

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; revising  
23 | the requirements and criteria for establishing  
24 | a rural land stewardship area; revising the  
25 | requirements for designating a stewardship  
26 | receiving area to address listed species;  
27 | revising requirements for an ordinance adopting  
28 | a plan amendment to create a rural land  
29 | stewardship area; encouraging local governments  
30 | to include a community vision and an urban  
31 | service boundary as a component of their

1 comprehensive plans; prescribing taxing  
2 authority of local governments doing so;  
3 providing an exception; repealing s. 163.31776,  
4 F.S., relating to the public educational  
5 facilities element; amending s. 163.31777,  
6 F.S.; revising the requirements for the public  
7 schools interlocal agreement to conform to  
8 changes made by the act; requiring the school  
9 board to provide certain information to the  
10 local government; amending s. 163.3180, F.S.;  
11 revising requirements for concurrency;  
12 providing for schools to be subject to  
13 concurrency requirements; requiring that an  
14 adequate water supply be available for new  
15 development; revising requirements for  
16 transportation facilities; requiring that the  
17 Department of Transportation be consulted  
18 regarding certain level-of-service standards;  
19 revising criteria and providing guidelines for  
20 transportation concurrency exception areas;  
21 requiring a local government to consider the  
22 transportation level-of-service standards of  
23 adjacent jurisdictions for certain roads;  
24 providing a process to monitor de minimis  
25 impacts; revising the requirements for a  
26 long-term transportation concurrency management  
27 system; providing for a long-term school  
28 concurrency management system; requiring that  
29 school concurrency be established on less than  
30 a districtwide basis within 5 years; providing  
31 certain exceptions; authorizing a local

1 government to approve a development order if  
2 the developer executes a commitment to mitigate  
3 the impacts on public school facilities;  
4 providing for the adoption of a transportation  
5 concurrency management system by ordinance;  
6 providing requirements for proportionate  
7 fair-share mitigation; providing an exception;  
8 amending s. 163.3184, F.S.; prescribing  
9 authority of local governments to adopt plan  
10 amendments after adopting community vision and  
11 an urban service boundary; providing for small  
12 scale plan amendment review under certain  
13 circumstances; providing exemptions; providing  
14 concurrency exemption for certain DRI projects;  
15 amending s. 163.3191, F.S.; providing  
16 additional requirements for the evaluation and  
17 assessment of the comprehensive plan for  
18 counties and municipalities that do not have a  
19 public schools interlocal agreement; revising  
20 requirements for the evaluation and appraisal  
21 report; providing time limit for amendments  
22 relating to the report; amending s. 212.055,  
23 F.S.; revising permissible rates for charter  
24 county transit system surtax; revising methods  
25 for approving such a surtax; providing for a  
26 noncharter county to levy this surtax under  
27 certain circumstances; limiting the expenditure  
28 of the proceeds to a specified area under  
29 certain circumstances; revising methods for  
30 approving a local government infrastructure  
31 surtax; limiting the expenditure of the

1 proceeds to a specified area under certain  
2 circumstances; revising a ceiling on rates of  
3 small county surtaxes; revising methods for  
4 approving a school capital outlay surtax;  
5 amending s. 336.021, F.S.; revising methods for  
6 approving such a fuel tax; limiting authority  
7 of a county to impose the ninth-cent fuel tax  
8 without adopting a community vision; amending  
9 s. 336.025, F.S.; limiting authority of a  
10 county to impose the local option fuel tax  
11 without adopting a community vision; revising  
12 methods for approving such a fuel tax; amending  
13 s. 339.135, F.S., relating to tentative work  
14 programs of the Department of Transportation;  
15 conforming provisions to changes made by the  
16 act; requiring the Office of Program Policy  
17 Analysis and Government Accountability to  
18 perform a study of the boundaries of specified  
19 state entities; requiring a report to the  
20 Legislature; creating s. 163.3247, F.S.;  
21 providing a popular name; providing legislative  
22 findings and intent; creating the Century  
23 Commission for certain purposes; providing for  
24 appointment of commission members; providing  
25 for terms; providing for meetings and votes of  
26 members; requiring members to serve without  
27 compensation; providing for per diem and travel  
28 expenses; providing powers and duties of the  
29 commission; requiring the creation of a joint  
30 select committee of the Legislature; providing  
31 purposes; requiring the Secretary of Community

1 Affairs to select an executive director of the  
2 commission; requiring the Department of  
3 Community Affairs to provide staff for the  
4 commission; providing for other agency staff  
5 support for the commission; creating s.  
6 339.2819, F.S.; creating the Transportation  
7 Regional Incentive Program within the  
8 Department of Transportation; providing  
9 matching funds for projects meeting certain  
10 criteria; amending s. 337.107, F.S.; allowing  
11 the inclusion of right-of-way services in  
12 certain design-build contracts; amending s.  
13 337.107, F.S., effective July 1, 2007;  
14 eliminating the inclusion of right-of-way  
15 services and as part of design-build contracts  
16 under certain circumstances; amending s.  
17 337.11, F.S.; allowing the Department of  
18 Transportation to include right-of-way services  
19 and design and construction into a single  
20 contract; providing an exception; delaying  
21 construction activities in certain  
22 circumstances; amending s. 337.11, F.S.,  
23 effective July 1, 2007; deleting language  
24 allowing right-of-way services and design and  
25 construction phases to be combined for certain  
26 projects; deleting an exception; amending s.  
27 380.06, F.S.; providing exceptions; amending s.  
28 1013.33, F.S.; conforming provisions to changes  
29 made by the act; amending s. 206.46, F.S.;  
30 increasing the threshold for maximum debt  
31 service for transfers in the State

1 Transportation Trust Fund; amending s. 339.08,  
2 F.S.; providing for expenditure of moneys in  
3 the State Transportation Trust Fund; amending  
4 s. 339.155, F.S.; providing for the development  
5 of regional transportation plans in Regional  
6 Transportation Areas; amending s. 339.175,  
7 F.S.; making conforming changes to provisions  
8 of the act; amending s. 339.55, F.S.; providing  
9 for loans for certain projects from the  
10 state-funded infrastructure bank within the  
11 Department of Transportation; amending s.  
12 1013.64, F.S.; providing for the expenditure of  
13 funds in the Public Education Capital Outlay  
14 and Debt Service Trust Fund; amending s.  
15 1013.65, F.S.; providing funding for the  
16 Classrooms for Kids Program; amending s.  
17 163.3174, F.S.; allowing municipalities in  
18 charter counties the option to exercise  
19 exclusive land use planning authority under  
20 certain circumstances; creating s. 166.31,  
21 F.S.; authorizing the governing authority of a  
22 municipality to levy a surtax on documents  
23 pursuant to an ordinance approved by the  
24 electors of the municipality; requiring that  
25 the proceeds from the surtax be expended for  
26 infrastructure improvements; requiring that an  
27 advisory board be created to recommend  
28 infrastructure projects; providing requirements  
29 for developing, amending, and adopting a list  
30 of infrastructure projects; requiring notice  
31 and public hearings; requiring that the

1 advisory board monitor the expenditure of the  
 2 surtax proceeds; requiring the governing  
 3 authority to notify the Department of Revenue  
 4 of the imposition of the surtax; authorizing  
 5 the department to retain a portion of the  
 6 proceeds for administrative costs; requiring  
 7 that a municipality levying the surtax file  
 8 certain financial reports; amending s. 201.15,  
 9 F.S.; providing for the expenditure of certain  
 10 excise taxes on documents; providing for  
 11 appropriations for the 2005-2006 fiscal year on  
 12 a nonrecurring basis for certain purposes;  
 13 specifying the evidentiary standard a local  
 14 government must meet when defending a challenge  
 15 to an ordinance establishing an impact fee;  
 16 requiring the Department of Transportation to  
 17 amend the tentative work program and budget for  
 18 2005-2006; prohibits reversion of certain  
 19 funds; providing a declaration of important  
 20 state interest; 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), paragraph (d) of subsection  
13 (11), and subsection (12) of section 163.3177, Florida  
14 Statutes, are amended, and subsections (13) and (14) are added  
15 to that section, to read:

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

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

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

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



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           (11)

26           (d)1. The department, in cooperation with the  
27 Department of Agriculture and Consumer Services, the  
28 Department of Environmental Protection, water management  
29 districts, and regional planning councils, shall provide  
30 assistance to local governments in the implementation of this  
31 paragraph and rule 9J-5.006(5)(1), Florida Administrative

1 Code. Implementation of those provisions shall include a  
2 process by which the department may authorize local  
3 governments to designate all or portions of lands classified  
4 in the future land use element as predominantly agricultural,  
5 rural, open, open-rural, or a substantively equivalent land  
6 use, as a rural land stewardship area within which planning  
7 and economic incentives are applied to encourage the  
8 implementation of innovative and flexible planning and  
9 development strategies and creative land use planning  
10 techniques, including those contained herein and in rule  
11 9J-5.006(5)(1), Florida Administrative Code. Assistance may  
12 include, but is not limited to:

13 a. Assistance from the Department of Environmental  
14 Protection and water management districts in creating the  
15 geographic information systems land cover database and aerial  
16 photogrammetry needed to prepare for a rural land stewardship  
17 area;

18 b. Support for local government implementation of  
19 rural land stewardship concepts by providing information and  
20 assistance to local governments regarding land acquisition  
21 programs that may be used by the local government or  
22 landowners to leverage the protection of greater acreage and  
23 maximize the effectiveness of rural land stewardship areas;  
24 and

25 c. Expansion of the role of the Department of  
26 Community Affairs as a resource agency to facilitate  
27 establishment of rural land stewardship areas in smaller rural  
28 counties that do not have the staff or planning budgets to  
29 create a rural land stewardship area.

30 2. The department shall encourage participation by  
31 local governments of different sizes and rural characteristics

1 | in establishing and implementing rural land stewardship areas.  
2 | It is the intent of the Legislature that rural land  
3 | stewardship areas be used to further the following broad  
4 | principles of rural sustainability: restoration and  
5 | maintenance of the economic value of rural land; control of  
6 | urban sprawl; identification and protection of ecosystems,  
7 | habitats, and natural resources; promotion of rural economic  
8 | activity; maintenance of the viability of Florida's  
9 | agricultural economy; and protection of the character of rural  
10 | areas of Florida. Rural land stewardship areas may be  
11 | multicounty in order to encourage coordinated regional  
12 | stewardship planning.

13 |         3. A local government, in conjunction with a regional  
14 | planning council, a stakeholder organization of private land  
15 | owners, or another local government, shall notify the  
16 | department in writing of its intent to designate a rural land  
17 | stewardship area. The written notification shall describe the  
18 | basis for the designation, including the extent to which the  
19 | rural land stewardship area enhances rural land values,  
20 | controls urban sprawl, provides necessary open space for  
21 | agriculture and protection of the natural environment,  
22 | promotes rural economic activity, and maintains rural  
23 | character and the economic viability of agriculture.

24 |         4. A rural land stewardship area shall be not less  
25 | than 10,000 acres and shall be located outside of  
26 | municipalities and established urban growth boundaries, and  
27 | shall be designated by plan amendment. The plan amendment  
28 | designating a rural land stewardship area shall be subject to  
29 | review by the Department of Community Affairs pursuant to s.  
30 | 163.3184 and shall provide for the following:  
31 |

1           a. Criteria for the designation of receiving areas  
2 within rural land stewardship areas in which innovative  
3 planning and development strategies may be applied. Criteria  
4 shall at a minimum provide for the following: adequacy of  
5 suitable land to accommodate development so as to avoid  
6 conflict with environmentally sensitive areas, resources, and  
7 habitats; compatibility between and transition from higher  
8 density uses to lower intensity rural uses; the establishment  
9 of receiving area service boundaries which provide for a  
10 separation between receiving areas and other land uses within  
11 the rural land stewardship area through limitations on the  
12 extension of services; and connection of receiving areas with  
13 the rest of the rural land stewardship area using rural design  
14 and rural road corridors.

15           b. Goals, objectives, and policies setting forth the  
16 innovative planning and development strategies to be applied  
17 within rural land stewardship areas pursuant to the provisions  
18 of this section.

19           c. A process for the implementation of innovative  
20 planning and development strategies within the rural land  
21 stewardship area, including those described in this subsection  
22 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
23 provide for a functional mix of land uses, including adequate  
24 available work force housing, including low, very-low and  
25 moderate income housing for the development anticipated in the  
26 receiving area and which are applied through the adoption by  
27 the local government of zoning and land development  
28 regulations applicable to the rural land stewardship area.

29           d. A process which encourages visioning pursuant to s.  
30 163.3167(11) to ensure that innovative planning and  
31

1 development strategies comply with the provisions of this  
2 section.

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

7 5. A receiving area shall be designated by the  
8 adoption of a land development regulation. Prior to the  
9 designation of a receiving area, the local government shall  
10 provide the Department of Community Affairs a period of 30  
11 days in which to review a proposed receiving area for  
12 consistency with the rural land stewardship area plan  
13 amendment and to provide comments to the local government. At  
14 the time of designation of a stewardship receiving area, a  
15 listed species survey will be performed. If listed species  
16 occur on the receiving area site, the developer shall  
17 coordinate with each appropriate local, state, or federal  
18 agency to determine if adequate provisions have been made to  
19 protect those species in accordance with applicable  
20 regulations. In determining the adequacy of provisions for the  
21 protection of listed species and their habitats, the rural  
22 land stewardship area shall be considered as a whole, and the  
23 impacts to areas to be developed as receiving areas shall be  
24 considered together with the environmental benefits of areas  
25 protected as sending areas in fulfilling this criteria.

26 6. Upon the adoption of a plan amendment creating a  
27 rural land stewardship area, the local government shall, by  
28 ordinance, establish the methodology for the creation,  
29 conveyance, and use of transferrable rural land use credits,  
30 otherwise referred to as stewardship credits, the application  
31 of assign to the area a certain number of credits, to be known

1 | ~~as "transferable rural land use credits,"~~ which shall not  
2 | constitute a right to develop land, nor increase density of  
3 | land, except as provided by this section. The total amount of  
4 | transferable rural land use credits within ~~assigned to~~ the  
5 | rural land stewardship area must enable the realization of the  
6 | long-term vision and goals for ~~correspond to~~ the 25-year or  
7 | greater projected population of the rural land stewardship  
8 | area. Transferable rural land use credits are subject to the  
9 | following limitations:

10 |       a. Transferable rural land use credits may only exist  
11 | within a rural land stewardship area.

12 |       b. Transferable rural land use credits may only be  
13 | used on lands designated as receiving areas and then solely  
14 | for the purpose of implementing innovative planning and  
15 | development strategies and creative land use planning  
16 | techniques adopted by the local government pursuant to this  
17 | section.

18 |       c. Transferable rural land use credits assigned to a  
19 | parcel of land within a rural land stewardship area shall  
20 | cease to exist if the parcel of land is removed from the rural  
21 | land stewardship area by plan amendment.

22 |       d. Neither the creation of the rural land stewardship  
23 | area by plan amendment nor the assignment of transferable  
24 | rural land use credits by the local government shall operate  
25 | to displace the underlying density of land uses assigned to a  
26 | parcel of land within the rural land stewardship area;  
27 | however, if transferable rural land use credits are  
28 | transferred from a parcel for use within a designated  
29 | receiving area, the underlying density assigned to the parcel  
30 | of land shall cease to exist.

31 |



1 e. The underlying density on each parcel of land  
2 located within a rural land stewardship area shall not be  
3 increased or decreased by the local government, except as a  
4 result of the conveyance or use of transferable rural land use  
5 credits, as long as the parcel remains within the rural land  
6 stewardship area.

7 f. Transferable rural land use credits shall cease to  
8 exist on a parcel of land where the underlying density  
9 assigned to the parcel of land is utilized.

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

14 h. A change in the density of land use on parcels  
15 located within receiving areas shall be specified in a  
16 development order which reflects the total number of  
17 transferable rural land use credits assigned to the parcel of  
18 land and the infrastructure and support services necessary to  
19 provide for a functional mix of land uses corresponding to the  
20 plan of development.

21 i. Land within a rural land stewardship area may be  
22 removed from the rural land stewardship area through a plan  
23 amendment.

24 j. Transferable rural land use credits may be assigned  
25 at different ratios of credits per acre according to the  
26 natural resource or other beneficial use characteristics of  
27 the land and according to the land use remaining following the  
28 transfer of credits, with the highest number of credits per  
29 acre assigned to the most environmentally valuable land or, in  
30 locations where the retention of ~~and a lesser number of~~

31

1 | ~~credits to be assigned to~~ open space and agricultural land is  
2 | a priority, to such lands.

3 | k. The use or conveyance of transferable rural land  
4 | use credits must be recorded in the public records of the  
5 | county in which the property is located as a covenant or  
6 | restrictive easement running with the land in favor of the  
7 | county and either the Department of Environmental Protection,  
8 | Department of Agriculture and Consumer Services, a water  
9 | management district, or a recognized statewide land trust.

10 | 7. Owners of land within rural land stewardship areas  
11 | should be provided incentives to enter into rural land  
12 | stewardship agreements, pursuant to existing law and rules  
13 | adopted thereto, with state agencies, water management  
14 | districts, and local governments to achieve mutually agreed  
15 | upon conservation objectives. Such incentives may include,  
16 | but not be limited to, the following:

17 | a. Opportunity to accumulate transferable mitigation  
18 | credits.

19 | b. Extended permit agreements.

20 | c. Opportunities for recreational leases and  
21 | ecotourism.

22 | d. Payment for specified land management services on  
23 | publicly owned land, or property under covenant or restricted  
24 | easement in favor of a public entity.

25 | e. Option agreements for sale to public entities or  
26 | private land conservation entities, in either fee or easement,  
27 | upon achievement of conservation objectives.

28 | 8. The department shall report to the Legislature on  
29 | an annual basis on the results of implementation of rural land  
30 | stewardship areas authorized by the department, including  
31 |

1 successes and failures in achieving the intent of the  
2 Legislature as expressed in this paragraph.

3 (e) The Legislature finds that mixed-use, high-density  
4 development is appropriate for urban infill and redevelopment  
5 areas. Mixed-use projects accommodate a variety of uses,  
6 including residential and commercial, and usually at higher  
7 densities that promote pedestrian-friendly, sustainable  
8 communities. The Legislature recognizes that mixed-use,  
9 high-density development improves the quality of life for  
10 residents and businesses in urban areas. The Legislature finds  
11 that mixed-use, high-density redevelopment and infill benefits  
12 residents by creating a livable community with alternative  
13 modes of transportation. Furthermore, the Legislature finds  
14 that local zoning ordinances often discourage mixed-use,  
15 high-density development in areas that are appropriate for  
16 urban infill and redevelopment. The Legislature intends to  
17 discourage single-use zoning in urban areas which often leads  
18 to lower-density, land-intensive development outside an urban  
19 service area. Therefore, the Department of Community Affairs  
20 shall provide technical assistance to local governments in  
21 order to encourage mixed-use, high-density urban infill and  
22 redevelopment projects.

23 (f) The Legislature finds that a program for the  
24 transfer of development rights is a useful tool to preserve  
25 historic buildings and create public open spaces in urban  
26 areas. A program for the transfer of development rights allows  
27 the transfer of density credits from historic properties and  
28 public open spaces to areas designated for high-density  
29 development. The Legislature recognizes that high-density  
30 development is integral to the success of many urban infill  
31 and redevelopment projects. The Legislature intends to

1 encourage high-density urban infill and redevelopment while  
2 preserving historic structures and open spaces. Therefore, the  
3 Department of Community Affairs shall provide technical  
4 assistance to local governments in order to promote the  
5 transfer of development rights within urban areas for  
6 high-density infill and redevelopment projects.

7 (g) The implementation of this subsection shall be  
8 subject to the provisions of this chapter, chapters 186 and  
9 187, and applicable agency rules.

10 (h) The department may adopt rules necessary to  
11 implement the provisions of this subsection.

12 (12) A public school facilities element adopted to  
13 implement a school concurrency program shall meet the  
14 requirements of this subsection. Each county and each  
15 municipality within the county, unless exempt or subject to a  
16 waiver, must adopt a public school facilities element that is  
17 consistent with those adopted by the other local governments  
18 within the county and enter the interlocal agreement pursuant  
19 to s. 163.31777.

20 (a) The state land planning agency may provide a  
21 waiver to a county and to the municipalities within the county  
22 if the capacity rate for all schools within the school  
23 district is no greater than 100 percent and the projected  
24 5-year capital outlay full-time equivalent student growth rate  
25 is less than 10 percent. The state land planning agency may  
26 allow for a single school to exceed the 100-percent limitation  
27 if it can be demonstrated that the capacity rate for that  
28 single school is not greater than 105 percent. In making this  
29 determination, the state land planning agency shall consider  
30 the following criteria:

31

1           1. Whether the exceedance is due to temporary  
2 circumstances;

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

6           3. Whether one or more additional schools within the  
7 school district are at or approaching the 100-percent  
8 threshold; and

9           4. The adequacy of the data and analysis submitted to  
10 support the waiver request.

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

14           1. The municipality has issued development orders for  
15 fewer than 50 residential dwelling units during the preceding  
16 5 years, or the municipality has generated fewer than 25  
17 additional public school students during the preceding 5  
18 years.

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

22           3. The municipality has no public schools located  
23 within its boundaries.

24           ~~(b)(a)~~ A public school facilities element shall be  
25 based upon data and analyses that address, among other items,  
26 how level-of-service standards will be achieved and  
27 maintained. Such data and analyses must include, at a minimum,  
28 such items as: the interlocal agreement adopted pursuant to s.  
29 163.31777 and the 5-year school district facilities work  
30 program adopted pursuant to s. 1013.35; the educational plant  
31 survey prepared pursuant to s. 1013.31 and an existing

1 educational and ancillary plant map or map series; information  
2 on existing development and development anticipated for the  
3 next 5 years and the long-term planning period; an analysis of  
4 problems and opportunities for existing schools and schools  
5 anticipated in the future; an analysis of opportunities to  
6 collocate future schools with other public facilities such as  
7 parks, libraries, and community centers; an analysis of the  
8 need for supporting public facilities for existing and future  
9 schools; an analysis of opportunities to locate schools to  
10 serve as community focal points; projected future population  
11 and associated demographics, including development patterns  
12 year by year for the upcoming 5-year and long-term planning  
13 periods; and anticipated educational and ancillary plants with  
14 land area requirements.

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

18 ~~(d)~~~~(c)~~ The element shall contain one or more  
19 objectives for each goal, setting specific, measurable,  
20 intermediate ends that are achievable and mark progress toward  
21 the goal.

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

26 ~~(f)~~~~(e)~~ The objectives and policies shall address items  
27 such as:

- 28 1. The procedure for an annual update process;
- 29 2. The procedure for school site selection;
- 30 3. The procedure for school permitting;

31

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

6           5. Provision for colocation of other public  
7 facilities, such as parks, libraries, and community centers,  
8 in proximity to public schools;

9           6. Provision for location of schools proximate to  
10 residential areas and to complement patterns of development,  
11 including the location of future school sites so they serve as  
12 community focal points;

13           7. Measures to ensure compatibility of school sites  
14 and surrounding land uses;

15           8. Coordination with adjacent local governments and  
16 the school district on emergency preparedness issues,  
17 including the use of public schools to serve as emergency  
18 shelters; and

19           9. Coordination with the future land use element.

20           ~~(g)(f)~~ The element shall include one or more future  
21 conditions maps which depict the anticipated location of  
22 educational and ancillary plants, including the general  
23 location of improvements to existing schools or new schools  
24 anticipated over the 5-year, or long-term planning period. The  
25 maps will of necessity be general for the long-term planning  
26 period and more specific for the 5-year period. Maps  
27 indicating general locations of future schools or school  
28 improvements may not prescribe a land use on a particular  
29 parcel of land.

30           (h) The state land planning agency shall establish a  
31 phased schedule for adoption of the public school facilities

1 element and the required updates to the public schools  
2 interlocal agreement pursuant to s. 163.31777. The schedule  
3 shall provide for each county and local government within the  
4 county to adopt the element and update to the agreement no  
5 later than December 1, 2008. Plan amendments to adopt a public  
6 school facilities element are exempt from the provisions of s.  
7 163.3187(1).

8 (i) Failure to adopt the public school facility  
9 element, to enter into an approved interlocal agreement as  
10 required by subparagraph (6)(h)2. and 163.31777, or to amend  
11 the comprehensive plan as necessary to implement school  
12 concurrency, according to the phased schedule, shall result in  
13 a local government being prohibited from adopting amendments  
14 to the comprehensive plan which increase residential density  
15 until the necessary amendments have been adopted and  
16 transmitted to the state land planning agency.

17 (j) The state land planning agency may issue the  
18 school board a notice to show cause why sanctions should not  
19 be enforced for failure to enter into an approved interlocal  
20 agreement as required by s. 163.31777 or for failure to  
21 implement the provisions of this act relating to public school  
22 concurrency. The school board may be subject to sanctions  
23 imposed by the Administration Commission directing the  
24 Department of Education to withhold from the district school  
25 board an equivalent amount of funds for school construction  
26 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
27 1013.72.

28 (13) Local governments are encouraged to develop a  
29 community vision that provides for sustainable growth,  
30 recognizes its fiscal constraints, and protects its natural  
31 resources. At the request of a local government, the



1 applicable regional planning council shall provide assistance  
2 in the development of a community vision.

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

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

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

17 2. Priorities for economic development;

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

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

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

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

26 7. Provisions for adequate workforce housing;

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

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

31

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

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

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

13           3. Incentives for workforce housing;

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

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

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

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

1 163.3189 at public hearings of the governing body other than  
2 those identified in paragraph (a).

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

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

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

15 (i) A local government that has developed a community  
16 vision or completed a visioning process after July 1, 2000,  
17 and before July 1, 2005, which substantially accomplishes the  
18 goals set forth in this subsection and the appropriate goals,  
19 policies, or objectives have been adopted as part of the  
20 comprehensive plan or reflected in subsequently adopted land  
21 development regulations and the plan amendment incorporating  
22 the community vision as a component has been found in  
23 compliance may levy the local option fuel tax under s.  
24 336.025(1)(b) and the ninth-cent fuel tax under s.  
25 336.021(1)(a) by a majority vote of its governing body.

26 (14) Local governments are also encouraged to  
27 designate an urban service boundary. This area must be  
28 appropriate for compact, contiguous urban development within a  
29 10-year planning timeframe. The urban service area boundary  
30 must be identified on the future land use map or map series.  
31 The local government shall demonstrate that the land included

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

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

20 (b)1. After the workshops and public meetings required  
21 under paragraph (a) are held, the local government may amend  
22 its comprehensive plan to include the urban service boundary.  
23 This plan amendment must be transmitted and adopted pursuant  
24 to the procedures in ss. 163.3184 and 163.3189 at meetings of  
25 the governing body other than those required under paragraph  
26 (a).

27 2. This subsection does not prohibit new development  
28 outside an urban service boundary. However, a local government  
29 that establishes an urban service boundary under this  
30 subsection is encouraged to require a full-cost accounting  
31 analysis for any new development outside the boundary and to

1 consider the results of that analysis when adopting a plan  
2 amendment for property outside the established urban service  
3 boundary.

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

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

14 (e) A county that has adopted a community vision under  
15 subsection (13) and an urban service boundary under this  
16 subsection and the plan amendments incorporating the vision  
17 and the urban service boundary have been found in compliance  
18 may levy the local government infrastructure surtax under s.  
19 212.055(2) by a majority vote of its governing body.

20 (f) A small county that has adopted a community vision  
21 under subsection (13) and an urban service boundary under this  
22 subsection and the plan amendment incorporating the vision and  
23 the urban service boundary has been found in compliance may  
24 levy the local government infrastructure surtax under s.  
25 212.055(2) and the small county surtax under s. 212.055(3) by  
26 a majority vote of its governing body for a combined rate of  
27 up to 2 percent.

28 (g) A local government that has adopted an urban  
29 service boundary after July 1, 2000 and before July 1, 2005,  
30 which substantially accomplishes the goals set forth in this  
31 subsection is not required to comply with paragraph (a) or

1 subparagraph 1. of paragraph (b) in order to be eligible for  
2 small scale amendment review and the exemption from  
3 development-of-regional-impact review under s. 163.3184.

4 Section 3. Section 163.31776, Florida Statutes, is  
5 repealed.

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

8 163.31777 Public schools interlocal agreement.--

9 (2) At a minimum, the interlocal agreement must  
10 address interlocal-agreement requirements in s.  
11 163.3180(13)(g), except for exempt local governments as  
12 provided in s. 163.3177(12), and must address the following  
13 issues:

14 (a) A process by which each local government and the  
15 district school board agree and base their plans on consistent  
16 projections of the amount, type, and distribution of  
17 population growth and student enrollment. The geographic  
18 distribution of jurisdiction-wide growth forecasts is a major  
19 objective of the process.

20 (b) A process to coordinate and share information  
21 relating to existing and planned public school facilities,  
22 including school renovations and closures, and local  
23 government plans for development and redevelopment.

24 (c) Participation by affected local governments with  
25 the district school board in the process of evaluating  
26 potential school closures, significant renovations to existing  
27 schools, and new school site selection before land  
28 acquisition. Local governments shall advise the district  
29 school board as to the consistency of the proposed closure,  
30 renovation, or new site with the local comprehensive plan,  
31 including appropriate circumstances and criteria under which a

1 district school board may request an amendment to the  
2 comprehensive plan for school siting.

3 (d) A process for determining the need for and timing  
4 of onsite and offsite improvements to support new, proposed  
5 expansion, or redevelopment of existing schools. The process  
6 must address identification of the party or parties  
7 responsible for the improvements.

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

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

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

22 (h) A procedure for the resolution of disputes between  
23 the district school board and local governments, which may  
24 include the dispute resolution processes contained in chapters  
25 164 and 186.

26 (i) An oversight process, including an opportunity for  
27 public participation, for the implementation of the interlocal  
28 agreement.

29  
30 ~~A signatory to the interlocal agreement may elect not to~~  
31 ~~include a provision meeting the requirements of paragraph (c);~~

1 ~~however, such a decision may be made only after a public~~  
2 ~~hearing on such election, which may include the public hearing~~  
3 ~~in which a district school board or a local government adopts~~  
4 ~~the interlocal agreement. An interlocal agreement entered into~~  
5 ~~pursuant to this section must be consistent with the adopted~~  
6 ~~comprehensive plan and land development regulations of any~~  
7 ~~local government that is a signatory.~~

8 (5) Any local government transmitting a public school  
9 element to implement school concurrency pursuant to the  
10 requirements of s. 163.3180 before the effective date of this  
11 section is not required to amend the element or any interlocal  
12 agreement to conform with the provisions of this section if  
13 the element is adopted prior to or within 1 year after the  
14 effective date of this section and remains in effect until the  
15 county conducts its evaluation and appraisal report and  
16 identifies changes necessary to more fully conform to the  
17 provisions of this section.

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

23 ~~(a) The municipality has no public schools located~~  
24 ~~within its boundaries.~~

25 ~~(b) The district school board's 5 year facilities work~~  
26 ~~program and the long term 10 year and 20 year work programs,~~  
27 ~~as provided in s. 1013.35, demonstrate that no new school~~  
28 ~~facility is needed in the municipality. In addition, the~~  
29 ~~district school board must verify in writing that no new~~  
30 ~~school facility will be needed in the municipality within the~~  
31 ~~5 year and 10 year timeframes.~~



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

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

19           163.3180 Concurrency.--

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

30           (2)(a) Consistent with public health and safety,  
31 sanitary sewer, solid waste, drainage, adequate water

1 supplies, and potable water facilities shall be in place and  
2 available to serve new development no later than the issuance  
3 by the local government of a certificate of occupancy or its  
4 functional equivalent. Prior to approval of a building permit  
5 or its functional equivalent, the local government shall  
6 consult with the applicable water supplier to determine  
7 whether adequate water supplies to serve the new development  
8 will be available no later than the anticipated date of  
9 issuance by the local government of a certificate of occupancy  
10 or its functional equivalent.

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

24 (c) Consistent with the public welfare, and except as  
25 otherwise provided in this section, transportation facilities  
26 ~~designated as part of the Florida Intrastate Highway System~~  
27 needed to serve new development shall be in place or under  
28 actual construction within 3 ~~not more than 5~~ years after the  
29 local government approves a building permit or its functional  
30 equivalent that results in traffic generation ~~issuance by the~~  
31 ~~local government of a certificate of occupancy or its~~

1 ~~functional equivalent. Other transportation facilities needed~~  
2 ~~to serve new development shall be in place or under actual~~  
3 ~~construction no more than 3 years after issuance by the local~~  
4 ~~government of a certificate of occupancy or its functional~~  
5 ~~equivalent.~~

6 (4)

7 (c) The concurrency requirement, except as it relates  
8 to transportation facilities and public schools, as  
9 implemented in local government comprehensive plans, may be  
10 waived by a local government for urban infill and  
11 redevelopment areas designated pursuant to s. 163.2517 if such  
12 a waiver does not endanger public health or safety as defined  
13 by the local government in its local government comprehensive  
14 plan. The waiver shall be adopted as a plan amendment  
15 pursuant to the process set forth in s. 163.3187(3)(a). A  
16 local government may grant a concurrency exception pursuant to  
17 subsection (5) for transportation facilities located within  
18 these urban infill and redevelopment areas.

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

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

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

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

21 (d) A local government shall establish guidelines in  
22 the comprehensive plan for granting the exceptions authorized  
23 in paragraphs (b) and (c) and subsections (7) and (15) which  
24 must be consistent with and support a comprehensive strategy  
25 adopted in the plan to promote the purpose of the exceptions.

26 (e) The local government shall adopt into the plan and  
27 implement strategies to support and fund mobility within the  
28 designated exception area, including alternative modes of  
29 transportation. The plan amendment shall also demonstrate how  
30 strategies will support the purpose of the exception and how  
31 mobility within the designated exception area will be

1 provided. In addition, the strategies must address urban  
2 design; appropriate land use mixes, including intensity and  
3 density; and network connectivity plans needed to promote  
4 urban infill, redevelopment, or downtown revitalization. The  
5 comprehensive plan amendment designating the concurrency  
6 exception area shall be accompanied by data and analysis  
7 justifying the size of the area.

8 (f) Prior to the designation of a concurrency  
9 exception area, the Department of Transportation shall be  
10 consulted by the local government to assess the impact that  
11 the proposed exception area is expected to have on the adopted  
12 level of service standards established for Strategic  
13 Intermodal System facilities, as defined in s. 339.64, and  
14 roadway facilities funded in accordance with s. 339.2819.  
15 Further, the local government shall, in cooperation with the  
16 Department of Transportation, develop a plan to mitigate any  
17 impacts to the Strategic Intermodal System, including, if  
18 appropriate, the development of a long-term concurrency  
19 management system pursuant to ss. 163.3177(3)(d) and  
20 163.3180(9). in the comprehensive plan. These guidelines must  
21 include consideration of the impacts on the Florida Intrastate  
22 Highway System, as defined in s. 338.001. The exceptions may  
23 be available only within the specific geographic area of the  
24 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
25 any affected person may challenge a plan amendment  
26 establishing these guidelines and the areas within which an  
27 exception could be granted.

28 (g) Transportation concurrency exception areas  
29 existing prior to July 1, 2005, shall meet, at a minimum, the  
30 provisions of this section by July 1, 2006, or at the time of  
31

1 the comprehensive plan update pursuant to the evaluation and  
2 appraisal report, whichever occurs last.

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

31

1 reduction to the state land planning agency before issuing  
2 further de minimis exceptions.

3 (7) In order to promote infill development and  
4 redevelopment, one or more transportation concurrency  
5 management areas may be designated in a local government  
6 comprehensive plan. A transportation concurrency management  
7 area must be a compact geographic area with an existing  
8 network of roads where multiple, viable alternative travel  
9 paths or modes are available for common trips. A local  
10 government may establish an areawide level-of-service standard  
11 for such a transportation concurrency management area based  
12 upon an analysis that provides for a justification for the  
13 areawide level of service, how urban infill development or  
14 redevelopment will be promoted, and how mobility will be  
15 accomplished within the transportation concurrency management  
16 area. Prior to the designation of a concurrency management  
17 area, the Department of Transportation shall be consulted by  
18 the local government to assess the impact that the proposed  
19 concurrency management area is expected to have on the adopted  
20 level of service standards established for Strategic  
21 Intermodal System facilities, as defined in s. 339.64, and  
22 roadway facilities funded in accordance with s. 339.2819.  
23 Further, the local government shall, in cooperation with the  
24 Department of Transportation, develop a plan to mitigate any  
25 impacts to the Strategic Intermodal System, including, if  
26 appropriate, the development of a long-term concurrency  
27 management system pursuant to ss. 163.3177(3)(d) and  
28 163.3180(9). Transportation concurrency management areas  
29 existing prior to July 1, 2005, shall meet, at a minimum, the  
30 provisions of this section by July 1, 2006, or at the time of  
31 the comprehensive plan update pursuant to the evaluation and

1 appraisal report, whichever occurs last. The state land  
 2 planning agency shall amend chapter 9J-5, Florida  
 3 Administrative Code, to be consistent with this subsection.

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

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

- 28 1. The extent of the backlog.
- 29 2. For roads, whether the backlog is on local or state  
 30 roads.
- 31 3. The cost of eliminating the backlog.



1           4. The local government's tax and other  
2 revenue-raising efforts.

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

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

15           (10) With regard to roadway facilities on the  
16 Strategic Intermodal System designated in accordance with ss.  
17 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate  
18 Highway System as defined in s. 338.001, and roadway  
19 facilities funded in accordance with s. 339.2819 with  
20 ~~concurrence from the Department of Transportation, the~~  
21 ~~level of service standard for general lanes in urbanized~~  
22 ~~areas, as defined in s. 334.03(36), may be established by the~~  
23 ~~local government in the comprehensive plan. For all other~~  
24 ~~facilities on the Florida Intrastate Highway System, local~~  
25 governments shall adopt the level-of-service standard  
26 established by the Department of Transportation by rule. For  
27 all other roads on the State Highway System, local governments  
28 shall establish an adequate level-of-service standard that  
29 need not be consistent with any level-of-service standard  
30 established by the Department of Transportation. In  
31 establishing adequate level-of-service standards for any

1 arterial roads, or collector roads as appropriate, which  
2 traverse multiple jurisdictions, local governments shall  
3 consider compatibility with the roadway facility's adopted  
4 level-of-service standards in adjacent jurisdictions. Each  
5 local government within a county shall use a professionally  
6 accepted methodology for measuring impacts on transportation  
7 facilities for the purposes of implementing its concurrency  
8 management system. Counties are encouraged to coordinate with  
9 adjacent counties, and local governments within a county are  
10 encouraged to coordinate, for the purpose of using common  
11 methodologies for measuring impacts on transportation  
12 facilities for the purpose of implementing their concurrency  
13 management systems.

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

1 ~~part.~~ The minimum requirements for school concurrency are the  
2 following:

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

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

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

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

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

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

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

24 2. For local governments applying school concurrency  
25 on a less than districtwide basis, such as utilizing school  
26 attendance zones or larger school concurrency service areas,  
27 local governments and school boards shall have the burden to  
28 demonstrate that the utilization of school capacity is  
29 maximized to the greatest extent possible in the comprehensive  
30 plan and amendment, taking into account transportation costs  
31 and court-approved desegregation plans, as well as other

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

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

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

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

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

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

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

25 (e) Availability standard.--Consistent with the public  
26 welfare, a local government may not deny an application for  
27 site plan, final subdivision approval, or the functional  
28 equivalent for a development or phase of a development ~~permit~~  
29 authorizing residential development for failure to achieve and  
30 maintain the level-of-service standard for public school  
31 capacity in a local ~~option~~ school concurrency management

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

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

31

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

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

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

20           (f) Intergovernmental coordination.--

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (h) This subsection does not limit the authority of a  
20 local government to grant or deny a development permit or its  
21 functional equivalent prior to the implementation of school  
22 concurrency.

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

1 an integrated, multimodal transportation system. Prior to the  
2 designation of multimodal transportation districts, the  
3 Department of Transportation shall be consulted by the local  
4 government to assess the impact that the proposed multimodal  
5 district area is expected to have on the adopted level of  
6 service standards established for Strategic Intermodal System  
7 facilities, as defined in s. 339.64, and roadway facilities  
8 funded in accordance with s. 339.2819. Further, the local  
9 government shall, in cooperation with the Department of  
10 Transportation, develop a plan to mitigate any impacts to the  
11 Strategic Intermodal System, including the development of a  
12 long-term concurrency management system pursuant to ss.  
13 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
14 districts existing prior to July 1, 2005, shall meet, at a  
15 minimum, the provisions of this section by July 1, 2006, or at  
16 the time of the comprehensive plan update pursuant to the  
17 evaluation and appraisal report, whichever occurs last.

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

30 (c) Local governments may establish multimodal  
31 level-of-service standards that rely primarily on nonvehicular

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

22 (d) Local governments may reduce impact fees or local  
23 access fees for development within multimodal transportation  
24 districts based on the reduction of vehicle trips per  
25 household or vehicle miles of travel expected from the  
26 development pattern planned for the district.

27 (16) It is the intent of the Legislature to provide a  
28 method by which the impacts of development on transportation  
29 facilities can be mitigated by the cooperative efforts of the  
30 public and private sectors. The methodology used to calculate  
31 proportionate fair-share mitigation under this subsection must

1 ensure that development is assessed in a manner and for the  
2 purpose of funding public facilities necessary to accommodate  
3 any impacts having a rational nexus to the proposed  
4 development when the need to construct new facilities or add  
5 to the present system of public facilities is reasonably  
6 attributable to the proposed development.

7 (a) By December 1, 2006, each local government shall  
8 adopt by ordinance a transportation concurrency management  
9 system that shall include a methodology for assessing  
10 proportionate fair-share mitigation options. By December 1,  
11 2005, the Department of Transportation shall develop a model  
12 transportation concurrency management ordinance with  
13 methodologies for assessing proportionate fair-share  
14 mitigation options.

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

29 2. Proportionate fair-share mitigation shall be  
30 applied as a credit against impact fees to the extent that all  
31 or a portion of the proportionate fair-share mitigation is

1 used to address the same capital infrastructure improvements  
2 contemplated by the local government's impact fee ordinance.  
3 The credit shall not apply to internal, onsite facilities  
4 required by local regulations or to any offsite facilities to  
5 the extent such facilities are necessary to provide safe and  
6 adequate services to the development. The proportionate  
7 fair-share methodology shall be applicable to all development  
8 contributing to the need for new or expanded public  
9 facilities.

10 (c) Proportionate fair-share mitigation includes,  
11 without limitation, separately or collectively, private funds,  
12 contributions of land, and construction and contribution of  
13 facilities and may include public funds as determined by the  
14 local government. The fair market value of the proportionate  
15 fair-share mitigation may not differ based on the form of  
16 mitigation.

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

22 (e) Nothing in this subsection limits the home rule  
23 authority of a local government to enter into a public-private  
24 partnership or funding agreement to provide or govern the  
25 provision of essential infrastructure deemed necessary by the  
26 local government payable from available taxes, fees, special  
27 assessments or developer contributions.

28 (f) Mitigation for development impacts to facilities  
29 on the Strategic Intermodal System made pursuant to this  
30 subsection requires the concurrence of the Department of  
31 Transportation.



1       (g) The provisions of this subsection do not apply to  
2 a multiuse development of regional impact satisfying the  
3 requirements of subsection (12).

4           Section 6. Subsection (17) is added to section  
5 163.3184, Florida Statutes, to read:

6           163.3184 Process for adoption of comprehensive plan or  
7 plan amendment.--

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

29           (18) The concurrency provisions of this act shall not  
30 apply to development within:

31

1           (a) A development-of-regional-impact which was  
2 approved before July 1, 2005, or

3           (b) A proposed development-of-regional-impact which  
4 has an application for development approval determined to be  
5 sufficient pursuant to s. 380.06(10) before July 1, 2005.

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

8           163.3191 Evaluation and appraisal of comprehensive  
9 plan.--

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

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

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

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

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

31

1           (e) An identification of the major issues for the  
2 jurisdiction and, where pertinent, the potential social,  
3 economic, and environmental impacts.

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

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

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

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

31

1 (j) A summary of the public participation program and  
2 activities undertaken by the local government in preparing the  
3 report.

4 (k) The coordination of the comprehensive plan with  
5 existing public schools and those identified in the applicable  
6 educational facilities plan adopted pursuant to s. 1013.35.

7 The assessment shall address, where relevant, the success or  
8 failure of the coordination of the future land use map and  
9 associated planned residential development with public schools

10 and their capacities, as well as the joint decisionmaking

11 processes engaged in by the local government and the school

12 board in regard to establishing appropriate population

13 projections and the planning and siting of public school

14 facilities. For those counties or municipalities that do not

15 have a public schools interlocal agreement or public school

16 facility element, the assessment shall determine whether the

17 local government continues to meet the criteria of s.

18 163.3177(12). If the county or municipality determines that it

19 no longer meets the criteria, it must adopt appropriate school

20 concurrency goals, objectives, and policies in its plan

21 amendments pursuant to the requirements of the public school

22 facility element, and enter into the existing interlocal

23 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in

24 order to fully participate in the school concurrency system.

25 ~~If the issues are not relevant, the local government shall~~

26 ~~demonstrate that they are not relevant.~~

27 (l) The extent to which the local government has been

28 successful in identifying alternative water supply projects

29 and traditional water supply projects, including conservation

30 and reuse, necessary to meet the water needs identified in s.

31 373.0361(2)(a) within the local government's jurisdiction. The

1 report must evaluate the degree to which the local government  
2 has implemented the work plan for building public, private,  
3 and regional water supply facilities, including development of  
4 alternative water supplies. ~~The evaluation must consider the~~  
5 ~~appropriate water management district's regional water supply~~  
6 ~~plan approved pursuant to s. 373.0361. The potable water~~  
7 ~~element must be revised to include a work plan, covering at~~  
8 ~~least a 10 year planning period, for building any water supply~~  
9 ~~facilities that are identified in the element as necessary to~~  
10 ~~serve existing and new development and for which the local~~  
11 ~~government is responsible.~~

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

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

27 (o) The extent to which a concurrency exception area  
28 designated pursuant to s. 163.3180(5), a concurrency  
29 management area designated pursuant to s. 163.3180(7), or a  
30 multimodal transportation district designated pursuant to s.  
31

1 163.3180(15) has achieved the purpose for which it was created  
2 and otherwise complies with the provisions of s. 163.3180.

3 (p) An assessment of the extent to which changes are  
4 needed to develop a common methodology for measuring impacts  
5 on transportation facilities for the purpose of implementing  
6 its concurrency management system in coordination with the  
7 municipalities and counties, as appropriate pursuant to s.  
8 163.3180(10).

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

1 have been adopted and transmitted to the state land planning  
 2 agency. The prohibition on plan amendments shall commence when  
 3 the update amendments to the comprehensive plan are past due.

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

10 Section 8. Effective January 1, 2006, subsections (1),  
 11 (2), (3), and (6) of section 212.055, Florida Statutes, are  
 12 amended to read:

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

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

27 (a) 1. Each charter county ~~which adopted a charter~~  
 28 ~~prior to January 1, 1984,~~ and each county the government of  
 29 which is consolidated with that of one or more municipalities,  
 30 may levy a discretionary sales surtax, subject to approval by  
 31 a majority vote of the electorate of the county, a majority

1 vote of the governing body, or ~~by~~ a charter amendment approved  
 2 by a majority vote of the electorate of the county.

3 2. Notwithstanding paragraphs (e) and (f), if a  
 4 noncharter county or a charter county has updated its capital  
 5 improvements element no earlier than 2005 and if its  
 6 comprehensive plan has been determined to be in compliance,  
 7 the noncharter county or charter county may levy a  
 8 discretionary sales surtax pursuant to this subsection by  
 9 majority vote of the membership of its governing body or  
 10 subject to a referendum. The use of the proceeds of the surtax  
 11 shall be used by the county subject to the provisions of  
 12 subparagraph (d)5. Surtaxes imposed by majority vote must be  
 13 used to supplement, not supplant, existing infrastructure  
 14 funding. A charter county may levy a surtax under both this  
 15 subparagraph and subparagraph 1. for a combined rate up to 1  
 16 percent.

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

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

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

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

31



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

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

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

1 | bonds or new bonds issued for the construction of such fixed  
2 | guideway rapid transit systems, bus systems, roads, or  
3 | bridges. Pursuant to an interlocal agreement entered into  
4 | pursuant to chapter 163, the governing body of the charter  
5 | county may distribute proceeds from the tax to a municipality,  
6 | or an expressway or transportation authority created by law to  
7 | be expended for the purpose authorized by this paragraph. If  
8 | imposed by a majority vote of the governing body and there is  
9 | no interlocal agreement with a municipality, distribution of  
10 | the surtax proceeds from subparagraphs 1., 2., and 3. and this  
11 | subparagraph shall be according to the formula provided in s.  
12 | 218.62.

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

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

27 |           1. An advisory board must be created to make  
28 | recommendations to the board of county commissioners regarding  
29 | infrastructure projects to address the needs of the community.  
30 | The governing body of the county shall appoint members to the  
31 | advisory board who represent the diversity of the community

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

18 2. After the advisory board submits the project list  
19 to the board of county commissioners, it may be amended by the  
20 board of county commissioners. 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 list may not be approved at the same meeting at  
25 which it was amended. Notice of the intent to adopt the  
26 project list must be given and the list must be approved at a  
27 subsequent public meeting that may not be held sooner than 14  
28 days after the meeting at which the project list was amended.

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

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

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

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

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

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

29 (f) A county may not levy the surtax by majority vote  
30 of the governing body unless it has adopted a community vision  
31 and an urban service boundary under s. 163.3177(13) and (14).

1 Municipalities within a charter county that levies the surtax  
2 by majority vote may not receive surtax proceeds unless they  
3 have also completed these requirements. Surtax proceeds may  
4 only be expended within an urban service boundary.

5 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

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

25 (b) A statement which includes a brief general  
26 description of the projects to be funded by the surtax and  
27 which conforms to the requirements of s. 101.161 shall be  
28 placed on the ballot by the governing authority of any county  
29 which enacts an ordinance calling for a referendum on the levy  
30 of the surtax or in which the governing bodies of the  
31 municipalities representing a majority of the county's

1 population adopt uniform resolutions calling for a referendum  
2 on the surtax. The following question shall be placed on the  
3 ballot:

4  
5           ....FOR the   ....-cent sales tax  
6           ....AGAINST the                                       ....-cent sales tax

7  
8           (c) Pursuant to s. 212.054(4), the proceeds of the  
9 surtax levied under this subsection shall be distributed to  
10 the county and the municipalities within such county in which  
11 the surtax was collected, according to:

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

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

21  
22 Any change in the distribution formula must take effect on the  
23 first day of any month that begins at least 60 days after  
24 written notification of that change has been made to the  
25 department.

26           (d)1. The proceeds of the surtax authorized by this  
27 subsection and any interest accrued thereto shall be expended  
28 by the school district or within the county and municipalities  
29 within the county, or, in the case of a negotiated joint  
30 county agreement, within another county, to finance, plan, and  
31 construct infrastructure and to acquire land for public

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

21 2. For the purposes of this paragraph,

22 "infrastructure" means:

23 a. Any fixed capital expenditure or fixed capital  
24 outlay associated with the construction, reconstruction, or  
25 improvement of public facilities which have a life expectancy  
26 of 5 or more years and any land acquisition, land improvement,  
27 design, and engineering costs related thereto.

28 b. A fire department vehicle, an emergency medical  
29 service vehicle, a sheriff's office vehicle, a police  
30 department vehicle, or any other vehicle, and such equipment  
31

1 necessary to outfit the vehicle for its official use or  
2 equipment that has a life expectancy of at least 5 years.

3 c. Any expenditure for the construction, lease, or  
4 maintenance of, or provision of utilities or security for,  
5 facilities as defined in s. 29.008.

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

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

29 (f)1. Notwithstanding paragraph (d), a county that has  
30 a population of 50,000 or less on April 1, 1992, or any county  
31 designated as an area of critical state concern on the



1 effective date of this act, and that imposed the surtax before  
2 July 1, 1992, may use the proceeds and interest of the surtax  
3 for any public purpose if:

- 4 a. The debt service obligations for any year are met;
- 5 b. The county's comprehensive plan has been determined  
6 to be in compliance with part II of chapter 163; and
- 7 c. The county has adopted an amendment to the surtax  
8 ordinance pursuant to the procedure provided in s. 125.66  
9 authorizing additional uses of the surtax proceeds and  
10 interest.

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

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

30 (g) Notwithstanding paragraph (d), a county having a  
31 population greater than 75,000 in which the taxable value of

1 real property is less than 60 percent of the just value of  
2 real property for ad valorem tax purposes for the tax year in  
3 which an infrastructure surtax referendum is placed before the  
4 voters, and the municipalities within such a county, may use  
5 the proceeds and interest of the surtax for operation and  
6 maintenance of parks and recreation programs and facilities  
7 established with the proceeds of the surtax throughout the  
8 duration of the surtax levy or while interest earnings  
9 accruing from the proceeds of the surtax are available for  
10 such use, whichever period is longer.

11 (h) Notwithstanding any other provision of this  
12 section, a county shall not levy local option sales surtaxes  
13 authorized in this subsection and subsections (3), (4), and  
14 (5) in excess of a combined rate of 1 percent. However, a  
15 small county, as defined in paragraph (3)(a), may levy the  
16 local option sales surtax authorized in this subsection and  
17 subsection (3) for a combined rate of up to 2 percent.  
18 Surtaxes imposed by majority vote must be used to supplement,  
19 not supplant, existing infrastructure funding. In order to  
20 impose the surtax by a majority vote of the governing body,  
21 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 economic development, the environment, transportation,  
29 municipal government, education, and public safety and growth  
30 management professionals. Based on the estimated amount of the  
31 surtax collections, the advisory board must conduct at least

1 two public workshops to develop a project list. Priority shall  
2 be given to projects that address existing infrastructure  
3 deficits. A quorum shall consist of a majority of the advisory  
4 board members and is necessary to take any action regarding  
5 recommendations to the governing board of the local  
6 government. The board of county commissioners shall provide  
7 staff support to the advisory board. All advisory board  
8 meetings are open to the public, and minutes of the meetings  
9 shall be available to the public.

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

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

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

28 5. Once the project list has been adopted, the board  
29 may give notice of the intent to adopt the surtax by  
30 ordinance. The board of county commissioners shall conduct a  
31 public hearing to allow for public input on the proposed

1 surtax. The ordinance enacting the surtax may not be adopted  
2 at the same meeting as that at which the project list is  
3 adopted.

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

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

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

28 (3) SMALL COUNTY SURTAX.--

29 (a) The governing authority in each county that has a  
30 population of 50,000 or less on April 1, 1992, may levy a  
31 discretionary sales surtax of 0.5 percent or 1 percent. The

1 levy of the surtax shall be pursuant to ordinance enacted by  
 2 an extraordinary vote of the members of the county governing  
 3 authority if the surtax revenues are expended for operating  
 4 purposes. If the surtax revenues are expended for the purpose  
 5 of servicing bond indebtedness, the surtax shall be approved  
 6 by a majority of the electors of the county voting in a  
 7 referendum on the surtax.

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

15  
 16 . . . .FOR the . . . .-cent sales tax  
 17 . . . .AGAINST the . . . .-cent sales tax  
 18

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

- 23 1. An interlocal agreement between the county  
 24 governing authority and the governing bodies of the  
 25 municipalities representing a majority of the county's  
 26 municipal population, which agreement may include a school  
 27 district with the consent of the county governing authority  
 28 and the governing bodies of the municipalities representing a  
 29 majority of the county's municipal population; or
- 30 2. If there is no interlocal agreement, according to  
 31 the formula provided in s. 218.62.

1  
2 Any change in the distribution formula shall take effect on  
3 the first day of any month that begins at least 60 days after  
4 written notification of that change has been made to the  
5 department.

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

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

27 (e) A school district, county, or municipality that  
28 receives proceeds under this subsection following a referendum  
29 may pledge the proceeds for the purpose of servicing new bond  
30 indebtedness incurred pursuant to law. Local governments may  
31 use the services of the Division of Bond Finance pursuant to

1 the State Bond Act to issue any bonds through the provisions  
 2 of this subsection. A jurisdiction may not issue bonds  
 3 pursuant to this subsection more frequently than once per  
 4 year. A county and municipality may join together to issue  
 5 bonds authorized by this subsection.

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

10 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

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

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

23  
 24 . . . .FOR THE . . . .CENTS TAX  
 25 . . . .AGAINST THE . . . .CENTS TAX  
 26

27 (c) The resolution providing for the imposition of the  
 28 surtax shall set forth a plan for use of the surtax proceeds  
 29 for fixed capital expenditures or fixed capital costs  
 30 associated with the construction, reconstruction, or  
 31 improvement of school facilities and campuses which have a

1 useful life expectancy of 5 or more years, and any land  
2 acquisition, land improvement, design, and engineering costs  
3 related thereto. Additionally, the plan shall include the  
4 costs of retrofitting and providing for technology  
5 implementation, including hardware and software, for the  
6 various sites within the school district. Surtax revenues may  
7 be used for the purpose of servicing bond indebtedness to  
8 finance projects authorized by this subsection, and any  
9 interest accrued thereto may be held in trust to finance such  
10 projects. Neither the proceeds of the surtax nor any interest  
11 accrued thereto shall be used for operational expenses.

12 (d) Any school board ~~receiving proceeds from imposing~~  
13 the surtax shall implement a freeze on noncapital local school  
14 property taxes, at the millage rate imposed in the year prior  
15 to the implementation of the surtax, for a period of at least  
16 3 years from the date of imposition of the surtax. This  
17 provision shall not apply to existing debt service or required  
18 state taxes.

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

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

27 1. An advisory board must be created to make  
28 recommendations to the school board regarding the use of the  
29 surtax proceeds for fixed capital expenditures or fixed  
30 capital costs associated with the construction,  
31 reconstruction, or improvement of school facilities and



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

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

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

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

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

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

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

1 Section 9. Effective January 1, 2006, paragraph (a) of  
2 subsection (1) of section 336.021, Florida Statutes, is  
3 amended to read:

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

6 (1)(a) Any county in the state, by majority or  
7 extraordinary vote of the membership of its governing body or  
8 subject to a referendum, may levy the tax imposed by ss.  
9 206.41(1)(d) and 206.87(1)(b). County and municipal  
10 governments may use the moneys received under this paragraph  
11 only for transportation expenditures as defined in s.  
12 336.025(7). A county may not levy this surtax by majority vote  
13 of the governing body unless it has adopted a community vision  
14 under s. 163.3177(13). Municipalities within a county that  
15 levies the surtax by a majority vote may not receive surtax  
16 proceeds unless they have also completed this requirement.

17 Section 10. Paragraph (b) of subsection (1) of section  
18 336.025, Florida Statutes, is amended to read:

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

21 (1)

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

30 1. All impositions and rate changes of the tax shall  
31 be levied before July 1, to be effective January 1 of the

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

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

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

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

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

17 Section 11. Paragraph (b) of subsection (4) of section  
18 339.135, Florida Statutes, is amended to read:

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

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

23 (b)1. A tentative work program, including the ensuing  
24 fiscal year and the successive 4 fiscal years, shall be  
25 prepared for the State Transportation Trust Fund and other  
26 funds managed by the department, unless otherwise provided by  
27 law. The tentative work program shall be based on the  
28 district work programs and shall set forth all projects by  
29 phase to be undertaken during the ensuing fiscal year and  
30 planned for the successive 4 fiscal years. The total amount of  
31 the liabilities accruing in each fiscal year of the tentative

1 work program may not exceed the revenues available for  
2 expenditure during the respective fiscal year based on the  
3 cash forecast for that respective fiscal year.

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

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

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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. Paragraphs (l) and (m) are added to  
12 subsection (24) of section 380.06, Florida Statutes, to read:

13 380.06 Developments of regional impact.--

14 (24) STATUTORY EXEMPTIONS.--

15 (l) 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 (m) Any proposed development within a rural land  
26 stewardship area created under s. 163.3177(11)(d) is exempt  
27 from the provisions of this section if the local government  
28 that has adopted the rural land stewardship area has entered  
29 into a binding agreement with jurisdictions that would be  
30 impacted and the Department of Transportation regarding the  
31 mitigation of impacts on state and regional transportation

1 facilities, and has adopted a proportionate share methodology  
2 pursuant to s. 163.3180(16).

3 Section 20. Subsections (3), (7), and (8) of section  
4 1013.33, Florida Statutes, are amended to read:

5 1013.33 Coordination of planning with local governing  
6 bodies.--

7 (3) At a minimum, the interlocal agreement must  
8 address interlocal-agreement requirements in s.  
9 163.3180(13)(g), except for exempt local governments as  
10 provided in s. 163.3177(12), and must address the following  
11 issues:

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

18 (b) A process to coordinate and share information  
19 relating to existing and planned public school facilities,  
20 including school renovations and closures, and local  
21 government plans for development and redevelopment.

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



1 (d) A process for determining the need for and timing  
2 of onsite and offsite improvements to support new  
3 construction, proposed expansion, or redevelopment of existing  
4 schools. The process shall address identification of the party  
5 or parties responsible for the improvements.

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

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

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

20 (h) A procedure for the resolution of disputes between  
21 the district school board and local governments, which may  
22 include the dispute resolution processes contained in chapters  
23 164 and 186.

24 (i) An oversight process, including an opportunity for  
25 public participation, for the implementation of the interlocal  
26 agreement.

27  
28 ~~A signatory to the interlocal agreement may elect not to~~  
29 ~~include a provision meeting the requirements of paragraph (c);~~  
30 ~~however, such a decision may be made only after a public~~  
31 ~~hearing on such election, which may include the public hearing~~

1 ~~in which a district school board or a local government adopts~~  
2 ~~the interlocal agreement. An interlocal agreement entered into~~  
3 ~~pursuant to this section must be consistent with the adopted~~  
4 ~~comprehensive plan and land development regulations of any~~  
5 ~~local government that is a signatory.~~

6 (7) Except as provided in subsection (8),  
7 municipalities meeting the exemption criteria in s.  
8 163.3177(12) ~~having no established need for a new facility and~~  
9 ~~meeting the following criteria~~ are exempt from the  
10 requirements of subsections (2), (3), and (4).<sup>+</sup>

11 (a) ~~The municipality has no public schools located~~  
12 ~~within its boundaries.~~

13 (b) ~~The district school board's 5 year facilities work~~  
14 ~~program and the long term 10 year and 20 year work programs,~~  
15 ~~as provided in s. 1013.35, demonstrate that no new school~~  
16 ~~facility is needed in the municipality. In addition, the~~  
17 ~~district school board must verify in writing that no new~~  
18 ~~school facility will be needed in the municipality within the~~  
19 ~~5 year and 10 year timeframes.~~

20 (8) At the time of the evaluation and appraisal  
21 report, each exempt municipality shall assess the extent to  
22 which it continues to meet the criteria for exemption under s.  
23 163.3177(12) ~~subsection (7)~~. If the municipality continues to  
24 meet these criteria ~~and the district school board verifies in~~  
25 ~~writing that no new school facilities will be needed within~~  
26 ~~the 5 year and 10 year timeframes~~, the municipality shall  
27 continue to be exempt from the interlocal-agreement  
28 requirement. Each municipality exempt under s. 163.3177(12)  
29 ~~subsection (7)~~ must comply with the provisions of subsections  
30 (2)-(8) within 1 year after the district school board  
31

1 proposes, in its 5-year district facilities work program, a  
2 new school within the municipality's jurisdiction.

3 Section 21. Subsection (2) of section 206.46, Florida  
4 Statutes, is amended to read:

5 206.46 State Transportation Trust Fund.--

6 (2) Notwithstanding any other provisions of law, from  
7 the revenues deposited into the State Transportation Trust  
8 Fund a maximum of 7 percent in each fiscal year shall be  
9 transferred into the Right-of-Way Acquisition and Bridge  
10 Construction Trust Fund created in s. 215.605, as needed to  
11 meet the requirements of the documents authorizing the bonds  
12 issued or proposed to be issued under ss. 215.605 and 337.276  
13 or at a minimum amount sufficient to pay for the debt service  
14 coverage requirements of outstanding bonds. Notwithstanding  
15 the 7 percent annual transfer authorized in this subsection,  
16 the annual amount transferred under this subsection shall not  
17 exceed an amount necessary to provide the required debt  
18 service coverage levels for a maximum debt service not to  
19 exceed ~~\$275~~\$200 million. Such transfer shall be payable  
20 primarily from the motor and diesel fuel taxes transferred to  
21 the State Transportation Trust Fund from the Fuel Tax  
22 Collection Trust Fund.

23 Section 22. Subsection (1) of section 339.08, Florida  
24 Statutes, is amended to read:

25 339.08 Use of moneys in State Transportation Trust  
26 Fund.--

27 (1) The department shall expend moneys in the State  
28 Transportation Trust Fund accruing to the department, in  
29 accordance with its annual budget. The use of such moneys  
30 shall be restricted to the following purposes:  
31

1 (a) To pay administrative expenses of the department,  
2 including administrative expenses incurred by the several  
3 state transportation districts, but excluding administrative  
4 expenses of commuter rail authorities that do not operate rail  
5 service.

6 (b) To pay the cost of construction of the State  
7 Highway System.

8 (c) To pay the cost of maintaining the State Highway  
9 System.

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

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

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

17 (g) To lend or pay a portion of the operating,  
18 maintenance, and capital costs of a revenue-producing  
19 transportation project that is located on the State Highway  
20 System or that is demonstrated to relieve traffic congestion  
21 on the State Highway System.

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

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

28 (j) To pay the cost of county or municipal road  
29 projects selected in accordance with the County Incentive  
30 Grant Program created in s. 339.2817 and the Small County  
31 Outreach Program created in s. 339.2818.

1           (k) To provide loans and credit enhancements for use  
2 in constructing and improving highway transportation  
3 facilities selected in accordance with the state-funded  
4 infrastructure bank created in s. 339.55.

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

7           (m) To pay the cost of transportation projects  
8 selected in accordance with the Transportation Regional  
9 Incentive Program created in s. 339.2819.

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

12           Section 23. Paragraphs (c), (d), and (e) are added to  
13 subsection (5) of section 339.155, Florida Statutes, to read:

14           339.155 Transportation planning.--

15           (5) ADDITIONAL TRANSPORTATION PLANS.--

16           (c) Regional transportation plans may be developed in  
17 regional transportation areas in accordance with an interlocal  
18 agreement entered into pursuant to s. 163.01 by two or more  
19 contiguous metropolitan planning organizations; one or more  
20 metropolitan planning organizations and one or more contiguous  
21 counties, none of which is a member of a metropolitan planning  
22 organization; a multicounty regional transportation authority  
23 created by or pursuant to law; two or more contiguous counties  
24 that are not members of a metropolitan planning organization;  
25 or metropolitan planning organizations comprised of three or  
26 more counties.

27           (d) The interlocal agreement must, at a minimum,  
28 identify the entity that will coordinate the development of  
29 the regional transportation plan; delineate the boundaries of  
30 the regional transportation area; provide the duration of the  
31 agreement and specify how the agreement may be terminated,

1 modified, or rescinded; describe the process by which the  
2 regional transportation plan will be developed; and provide  
3 how members of the entity will resolve disagreements regarding  
4 interpretation of the interlocal agreement or disputes  
5 relating to the development or content of the regional  
6 transportation plan. Such interlocal agreement shall become  
7 effective upon its recordation in the official public records  
8 of each county in the regional transportation area.

9 (e) The regional transportation plan developed  
10 pursuant to this section must, at a minimum, identify  
11 regionally significant transportation facilities located  
12 within a regional transportation area and contain a  
13 prioritized list of regionally significant projects. The  
14 level-of-service standards for facilities to be funded under  
15 this subsection shall be adopted by the appropriate local  
16 government in accordance with s. 163.3180(10). The projects  
17 shall be adopted into the capital improvements schedule of the  
18 local government comprehensive plan pursuant to s.  
19 163.3177(3).

20 Section 24. Section 339.175, Florida Statutes, is  
21 amended to read:

22 339.175 Metropolitan planning organization.--It is the  
23 intent of the Legislature to encourage and promote the safe  
24 and efficient management, operation, and development of  
25 surface transportation systems that will serve the mobility  
26 needs of people and freight within and through urbanized areas  
27 of this state while minimizing transportation-related fuel  
28 consumption and air pollution. To accomplish these objectives,  
29 metropolitan planning organizations, referred to in this  
30 section as M.P.O.'s, shall develop, in cooperation with the  
31 state and public transit operators, transportation plans and

1 programs for metropolitan areas. The plans and programs for  
2 each metropolitan area must provide for the development and  
3 integrated management and operation of transportation systems  
4 and facilities, including pedestrian walkways and bicycle  
5 transportation facilities that will function as an intermodal  
6 transportation system for the metropolitan area, based upon  
7 the prevailing principles provided in s. 334.046(1). The  
8 process for developing such plans and programs shall provide  
9 for consideration of all modes of transportation and shall be  
10 continuing, cooperative, and comprehensive, to the degree  
11 appropriate, based on the complexity of the transportation  
12 problems to be addressed. To ensure that the process is  
13 integrated with the statewide planning process, M.P.O.'s shall  
14 develop plans and programs that identify transportation  
15 facilities that should function as an integrated metropolitan  
16 transportation system, giving emphasis to facilities that  
17 serve important national, state, and regional transportation  
18 functions. For the purposes of this section, those facilities  
19 include the facilities on the Strategic Intermodal System  
20 designated under s. 339.63 and facilities for which projects  
21 have been identified pursuant to s. 339.2819(4).

22 (1) DESIGNATION.--

23 (a)1. An M.P.O. shall be designated for each urbanized  
24 area of the state; however, this does not require that an  
25 individual M.P.O. be designated for each such area. Such  
26 designation shall be accomplished by agreement between the  
27 Governor and units of general-purpose local government  
28 representing at least 75 percent of the population of the  
29 urbanized area; however, the unit of general-purpose local  
30 government that represents the central city or cities within  
31

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

3 2. More than one M.P.O. may be designated within an  
4 existing metropolitan planning area only if the Governor and  
5 the existing M.P.O. determine that the size and complexity of  
6 the existing metropolitan planning area makes the designation  
7 of more than one M.P.O. for the area appropriate.

8 (b) Each M.P.O. shall be created and operated under  
9 the provisions of this section pursuant to an interlocal  
10 agreement entered into pursuant to s. 163.01. The signatories  
11 to the interlocal agreement shall be the department and the  
12 governmental entities designated by the Governor for  
13 membership on the M.P.O. If there is a conflict between this  
14 section and s. 163.01, this section prevails.

15 (c) The jurisdictional boundaries of an M.P.O. shall  
16 be determined by agreement between the Governor and the  
17 applicable M.P.O. The boundaries must include at least the  
18 metropolitan planning area, which is the existing urbanized  
19 area and the contiguous area expected to become urbanized  
20 within a 20-year forecast period, and may encompass the entire  
21 metropolitan statistical area or the consolidated metropolitan  
22 statistical area.

23 (d) In the case of an urbanized area designated as a  
24 nonattainment area for ozone or carbon monoxide under the  
25 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
26 the metropolitan planning area in existence as of the date of  
27 enactment of this paragraph shall be retained, except that the  
28 boundaries may be adjusted by agreement of the Governor and  
29 affected metropolitan planning organizations in the manner  
30 described in this section. If more than one M.P.O. has  
31 authority within a metropolitan area or an area that is



1 designated as a nonattainment area, each M.P.O. shall consult  
2 with other M.P.O.'s designated for such area and with the  
3 state in the coordination of plans and programs required by  
4 this section.

5  
6 Each M.P.O. required under this section must be fully  
7 operative no later than 6 months following its designation.

8 (2) VOTING MEMBERSHIP.--

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

1 Authority. The county commission shall compose not less than  
2 20 percent of the M.P.O. membership if an official of an  
3 agency that operates or administers a major mode of  
4 transportation has been appointed to an M.P.O.

5 (b) In metropolitan areas in which authorities or  
6 other agencies have been or may be created by law to perform  
7 transportation functions and are performing transportation  
8 functions that are not under the jurisdiction of a general  
9 purpose local government represented on the M.P.O., they shall  
10 be provided voting membership on the M.P.O. In all other  
11 M.P.O.'s where transportation authorities or agencies are to  
12 be represented by elected officials from general purpose local  
13 governments, the M.P.O. shall establish a process by which the  
14 collective interests of such authorities or other agencies are  
15 expressed and conveyed.

16 (c) Any other provision of this section to the  
17 contrary notwithstanding, a chartered county with over 1  
18 million population may elect to reapportion the membership of  
19 an M.P.O. whose jurisdiction is wholly within the county. The  
20 charter county may exercise the provisions of this paragraph  
21 if:

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

24 2. The M.P.O. and the charter county determine that  
25 the reapportionment plan is needed to fulfill specific goals  
26 and policies applicable to that metropolitan planning area;  
27 and

28 3. The charter county determines the reapportionment  
29 plan otherwise complies with all federal requirements  
30 pertaining to M.P.O. membership.  
31

1 Any charter county that elects to exercise the provisions of  
2 this paragraph shall notify the Governor in writing.

3 (d) Any other provision of this section to the  
4 contrary notwithstanding, any county chartered under s. 6(e),  
5 Art. VIII of the State Constitution may elect to have its  
6 county commission serve as the M.P.O., if the M.P.O.  
7 jurisdiction is wholly contained within the county. Any  
8 charter county that elects to exercise the provisions of this  
9 paragraph shall so notify the Governor in writing. Upon  
10 receipt of such notification, the Governor must designate the  
11 county commission as the M.P.O. The Governor must appoint  
12 four additional voting members to the M.P.O., one of whom must  
13 be an elected official representing a municipality within the  
14 county, one of whom must be an expressway authority member,  
15 one of whom must be a person who does not hold elected public  
16 office and who resides in the unincorporated portion of the  
17 county, and one of whom must be a school board member.

18 (3) APPORTIONMENT.--

19 (a) The Governor shall, with the agreement of the  
20 affected units of general-purpose local government as required  
21 by federal rules and regulations, apportion the membership on  
22 the applicable M.P.O. among the various governmental entities  
23 within the area and shall prescribe a method for appointing  
24 alternate members who may vote at any M.P.O. meeting that an  
25 alternate member attends in place of a regular member. An  
26 appointed alternate member must be an elected official serving  
27 the same governmental entity or a general-purpose local  
28 government with jurisdiction within all or part of the area  
29 that the regular member serves. The governmental entity so  
30 designated shall appoint the appropriate number of members to  
31 the M.P.O. from eligible officials. Representatives of the

1 department shall serve as nonvoting members of the M.P.O.  
2 Nonvoting advisers may be appointed by the M.P.O. as deemed  
3 necessary. The Governor shall review the composition of the  
4 M.P.O. membership in conjunction with the decennial census as  
5 prepared by the United States Department of Commerce, Bureau  
6 of the Census, and reapportion it as necessary to comply with  
7 subsection (2).

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

25 (c) If a governmental entity fails to fill an assigned  
26 appointment to an M.P.O. within 60 days after notification by  
27 the Governor of its duty to appoint, that appointment shall be  
28 made by the Governor from the eligible representatives of that  
29 governmental entity.

30 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
31 responsibility of an M.P.O. is to manage a continuing,

1 cooperative, and comprehensive transportation planning process  
2 that, based upon the prevailing principles provided in s.  
3 334.046(1), results in the development of plans and programs  
4 which are consistent, to the maximum extent feasible, with the  
5 approved local government comprehensive plans of the units of  
6 local government the boundaries of which are within the  
7 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
8 for cooperative decisionmaking by officials of the affected  
9 governmental entities in the development of the plans and  
10 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

31

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

5 1. Support the economic vitality of the metropolitan  
6 area, especially by enabling global competitiveness,  
7 productivity, and efficiency;

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

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

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

14 5. Enhance the integration and connectivity of the  
15 transportation system, across and between modes, for people  
16 and freight;

17 6. Promote efficient system management and operation;  
18 and

19 7. Emphasize the preservation of the existing  
20 transportation system.

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

24 1. Prepare a congestion management system for the  
25 metropolitan area and cooperate with the department in the  
26 development of all other transportation management systems  
27 required by state or federal law;

28 2. Assist the department in mapping transportation  
29 planning boundaries required by state or federal law;  
30  
31

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

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

6           5. Represent all the jurisdictional areas within the  
7 metropolitan area in the formulation of transportation plans  
8 and programs required by this section; and

9           6. Perform all other duties required by state or  
10 federal law.

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

1 concerning future school sites and in the coordination of  
2 transportation service.

3 (e)1. Each M.P.O. shall appoint a citizens' advisory  
4 committee, the members of which serve at the pleasure of the  
5 M.P.O. The membership on the citizens' advisory committee must  
6 reflect a broad cross section of local residents with an  
7 interest in the development of an efficient, safe, and  
8 cost-effective transportation system. Minorities, the elderly,  
9 and the handicapped must be adequately represented.

10 2. Notwithstanding the provisions of subparagraph 1.,  
11 an M.P.O. may, with the approval of the department and the  
12 applicable federal governmental agency, adopt an alternative  
13 program or mechanism to ensure citizen involvement in the  
14 transportation planning process.

15 (f) The department shall allocate to each M.P.O., for  
16 the purpose of accomplishing its transportation planning and  
17 programming duties, an appropriate amount of federal  
18 transportation planning funds.

19 (g) Each M.P.O. may employ personnel or may enter into  
20 contracts with local or state agencies, private planning  
21 firms, or private engineering firms to accomplish its  
22 transportation planning and programming duties required by  
23 state or federal law.

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

28 1. Coordinate transportation projects deemed to be  
29 regionally significant by the committee.

30 2. Review the impact of regionally significant land  
31 use decisions on the region.



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

5           4. Institute a conflict resolution process to address  
6 any conflict that may arise in the planning and programming of  
7 such regionally significant projects.

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

23           2. Any M.P.O. may join with any other M.P.O. or any  
24 individual political subdivision to coordinate activities or  
25 to achieve any federal or state transportation planning or  
26 development goals or purposes consistent with federal or state  
27 law. When an M.P.O. determines that it is appropriate to join  
28 with another M.P.O. or any political subdivision to coordinate  
29 activities, the M.P.O. or political subdivision shall enter  
30 into an interlocal agreement pursuant to s. 163.01, which, at  
31 a minimum, creates a separate legal or administrative entity

1 to coordinate the transportation planning or development  
2 activities required to achieve the goal or purpose; provide  
3 the purpose for which the entity is created; provide the  
4 duration of the agreement and the entity, and specify how the  
5 agreement may be terminated, modified, or rescinded; describe  
6 the precise organization of the entity, including who has  
7 voting rights on the governing board, whether alternative  
8 voting members are provided for, how voting members are  
9 appointed, and what the relative voting strength is for each  
10 constituent M.P.O. or political subdivision; provide the  
11 manner in which the parties to the agreement will provide for  
12 the financial support of the entity and payment of costs and  
13 expenses of the entity; provide the manner in which funds may  
14 be paid to and disbursed from the entity; and provide how  
15 members of the entity will resolve disagreements regarding  
16 interpretation of the interlocal agreement or disputes  
17 relating to the operation of the entity. Such interlocal  
18 agreement shall become effective upon its recordation in the  
19 official public records of each county in which a member of  
20 the entity created by the interlocal agreement has a voting  
21 member. This paragraph does not require any M.P.O.'s to merge,  
22 combine, or otherwise join together as a single M.P.O.

23 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
24 develop a long-range transportation plan that addresses at  
25 least a 20-year planning horizon. The plan must include both  
26 long-range and short-range strategies and must comply with all  
27 other state and federal requirements. The prevailing  
28 principles to be considered in the long-range transportation  
29 plan are: preserving the existing transportation  
30 infrastructure; enhancing Florida's economic competitiveness;  
31 and improving travel choices to ensure mobility. The

1 long-range transportation plan must be consistent, to the  
2 maximum extent feasible, with future land use elements and the  
3 goals, objectives, and policies of the approved local  
4 government comprehensive plans of the units of local  
5 government located within the jurisdiction of the M.P.O. The  
6 approved long-range transportation plan must be considered by  
7 local governments in the development of the transportation  
8 elements in local government comprehensive plans and any  
9 amendments thereto. The long-range transportation plan must,  
10 at a minimum:

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

23 (b) Include a financial plan that demonstrates how the  
24 plan can be implemented, indicating resources from public and  
25 private sources which are reasonably expected to be available  
26 to carry out the plan, and recommends any additional financing  
27 strategies for needed projects and programs. The financial  
28 plan may include, for illustrative purposes, additional  
29 projects that would be included in the adopted long-range  
30 transportation plan if reasonable additional resources beyond  
31 those identified in the financial plan were available. For the

1 purpose of developing the long-range transportation plan, the  
2 M.P.O. and the department shall cooperatively develop  
3 estimates of funds that will be available to support the plan  
4 implementation. Innovative financing techniques may be used to  
5 fund needed projects and programs. Such techniques may  
6 include the assessment of tolls, the use of value capture  
7 financing, or the use of value pricing.

8 (c) Assess capital investment and other measures  
9 necessary to:

10 1. Ensure the preservation of the existing  
11 metropolitan transportation system including requirements for  
12 the operation, resurfacing, restoration, and rehabilitation of  
13 major roadways and requirements for the operation,  
14 maintenance, modernization, and rehabilitation of public  
15 transportation facilities; and

16 2. Make the most efficient use of existing  
17 transportation facilities to relieve vehicular congestion and  
18 maximize the mobility of people and goods.

19 (d) Indicate, as appropriate, proposed transportation  
20 enhancement activities, including, but not limited to,  
21 pedestrian and bicycle facilities, scenic easements,  
22 landscaping, historic preservation, mitigation of water  
23 pollution due to highway runoff, and control of outdoor  
24 advertising.

25 (e) In addition to the requirements of paragraphs  
26 (a)-(d), in metropolitan areas that are classified as  
27 nonattainment areas for ozone or carbon monoxide, the M.P.O.  
28 must coordinate the development of the long-range  
29 transportation plan with the State Implementation Plan  
30 developed pursuant to the requirements of the federal Clean  
31 Air Act.

1  
2 In the development of its long-range transportation plan, each  
3 M.P.O. must provide the public, affected public agencies,  
4 representatives of transportation agency employees, freight  
5 shippers, providers of freight transportation services,  
6 private providers of transportation, representatives of users  
7 of public transit, and other interested parties with a  
8 reasonable opportunity to comment on the long-range  
9 transportation plan. The long-range transportation plan must  
10 be approved by the M.P.O.

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

23 (a) Each M.P.O. is responsible for developing,  
24 annually, a list of project priorities and a transportation  
25 improvement program. The prevailing principles to be  
26 considered by each M.P.O. when developing a list of project  
27 priorities and a transportation improvement program are:  
28 preserving the existing transportation infrastructure;  
29 enhancing Florida's economic competitiveness; and improving  
30 travel choices to ensure mobility. The transportation  
31 improvement program will be used to initiate federally aided

1 transportation facilities and improvements as well as other  
2 transportation facilities and improvements including transit,  
3 rail, aviation, spaceport, and port facilities to be funded  
4 from the State Transportation Trust Fund within its  
5 metropolitan area in accordance with existing and subsequent  
6 federal and state laws and rules and regulations related  
7 thereto. The transportation improvement program shall be  
8 consistent, to the maximum extent feasible, with the approved  
9 local government comprehensive plans of the units of local  
10 government whose boundaries are within the metropolitan area  
11 of the M.P.O. and include those projects programmed pursuant  
12 to s. 339.2819(4).

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

- 27 1. The approved M.P.O. long-range transportation plan;
- 28 2. The Strategic Intermodal System Plan developed  
29 under s. 339.64.
- 30 3. The priorities developed pursuant to s.  
31 339.2819(4).

1           ~~4.3.~~ The results of the transportation management  
2 systems; and

3           ~~5.4.~~ The M.P.O.'s public-involvement procedures.

4           (c) The transportation improvement program must, at a  
5 minimum:

6           1. Include projects and project phases to be funded  
7 with state or federal funds within the time period of the  
8 transportation improvement program and which are recommended  
9 for advancement during the next fiscal year and 4 subsequent  
10 fiscal years. Such projects and project phases must be  
11 consistent, to the maximum extent feasible, with the approved  
12 local government comprehensive plans of the units of local  
13 government located within the jurisdiction of the M.P.O. For  
14 informational purposes, the transportation improvement program  
15 shall also include a list of projects to be funded from local  
16 or private revenues.

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

21           3. Provide a financial plan that demonstrates how the  
22 transportation improvement program can be implemented;  
23 indicates the resources, both public and private, that are  
24 reasonably expected to be available to accomplish the program;  
25 identifies any innovative financing techniques that may be  
26 used to fund needed projects and programs; and may include,  
27 for illustrative purposes, additional projects that would be  
28 included in the approved transportation improvement program if  
29 reasonable additional resources beyond those identified in the  
30 financial plan were available. Innovative financing techniques  
31 may include the assessment of tolls, the use of value capture

1 financing, or the use of value pricing. The transportation  
2 improvement program may include a project or project phase  
3 only if full funding can reasonably be anticipated to be  
4 available for the project or project phase within the time  
5 period contemplated for completion of the project or project  
6 phase.

7 4. Group projects and project phases of similar  
8 urgency and anticipated staging into appropriate staging  
9 periods.

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

15 6. Indicate whether any project or project phase is  
16 inconsistent with an approved comprehensive plan of a unit of  
17 local government located within the jurisdiction of the M.P.O.  
18 If a project is inconsistent with an affected comprehensive  
19 plan, the M.P.O. must provide justification for including the  
20 project in the transportation improvement program.

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

29 (d) Projects included in the transportation  
30 improvement program and that have advanced to the design stage  
31 of preliminary engineering may be removed from or rescheduled



1 | in a subsequent transportation improvement program only by the  
2 | joint action of the M.P.O. and the department. Except when  
3 | recommended in writing by the district secretary for good  
4 | cause, any project removed from or rescheduled in a subsequent  
5 | transportation improvement program shall not be rescheduled by  
6 | the M.P.O. in that subsequent program earlier than the 5th  
7 | year of such program.

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

17 |         (f) The adopted annual transportation improvement  
18 | program for M.P.O.'s in nonattainment or maintenance areas  
19 | must be submitted to the district secretary and the Department  
20 | of Community Affairs at least 90 days before the submission of  
21 | the state transportation improvement program by the department  
22 | to the appropriate federal agencies. The annual transportation  
23 | improvement program for M.P.O.'s in attainment areas must be  
24 | submitted to the district secretary and the Department of  
25 | Community Affairs at least 45 days before the department  
26 | submits the state transportation improvement program to the  
27 | appropriate federal agencies; however, the department, the  
28 | Department of Community Affairs, and a metropolitan planning  
29 | organization may, in writing, agree to vary this submittal  
30 | date. The Governor or the Governor's designee shall review  
31 |

1 and approve each transportation improvement program and any  
2 amendments thereto.

3 (g) The Department of Community Affairs shall review  
4 the annual transportation improvement program of each M.P.O.  
5 for consistency with the approved local government  
6 comprehensive plans of the units of local government whose  
7 boundaries are within the metropolitan area of each M.P.O. and  
8 shall identify those projects that are inconsistent with such  
9 comprehensive plans. The Department of Community Affairs shall  
10 notify an M.P.O. of any transportation projects contained in  
11 its transportation improvement program which are inconsistent  
12 with the approved local government comprehensive plans of the  
13 units of local government whose boundaries are within the  
14 metropolitan area of the M.P.O.

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

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

29 (9) AGREEMENTS.--  
30  
31

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

4 1. An agreement with the department clearly  
5 establishing the cooperative relationship essential to  
6 accomplish the transportation planning requirements of state  
7 and federal law.

8 2. An agreement with the metropolitan and regional  
9 intergovernmental coordination and review agencies serving the  
10 metropolitan areas, specifying the means by which activities  
11 will be coordinated and how transportation planning and  
12 programming will be part of the comprehensive planned  
13 development of the area.

14 3. An agreement with operators of public  
15 transportation systems, including transit systems, commuter  
16 rail systems, airports, seaports, and spaceports, describing  
17 the means by which activities will be coordinated and  
18 specifying how public transit, commuter rail, aviation,  
19 seaport, and aerospace planning and programming will be part  
20 of the comprehensive planned development of the metropolitan  
21 area.

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

25 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
26 COUNCIL.--

27 (a) A Metropolitan Planning Organization Advisory  
28 Council is created to augment, and not supplant, the role of  
29 the individual M.P.O.'s in the cooperative transportation  
30 planning process described in this section.  
31

1 (b) The council shall consist of one representative  
2 from each M.P.O. and shall elect a chairperson annually from  
3 its number. Each M.P.O. shall also elect an alternate  
4 representative from each M.P.O. to vote in the absence of the  
5 representative. Members of the council do not receive any  
6 compensation for their services, but may be reimbursed from  
7 funds made available to council members for travel and per  
8 diem expenses incurred in the performance of their council  
9 duties as provided in s. 112.061.

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

12 1. Enter into contracts with individuals, private  
13 corporations, and public agencies.

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

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

18 4. Establish bylaws and adopt rules pursuant to ss.  
19 120.536(1) and 120.54 to implement provisions of law  
20 conferring powers or duties upon it.

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

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

29 7. Employ an executive director and such other staff  
30 as necessary to perform adequately the functions of the  
31 council, within budgetary limitations. The executive director

1 and staff are exempt from part II of chapter 110 and serve at  
2 the direction and control of the council. The council is  
3 assigned to the Office of the Secretary of the Department of  
4 Transportation for fiscal and accountability purposes, but it  
5 shall otherwise function independently of the control and  
6 direction of the department.

7 8. Adopt an agency strategic plan that provides the  
8 priority directions the agency will take to carry out its  
9 mission within the context of the state comprehensive plan and  
10 any other statutory mandates and directions given to the  
11 agency.

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

20 Section 25. Section 339.55, Florida Statutes, is  
21 amended to read:

22 339.55 State-funded infrastructure bank.--

23 (1) There is created within the Department of  
24 Transportation a state-funded infrastructure bank for the  
25 purpose of providing loans and credit enhancements to  
26 government units and private entities for use in constructing  
27 and improving transportation facilities.

28 (2) The bank may lend capital costs or provide credit  
29 enhancements for:

30 (a) A transportation facility project that is on the  
31 State Highway System or that provides for increased mobility

1 on the state's transportation system or provides intermodal  
2 connectivity with airports, seaports, rail facilities, and  
3 other transportation terminals, pursuant to s. 341.053, for  
4 the movement of people and goods.

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

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

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

17 (5)(4) ~~Except as provided in s. 339.137,~~ To be  
18 eligible for consideration, projects must be consistent, to  
19 the maximum extent feasible, with local metropolitan planning  
20 organization plans and local government comprehensive plans  
21 and must provide a dedicated repayment source to ensure the  
22 loan is repaid to the bank.

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

26 (7)(5) The department may consider, but is not limited  
27 to, the following criteria for evaluation of projects for  
28 assistance from the bank:

29 (a) The credit worthiness of the project.

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

1 (c) The likelihood that assistance would enable the  
2 project to proceed at an earlier date than would otherwise be  
3 possible.

4 (d) The extent to which assistance would foster  
5 innovative public-private partnerships and attract private  
6 debt or equity investment.

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

10 (f) The extent to which the project would maintain or  
11 protect the environment.

12 (g) A demonstration that the project includes  
13 transportation benefits for improving intermodalism, cargo and  
14 freight movement, and safety.

15 (h) The amount of the proposed assistance as a  
16 percentage of the overall project costs with emphasis on local  
17 and private participation.

18 (i) The extent to which the project will provide for  
19 connectivity between the State Highway System and airports,  
20 seaports, rail facilities, and other transportation terminals  
21 and intermodal options pursuant to s. 341.053 for the  
22 increased accessibility and movement of people and goods.

23 ~~(8)(6)~~ Loan assistance provided by the bank shall be  
24 included in the department's work program developed in  
25 accordance with s. 339.135.

26 ~~(9)(7)~~ The department is authorized to adopt rules to  
27 implement the state-funded infrastructure bank.

28 Section 26. Subsection (7) is added to section  
29 1013.64, Florida Statutes, to read:

30 1013.64 Funds for comprehensive educational plant  
31 needs; construction cost maximums for school district capital

1 projects.--Allocations from the Public Education Capital  
2 Outlay and Debt Service Trust Fund to the various boards for  
3 capital outlay projects shall be determined as follows:

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

9 Section 27. Paragraph (a) of subsection (2) of section  
10 1013.65, Florida Statutes, is amended to read:

11 1013.65 Educational and ancillary plant construction  
12 funds; Public Education Capital Outlay and Debt Service Trust  
13 Fund; allocation of funds.--

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

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

22 2. General revenue funds appropriated to the fund for  
23 educational capital outlay purposes.

24 3. All capital outlay funds previously appropriated  
25 and certified forward pursuant to s. 216.301.

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

30 Section 28. Paragraph (b) of subsection (1) of section  
31 163.3174, Florida Statutes, is amended to read:



1           163.3174 Local planning agency.--  
2           (1) The governing body of each local government,  
3 individually or in combination as provided in s. 163.3171,  
4 shall designate and by ordinance establish a "local planning  
5 agency," unless the agency is otherwise established by law.  
6 Notwithstanding any special act to the contrary, all local  
7 planning agencies or equivalent agencies that first review  
8 rezoning and comprehensive plan amendments in each  
9 municipality and county shall include a representative of the  
10 school district appointed by the school board as a nonvoting  
11 member of the local planning agency or equivalent agency to  
12 attend those meetings at which the agency considers  
13 comprehensive plan amendments and rezonings that would, if  
14 approved, increase residential density on the property that is  
15 the subject of the application. However, this subsection does  
16 not prevent the governing body of the local government from  
17 granting voting status to the school board member. The  
18 governing body may designate itself as the local planning  
19 agency pursuant to this subsection with the addition of a  
20 nonvoting school board representative. The governing body  
21 shall notify the state land planning agency of the  
22 establishment of its local planning agency. All local planning  
23 agencies shall provide opportunities for involvement by  
24 applicable community college boards, which may be accomplished  
25 by formal representation, membership on technical advisory  
26 committees, or other appropriate means. The local planning  
27 agency shall prepare the comprehensive plan or plan amendment  
28 after hearings to be held after public notice and shall make  
29 recommendations to the governing body regarding the adoption  
30 or amendment of the plan. The agency may be a local planning  
31 commission, the planning department of the local government,

1 or other instrumentality, including a countywide planning  
2 entity established by special act or a council of local  
3 government officials created pursuant to s. 163.02, provided  
4 the composition of the council is fairly representative of all  
5 the governing bodies in the county or planning area; however:

6 (b) In the case of chartered counties, the planning  
7 responsibility between the county and the several  
8 municipalities therein shall be as stipulated in the charter.

9 A municipality, located in a county that adopts a charter form  
10 of government on or after July 1, 2005, shall have the option  
11 to exercise exclusive land use planning authority. The  
12 exercise of this option shall require the municipality to  
13 adopt a resolution approving the exercise of exclusive land  
14 use planning authority. Exclusive land use planning authority  
15 includes platting, zoning, the adoption of comprehensive plan  
16 amendments in accordance with this chapter, and the issuance  
17 of development orders for the area under municipal  
18 jurisdiction.

19 Section 29. Section 166.31, Florida Statutes is  
20 created to read:

21 166.31 Municipal surtax on documents; adoption;  
22 application of revenue.--

23 (1) The governing authority of a municipality may levy  
24 a surtax on documents as defined in s. 201.02, at a rate not  
25 exceeding 50 cents on each \$100, or fractional part thereof,  
26 of the consideration for the real estate or interest therein.  
27 The levy of the surtax must be pursuant to an ordinance  
28 enacted by a majority of the governing authority and approved  
29 by a majority of the electors of the municipality in a  
30 referendum on the surtax.

31

1           (2) The proceeds from the surtax and any interest  
2 accrued thereto must be expended for infrastructure  
3 improvements included in the capital improvements element of  
4 the comprehensive plan of the municipality. The proceeds from  
5 the surtax and any interest accrued thereto may be pledged for  
6 bond indebtedness. Surtax proceeds must be used to supplement,  
7 and may not supplant, existing infrastructure funding. In  
8 order to impose the surtax the municipality must use the  
9 following process:

10           (a)1. An advisory board must be created which shall  
11 make recommendations to the municipal governing authority  
12 regarding infrastructure projects to address the needs of the  
13 community. The municipal governing authority shall appoint  
14 members to the advisory board who represent the diversity of  
15 the community and must include individuals who have an  
16 interest in business, finance and accounting, economic  
17 development, the environment, transportation, education,  
18 public safety, and growth management.

19           2. A quorum shall consist of a majority of the  
20 advisory board members and is necessary to take any action  
21 regarding recommendations to the municipal governing  
22 authority. The municipal governing authority shall provide  
23 staff support to the advisory board. All meetings of the  
24 advisory board shall be open to the public.

25           3. Based on the estimated amount of the surtax  
26 collections, the advisory board must conduct at least two  
27 public workshops to develop a project list. Priority shall be  
28 given to projects that address existing infrastructure  
29 deficits that are identified in a long-term concurrency  
30 management system adopted by a municipality in accordance with  
31

1 s. 163.3177(3) or (9) or identified in the capital  
2 improvements element.

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

15 (c) If the municipal governing authority does not  
16 amend the recommended project list, it may adopt the proposed  
17 project list at a public meeting following public notice of  
18 the intent to adopt the recommendations of the advisory board.

19 (d) The capital improvements schedule of the municipal  
20 comprehensive plan shall be updated to include the project  
21 list under s. 163.3177(3).

22 (e) Once the project list has been adopted, the  
23 municipal governing authority may give notice of the intent to  
24 adopt the surtax by ordinance and set a date for the  
25 referendum. The municipal governing authority shall conduct a  
26 public hearing to allow for public input on the proposed  
27 surtax. The ordinance enacting the surtax may not be adopted  
28 at the same meeting as that at which the project list is  
29 adopted.

30 (f) Once the surtax is enacted, the project list may  
31 be amended only in the following manner. The municipal

1 governing authority must give notice of the intent to hold a  
2 public hearing to discuss adding or removing projects from the  
3 list. The municipal governing authority must take public  
4 testimony on the proposal. Action may not be taken at that  
5 meeting with regard to the proposal to amend the project list.  
6 Such action may be taken at a subsequent noticed public  
7 meeting that must be held not less than 14 days after the  
8 meeting at which the proposed changes to the project list were  
9 discussed.

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

16 (h) A municipality may not levy the surtax unless it  
17 has adopted a community vision and an urban service boundary  
18 under s. 163.3177(13) and (14).

19 (3) A surtax or increase or decrease in the rate of  
20 any surtax adopted under this section may not take effect on a  
21 date other than January 1. A surtax may not terminate on a  
22 date other than December 31.

23 (4) The governing authority of a municipality must  
24 notify the Department of Revenue within 10 days after final  
25 adoption by ordinance and referendum of an imposition,  
26 termination, or rate change of the surtax, but no later than  
27 November 16 before the effective date. The notice must specify  
28 the period during which the surtax will be in effect and the  
29 rate of the surtax and must include a copy of the ordinance  
30 and any other information that the department requires by  
31 rule. Failure to timely provide the information to the

1 department shall result in the delay of the effective date for  
2 1 year.

3 (5) The department shall pay to the governing  
4 authority of the municipality that levies the surtax all  
5 proceeds, penalties, and interest collected under this section  
6 less any costs of administration. Any administrative  
7 deductions by the department may not exceed 2 percent of the  
8 total annual collections.

9 (6) A municipality that levies the surtax shall  
10 include in the financial report required under s. 218.32  
11 information showing the revenues and the expenses of the  
12 surtax proceeds for the fiscal year.

13 Section 30. Subsection (1) of section 201.15, Florida  
14 Statutes, is amended to read:

15 201.15 Distribution of taxes collected.--All taxes  
16 collected under this chapter shall be distributed as follows  
17 and shall be subject to the service charge imposed in s.  
18 215.20(1), except that such service charge shall not be levied  
19 against any portion of taxes pledged to debt service on bonds  
20 to the extent that the amount of the service charge is  
21 required to pay any amounts relating to the bonds:

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

25 (a) Amounts as shall be necessary to pay the debt  
26 service on, or fund debt service reserve funds, rebate  
27 obligations, or other amounts payable with respect to  
28 Preservation 2000 bonds issued pursuant to s. 375.051 and  
29 Florida Forever bonds issued pursuant to s. 215.618, shall be  
30 paid into the State Treasury to the credit of the Land  
31 Acquisition Trust Fund to be used for such purposes. The

1 amount transferred to the Land Acquisition Trust Fund for such  
2 purposes shall not exceed \$300 million in fiscal year  
3 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
4 issued to refund Preservation 2000 bonds, and \$300 million in  
5 fiscal year 2000-2001 and thereafter for Florida Forever  
6 bonds. The annual amount transferred to the Land Acquisition  
7 Trust Fund for Florida Forever bonds shall not exceed \$30  
8 million in the first fiscal year in which bonds are issued.  
9 The limitation on the amount transferred shall be increased by  
10 an additional \$30 million in each subsequent fiscal year, but  
11 shall not exceed a total of \$300 million in any fiscal year  
12 for all bonds issued. It is the intent of the Legislature that  
13 all bonds issued to fund the Florida Forever Act be retired by  
14 December 31, 2030. Except for bonds issued to refund  
15 previously issued bonds, no series of bonds may be issued  
16 pursuant to this paragraph unless such bonds are approved and  
17 the debt service for the remainder of the fiscal year in which  
18 the bonds are issued is specifically appropriated in the  
19 General Appropriations Act. For purposes of refunding  
20 Preservation 2000 bonds, amounts designated within this  
21 section for Preservation 2000 and Florida Forever bonds may be  
22 transferred between the two programs to the extent provided  
23 for in the documents authorizing the issuance of the bonds.  
24 The Preservation 2000 bonds and Florida Forever bonds shall be  
25 equally and ratably secured by moneys distributable to the  
26 Land Acquisition Trust Fund pursuant to this section, except  
27 to the extent specifically provided otherwise by the documents  
28 authorizing the issuance of the bonds. No moneys transferred  
29 to the Land Acquisition Trust Fund pursuant to this paragraph,  
30 or earnings thereon, shall be used or made available to pay  
31 debt service on the Save Our Coast revenue bonds.

1           (b) The remainder of the moneys distributed under this  
2 subsection, after the required payment under paragraph (a),  
3 shall be paid into the State Treasury to the credit of the  
4 Save Our Everglades Trust Fund in amounts necessary to pay  
5 debt service, provide reserves, and pay rebate obligations and  
6 other amounts due with respect to bonds issued under s.  
7 215.619.

8           (c) The remainder of the moneys distributed under this  
9 subsection, after the required payments under paragraphs (a)  
10 and (b), shall be paid into the State Treasury to the credit  
11 of the Land Acquisition Trust Fund and may be used for any  
12 purpose for which funds deposited in the Land Acquisition  
13 Trust Fund may lawfully be used. Payments made under this  
14 paragraph shall continue until the cumulative amount credited  
15 to the Land Acquisition Trust Fund for the fiscal year under  
16 this paragraph and paragraph (2)(b) equals 70 percent of the  
17 current official forecast for distributions of taxes collected  
18 under this chapter pursuant to subsection (2). As used in this  
19 paragraph, the term "current official forecast" means the most  
20 recent forecast as determined by the Revenue Estimating  
21 Conference. If the current official forecast for a fiscal year  
22 changes after payments under this paragraph have ended during  
23 that fiscal year, no further payments are required under this  
24 paragraph during the fiscal year.

25           (d) The remainder of the moneys distributed under this  
26 subsection, after the required payments under paragraphs (a),  
27 (b), and (c), shall be paid into the State Treasury to the  
28 credit of:

29           1. The State Transportation Trust Fund in the  
30 Department of Transportation in the amount of \$575 million in  
31 each fiscal year, to be paid in quarterly installments and



1 used for the following specified purposes notwithstanding any  
2 other law to the contrary:

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

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

8 c. For the purposes of the Strategic Intermodal System  
9 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75

10 percent of these funds after allocating for the New Starts  
11 Transit Program described in sub-subparagraph a. and the Small  
12 County Outreach Program described in sub-subparagraph b.; and

13 d. For the purposes of the Transportation Regional  
14 Incentive Program specified in s. 339.2819, 25 percent of  
15 these funds after allocating for the New Starts Transit  
16 Program described in sub-subparagraph a. and the Small County  
17 Outreach Program described in sub-subparagraph b.

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

22 3. The Public Education Capital Outlay and Debt  
23 Service Trust Fund in the Department of Education in the  
24 amount of \$75 million in each fiscal year, to be paid in  
25 monthly installments and used to fund the Classrooms for Kids  
26 Program created in s. 1013.735. If required, new facilities  
27 constructed under the Classroom for Kids Program must meet the  
28 requirements of s. 1013.372.

29  
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1 Moneys distributed pursuant to this paragraph may not be  
2 pledged for debt service unless such pledge is approved by  
3 referendum of the voters.

4 (e)(d) The remainder of the moneys distributed under  
5 this subsection, after the required payments under paragraphs  
6 (a), (b), and (c), shall be paid into the State Treasury to  
7 the credit of the General Revenue Fund of the state to be used  
8 and expended for the purposes for which the General Revenue  
9 Fund was created and exists by law or to the Ecosystem  
10 Management and Restoration Trust Fund or to the Marine  
11 Resources Conservation Trust Fund as provided in subsection  
12 (11).

13 Section 31. In any challenge filed regarding the  
14 validity of an impact fee, the local government imposing the  
15 fee has the burden of proving, by a preponderance of the  
16 evidence, that the fee is directly proportional to the need  
17 created by the development for which the fee is assessed, that  
18 the fee is based upon the actual cost of any capital  
19 improvements for which the fee will be expended less all  
20 credits to which the fee payer is entitled, and that the  
21 capital expenditures paid for by the impact fee provide a  
22 direct benefit to the property upon which the fee is imposed.

23 Section 32. (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 33. 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 34. 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 35. Except as otherwise expressly provided in  
this act, this act shall take effect July 1, 2005.