state laws and rules and regulations related  
31 thereto. The transportation improvement program shall be

1 consistent, to the maximum extent feasible, with the approved  
2 local government comprehensive plans of the units of local  
3 government whose boundaries are within the metropolitan area  
4 of the M.P.O. and include those projects programmed pursuant  
5 to s. 339.2819(4).

6 (b) Each M.P.O. annually shall prepare a list of  
7 project priorities and shall submit the list to the  
8 appropriate district of the department by October 1 of each  
9 year; however, the department and a metropolitan planning  
10 organization may, in writing, agree to vary this submittal  
11 date. The list of project priorities must be formally reviewed  
12 by the technical and citizens' advisory committees, and  
13 approved by the M.P.O., before it is transmitted to the  
14 district. The approved list of project priorities must be used  
15 by the district in developing the district work program and  
16 must be used by the M.P.O. in developing its transportation  
17 improvement program. The annual list of project priorities  
18 must be based upon project selection criteria that, at a  
19 minimum, consider the following:

20 1. The approved M.P.O. long-range transportation plan;  
21 2. The Strategic Intermodal System Plan developed  
22 under s. 339.64.

23 3. The priorities developed pursuant to s.  
24 339.2819(4).

25 ~~4.3-~~ The results of the transportation management  
26 systems; and

27 ~~5.4-~~ The M.P.O.'s public-involvement procedures.

28 (c) The transportation improvement program must, at a  
29 minimum:

30 1. Include projects and project phases to be funded  
31 with state or federal funds within the time period of the

1 transportation improvement program and which are recommended  
2 for advancement during the next fiscal year and 4 subsequent  
3 fiscal years. Such projects and project phases must be  
4 consistent, to the maximum extent feasible, with the approved  
5 local government comprehensive plans of the units of local  
6 government located within the jurisdiction of the M.P.O. For  
7 informational purposes, the transportation improvement program  
8 shall also include a list of projects to be funded from local  
9 or private revenues.

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

14 3. Provide a financial plan that demonstrates how the  
15 transportation improvement program can be implemented;  
16 indicates the resources, both public and private, that are  
17 reasonably expected to be available to accomplish the program;  
18 identifies any innovative financing techniques that may be  
19 used to fund needed projects and programs; and may include,  
20 for illustrative purposes, additional projects that would be  
21 included in the approved transportation improvement program if  
22 reasonable additional resources beyond those identified in the  
23 financial plan were available. Innovative financing techniques  
24 may include the assessment of tolls, the use of value capture  
25 financing, or the use of value pricing. The transportation  
26 improvement program may include a project or project phase  
27 only if full funding can reasonably be anticipated to be  
28 available for the project or project phase within the time  
29 period contemplated for completion of the project or project  
30 phase.

31



1           4. Group projects and project phases of similar  
2 urgency and anticipated staging into appropriate staging  
3 periods.

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

9           6. Indicate whether any project or project phase is  
10 inconsistent with an approved comprehensive plan of a unit of  
11 local government located within the jurisdiction of the M.P.O.  
12 If a project is inconsistent with an affected comprehensive  
13 plan, the M.P.O. must provide justification for including the  
14 project in the transportation improvement program.

15           7. Indicate how the improvements are consistent, to  
16 the maximum extent feasible, with affected seaport, airport,  
17 and spaceport master plans and with public transit development  
18 plans of the units of local government located within the  
19 jurisdiction of the M.P.O. If a project is located within the  
20 boundaries of more than one M.P.O., the M.P.O.'s must  
21 coordinate plans regarding the project in the transportation  
22 improvement program.

23           (d) Projects included in the transportation  
24 improvement program and that have advanced to the design stage  
25 of preliminary engineering may be removed from or rescheduled  
26 in a subsequent transportation improvement program only by the  
27 joint action of the M.P.O. and the department. Except when  
28 recommended in writing by the district secretary for good  
29 cause, any project removed from or rescheduled in a subsequent  
30 transportation improvement program shall not be rescheduled by  
31

1 the M.P.O. in that subsequent program earlier than the 5th  
2 year of such program.

3 (e) During the development of the transportation  
4 improvement program, the M.P.O. shall, in cooperation with the  
5 department and any affected public transit operation, provide  
6 citizens, affected public agencies, representatives of  
7 transportation agency employees, freight shippers, providers  
8 of freight transportation services, private providers of  
9 transportation, representatives of users of public transit,  
10 and other interested parties with reasonable notice of and an  
11 opportunity to comment on the proposed program.

12 (f) The adopted annual transportation improvement  
13 program for M.P.O.'s in nonattainment or maintenance areas  
14 must be submitted to the district secretary and the Department  
15 of Community Affairs at least 90 days before the submission of  
16 the state transportation improvement program by the department  
17 to the appropriate federal agencies. The annual transportation  
18 improvement program for M.P.O.'s in attainment areas must be  
19 submitted to the district secretary and the Department of  
20 Community Affairs at least 45 days before the department  
21 submits the state transportation improvement program to the  
22 appropriate federal agencies; however, the department, the  
23 Department of Community Affairs, and a metropolitan planning  
24 organization may, in writing, agree to vary this submittal  
25 date. The Governor or the Governor's designee shall review  
26 and approve each transportation improvement program and any  
27 amendments thereto.

28 (g) The Department of Community Affairs shall review  
29 the annual transportation improvement program of each M.P.O.  
30 for consistency with the approved local government  
31 comprehensive plans of the units of local government whose

1 boundaries are within the metropolitan area of each M.P.O. and  
2 shall identify those projects that are inconsistent with such  
3 comprehensive plans. The Department of Community Affairs shall  
4 notify an M.P.O. of any transportation projects contained in  
5 its transportation improvement program which are inconsistent  
6 with the approved local government comprehensive plans of the  
7 units of local government whose boundaries are within the  
8 metropolitan area of the M.P.O.

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

15 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
16 develop, in cooperation with the department and public  
17 transportation providers, a unified planning work program that  
18 lists all planning tasks to be undertaken during the program  
19 year. The unified planning work program must provide a  
20 complete description of each planning task and an estimated  
21 budget therefor and must comply with applicable state and  
22 federal law.

23 (9) AGREEMENTS.--

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

27 1. An agreement with the department clearly  
28 establishing the cooperative relationship essential to  
29 accomplish the transportation planning requirements of state  
30 and federal law.

31

1           2. An agreement with the metropolitan and regional  
2 intergovernmental coordination and review agencies serving the  
3 metropolitan areas, specifying the means by which activities  
4 will be coordinated and how transportation planning and  
5 programming will be part of the comprehensive planned  
6 development of the area.

7           3. An agreement with operators of public  
8 transportation systems, including transit systems, commuter  
9 rail systems, airports, seaports, and spaceports, describing  
10 the means by which activities will be coordinated and  
11 specifying how public transit, commuter rail, aviation,  
12 seaport, and aerospace planning and programming will be part  
13 of the comprehensive planned development of the metropolitan  
14 area.

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

18           (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
19 COUNCIL.--

20           (a) A Metropolitan Planning Organization Advisory  
21 Council is created to augment, and not supplant, the role of  
22 the individual M.P.O.'s in the cooperative transportation  
23 planning process described in this section.

24           (b) The council shall consist of one representative  
25 from each M.P.O. and shall elect a chairperson annually from  
26 its number. Each M.P.O. shall also elect an alternate  
27 representative from each M.P.O. to vote in the absence of the  
28 representative. Members of the council do not receive any  
29 compensation for their services, but may be reimbursed from  
30 funds made available to council members for travel and per  
31

1 diem expenses incurred in the performance of their council  
2 duties as provided in s. 112.061.

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

5 1. Enter into contracts with individuals, private  
6 corporations, and public agencies.

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

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

11 4. Establish bylaws and adopt rules pursuant to ss.  
12 120.536(1) and 120.54 to implement provisions of law  
13 conferring powers or duties upon it.

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

17 6. Serve as a clearinghouse for review and comment by  
18 M.P.O.'s on the Florida Transportation Plan and on other  
19 issues required to comply with federal or state law in  
20 carrying out the urbanized area transportation and systematic  
21 planning processes instituted pursuant to s. 339.155.

22 7. Employ an executive director and such other staff  
23 as necessary to perform adequately the functions of the  
24 council, within budgetary limitations. The executive director  
25 and staff are exempt from part II of chapter 110 and serve at  
26 the direction and control of the council. The council is  
27 assigned to the Office of the Secretary of the Department of  
28 Transportation for fiscal and accountability purposes, but it  
29 shall otherwise function independently of the control and  
30 direction of the department.

31

1           8. Adopt an agency strategic plan that provides the  
2 priority directions the agency will take to carry out its  
3 mission within the context of the state comprehensive plan and  
4 any other statutory mandates and directions given to the  
5 agency.

6           (11) APPLICATION OF FEDERAL LAW.--Upon notification by  
7 an agency of the Federal Government that any provision of this  
8 section conflicts with federal laws or regulations, such  
9 federal laws or regulations will take precedence to the extent  
10 of the conflict until such conflict is resolved. The  
11 department or an M.P.O. may take any necessary action to  
12 comply with such federal laws and regulations or to continue  
13 to remain eligible to receive federal funds.

14           Section 26. Section 339.55, Florida Statutes, is  
15 amended to read:

16           339.55 State-funded infrastructure bank.--

17           (1) There is created within the Department of  
18 Transportation a state-funded infrastructure bank for the  
19 purpose of providing loans and credit enhancements to  
20 government units and private entities for use in constructing  
21 and improving transportation facilities.

22           (2) The bank may lend capital costs or provide credit  
23 enhancements for:

24           (a) A transportation facility project that is on the  
25 State Highway System or that provides for increased mobility  
26 on the state's transportation system or provides intermodal  
27 connectivity with airports, seaports, rail facilities, and  
28 other transportation terminals, pursuant to s. 341.053, for  
29 the movement of people and goods.

30           (b) Projects of the Transportation Regional Incentive  
31 Program which are identified pursuant to s. 339.2819(4).

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

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

11        ~~(5)(4)~~ ~~Except as provided in s. 339.137,~~ To be  
12 eligible for consideration, projects must be consistent, to  
13 the maximum extent feasible, with local metropolitan planning  
14 organization plans and local government comprehensive plans  
15 and must provide a dedicated repayment source to ensure the  
16 loan is repaid to the bank.

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

20        ~~(7)(5)~~ The department may consider, but is not limited  
21 to, the following criteria for evaluation of projects for  
22 assistance from the bank:

23            (a) The credit worthiness of the project.

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

26            (c) The likelihood that assistance would enable the  
27 project to proceed at an earlier date than would otherwise be  
28 possible.

29            (d) The extent to which assistance would foster  
30 innovative public-private partnerships and attract private  
31 debt or equity investment.

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

4 (f) The extent to which the project would maintain or  
5 protect the environment.

6 (g) A demonstration that the project includes  
7 transportation benefits for improving intermodalism, cargo and  
8 freight movement, and safety.

9 (h) The amount of the proposed assistance as a  
10 percentage of the overall project costs with emphasis on local  
11 and private participation.

12 (i) The extent to which the project will provide for  
13 connectivity between the State Highway System and airports,  
14 seaports, rail facilities, and other transportation terminals  
15 and intermodal options pursuant to s. 341.053 for the  
16 increased accessibility and movement of people and goods.

17 ~~(8)(6)~~ Loan assistance provided by the bank shall be  
18 included in the department's work program developed in  
19 accordance with s. 339.135.

20 ~~(9)(7)~~ The department is authorized to adopt rules to  
21 implement the state-funded infrastructure bank.

22 Section 27. Subsection (7) is added to section  
23 1013.64, Florida Statutes, to read:

24 1013.64 Funds for comprehensive educational plant  
25 needs; construction cost maximums for school district capital  
26 projects.--Allocations from the Public Education Capital  
27 Outlay and Debt Service Trust Fund to the various boards for  
28 capital outlay projects shall be determined as follows:

29 (7) Moneys distributed to the Public Education Capital  
30 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)  
31 shall be expended to fund the Classrooms for Kids Program



1 created in s. 1013.735 and shall be distributed as provided by  
2 that section.

3 Section 28. Paragraph (a) of subsection (2) of section  
4 1013.65, Florida Statutes, is amended to read:

5 1013.65 Educational and ancillary plant construction  
6 funds; Public Education Capital Outlay and Debt Service Trust  
7 Fund; allocation of funds.--

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

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

16 2. General revenue funds appropriated to the fund for  
17 educational capital outlay purposes.

18 3. All capital outlay funds previously appropriated  
19 and certified forward pursuant to s. 216.301.

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

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

26 201.15 Distribution of taxes collected.--All taxes  
27 collected under this chapter shall be distributed as follows  
28 and shall be subject to the service charge imposed in s.  
29 215.20(1), except that such service charge shall not be levied  
30 against any portion of taxes pledged to debt service on bonds  
31

1 to the extent that the amount of the service charge is  
2 required to pay any amounts relating to the bonds:

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

6 (a) Amounts as shall be necessary to pay the debt  
7 service on, or fund debt service reserve funds, rebate  
8 obligations, or other amounts payable with respect to  
9 Preservation 2000 bonds issued pursuant to s. 375.051 and  
10 Florida Forever bonds issued pursuant to s. 215.618, shall be  
11 paid into the State Treasury to the credit of the Land  
12 Acquisition Trust Fund to be used for such purposes. The  
13 amount transferred to the Land Acquisition Trust Fund for such  
14 purposes shall not exceed \$300 million in fiscal year  
15 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
16 issued to refund Preservation 2000 bonds, and \$300 million in  
17 fiscal year 2000-2001 and thereafter for Florida Forever  
18 bonds. The annual amount transferred to the Land Acquisition  
19 Trust Fund for Florida Forever bonds shall not exceed \$30  
20 million in the first fiscal year in which bonds are issued.  
21 The limitation on the amount transferred shall be increased by  
22 an additional \$30 million in each subsequent fiscal year, but  
23 shall not exceed a total of \$300 million in any fiscal year  
24 for all bonds issued. It is the intent of the Legislature that  
25 all bonds issued to fund the Florida Forever Act be retired by  
26 December 31, 2030. Except for bonds issued to refund  
27 previously issued bonds, no series of bonds may be issued  
28 pursuant to this paragraph unless such bonds are approved and  
29 the debt service for the remainder of the fiscal year in which  
30 the bonds are issued is specifically appropriated in the  
31 General Appropriations Act. For purposes of refunding

1 Preservation 2000 bonds, amounts designated within this  
2 section for Preservation 2000 and Florida Forever bonds may be  
3 transferred between the two programs to the extent provided  
4 for in the documents authorizing the issuance of the bonds.  
5 The Preservation 2000 bonds and Florida Forever bonds shall be  
6 equally and ratably secured by moneys distributable to the  
7 Land Acquisition Trust Fund pursuant to this section, except  
8 to the extent specifically provided otherwise by the documents  
9 authorizing the issuance of the bonds. No moneys transferred  
10 to the Land Acquisition Trust Fund pursuant to this paragraph,  
11 or earnings thereon, shall be used or made available to pay  
12 debt service on the Save Our Coast revenue bonds.

13 (b) The remainder of the moneys distributed under this  
14 subsection, after the required payment under paragraph (a),  
15 shall be paid into the State Treasury to the credit of the  
16 Save Our Everglades Trust Fund in amounts necessary to pay  
17 debt service, provide reserves, and pay rebate obligations and  
18 other amounts due with respect to bonds issued under s.  
19 215.619.

20 (c) The remainder of the moneys distributed under this  
21 subsection, after the required payments under paragraphs (a)  
22 and (b), shall be paid into the State Treasury to the credit  
23 of the Land Acquisition Trust Fund and may be used for any  
24 purpose for which funds deposited in the Land Acquisition  
25 Trust Fund may lawfully be used. Payments made under this  
26 paragraph shall continue until the cumulative amount credited  
27 to the Land Acquisition Trust Fund for the fiscal year under  
28 this paragraph and paragraph (2)(b) equals 70 percent of the  
29 current official forecast for distributions of taxes collected  
30 under this chapter pursuant to subsection (2). As used in this  
31 paragraph, the term "current official forecast" means the most

1 recent forecast as determined by the Revenue Estimating  
2 Conference. If the current official forecast for a fiscal year  
3 changes after payments under this paragraph have ended during  
4 that fiscal year, no further payments are required under this  
5 paragraph during the fiscal year.

6 (d) The remainder of the moneys distributed under this  
7 subsection, after the required payments under paragraphs (a),  
8 (b), and (c), shall be paid into the State Treasury to the  
9 credit of:

10 1. The State Transportation Trust Fund in the  
11 Department of Transportation in the amount of \$575 million in  
12 each fiscal year, to be paid in quarterly installments and  
13 used for the following specified purposes notwithstanding any  
14 other law to the contrary:

15 a. For the purposes of capital funding for the New  
16 Starts Transit Program, authorized by Title 49, U.S.C. 5309  
17 and specified in s. 341.051, 10 percent of these funds;

18 b. For the purposes of the Small County Outreach  
19 Program specified in s. 339.2818, 5 percent of these funds;

20 c. For the purposes of the Strategic Intermodal System  
21 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75  
22 percent of these funds after allocating for the New Starts  
23 Transit Program described in sub-subparagraph a. and the Small  
24 County Outreach Program described in sub-subparagraph b.; and

25 d. For the purposes of the Transportation Regional  
26 Incentive Program specified in s. 339.2819, 25 percent of  
27 these funds after allocating for the New Starts Transit  
28 Program described in sub-subparagraph a. and the Small County  
29 Outreach Program described in sub-subparagraph b.

30 2. The Water Protection and Sustainability Program  
31 Trust Fund in the Department of Environmental Protection in

1 the amount of \$100 million in each fiscal year, to be paid in  
2 quarterly installments and used as required by s. 403.890.

3 3. The Public Education Capital Outlay and Debt  
4 Service Trust Fund in the Department of Education in the  
5 amount of \$75 million in each fiscal year, to be paid in  
6 monthly installments and used to fund the Classrooms for Kids  
7 Program created in s. 1013.735. If required, new facilities  
8 constructed under the Classroom for Kids Program must meet the  
9 requirements of s. 1013.372.

10  
11 Moneys distributed pursuant to this paragraph may not be  
12 pledged for debt service unless such pledge is approved by  
13 referendum of the voters.

14 (e)(d) The remainder of the moneys distributed under  
15 this subsection, after the required payments under paragraphs  
16 (a), (b), and (c), shall be paid into the State Treasury to  
17 the credit of the General Revenue Fund of the state to be used  
18 and expended for the purposes for which the General Revenue  
19 Fund was created and exists by law or to the Ecosystem  
20 Management and Restoration Trust Fund or to the Marine  
21 Resources Conservation Trust Fund as provided in subsection  
22 (11).

23 Section 30. (1) The following appropriations are made  
24 for the 2005-2006 fiscal year only from the General Revenue  
25 Fund, from revenues deposited into the fund pursuant to  
26 section 201.15(1)(e), Florida Statutes, on a nonrecurring  
27 basis and in quarterly installments:

28 (a) To the State Transportation Trust Fund in the  
29 Department of Transportation, \$575 million.

30  
31

1           (b) To the Water Protection and Sustainability Program  
2 Trust Fund in the Department of Environmental Protection, \$100  
3 million.

4           (c) To the Public Education Capital Outlay and Debt  
5 Service Trust Fund in the Department of Education, \$73.75  
6 million.

7           (d) To the Grants and Donations Trust Fund in the  
8 Department of Community Affairs, \$1.25 million.

9           (2) The following appropriations are made for the  
10 2005-2006 fiscal year only on a nonrecurring basis:

11           (a) From the State Transportation Trust Fund in the  
12 Department of Transportation:

13           1. Four hundred million dollars for the purposes  
14 specified in sections 339.61, 339.62, 339.63, and 339.64,  
15 Florida Statutes.

16           2. Seventy-five million dollars for the purposes  
17 specified in section 339.2819, Florida Statutes.

18           3. One hundred million dollars for the purposes  
19 specified in section 339.55, Florida Statutes.

20           (b) From the Water Protection and Sustainability  
21 Program Trust Fund in the Department of Environmental  
22 Protection, \$100 million for the purposes specified in section  
23 403.890, Florida Statutes.

24           (c) From the Public Education Capital Outlay and Debt  
25 Service Trust Fund in the Department of Education, the sum of  
26 \$73.75 million for the purpose of funding the Classrooms for  
27 Kids Program created in section 1013.735, Florida Statutes.  
28 Notwithstanding the requirements of sections 1013.64 and  
29 1013.65, Florida Statutes, these moneys may not be distributed  
30 as part of the comprehensive plan for the Public Education  
31 Capital Outlay and Debt Service Trust Fund. If required, new

1 facilities constructed under the Classroom for Kids Program  
2 must meet the requirements of s. 1013.372.

3 (d) From the Grants and Donations Trust Fund in the  
4 Department of Community Affairs:

5 1. One million dollars to provide technical assistance  
6 to local governments and school boards on the requirements and  
7 implementation of this act. The department shall provide a  
8 report to the Governor, the President of the Senate, and the  
9 Speaker of the House of Representatives by February 1, 2006,  
10 on the progress made toward implementing this act and a  
11 recommendation on whether additional funds should be  
12 appropriated to provide additional technical assistance.

13 2. Two hundred and fifty thousand dollars to support  
14 the Century Commission, created by section 163.3247, Florida  
15 Statutes.

16 Section 31. Beginning in fiscal year 2005-2006, the  
17 Department of Transportation shall allocate sufficient funds  
18 to implement the provisions relating to transportation in this  
19 act. The department shall amend the tentative work program for  
20 2005-2006. Before amending the tentative work program, the  
21 department shall submit a budget amendment pursuant to section  
22 339.135(7), Florida Statutes. Notwithstanding the provisions  
23 of section 216.301(1), Florida Statutes, the funds  
24 appropriated from general revenue to the State Transportation  
25 Trust Fund in this act shall not revert at the end of fiscal  
26 year 2005-2006.

27 Section 32. The Legislature finds that planning for  
28 and adequately funding infrastructure is critically important  
29 for the safety and welfare of the residents of Florida.  
30 Therefore, the Legislature finds that the provisions of this  
31 act fulfill an important state interest.

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Section 33. Except as otherwise expressly provided in  
this act, this act shall take effect July 1, 2005.