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CHAMBER ACTION

1 The Transportation & Economic Development Appropriations
2 Committee recommends the following:

Council/Committee Substitute

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to growth management; amending s.
8 163.3164, F.S.; revising a definition; amending s.
9 163.3177, F.S.; correcting a cross-reference; amending s.
10 163.31777, F.S.; revising requirements and procedures for
11 public schools interlocal agreements; amending s.
12 163.3180, F.S.; revising concurrency requirements and
13 procedures; providing sanctions; amending ss. 163.3184 and
14 339.2819, F.S.; correcting cross-references; amending s.
15 339.55, F.S.; deleting an annual appropriation from the
16 State Transportation Trust Fund for State Infrastructure
17 Bank purposes; amending s. 380.06, F.S.; revising certain
18 statutory exemption provisions for developments of
19 regional impact; amending s. 1013.33, F.S.; revising
20 requirements and procedures for coordination of planning
21 with local governing bodies; amending s. 1013.65, F.S.;
22 revising provisions relating to sources of appropriations
23 to the Public Education Capital Outlay and Debt Service

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 Trust Fund to delete an annual appropriation to the
 25 Classroom for Kids Program; amending s. 27, ch. 2005-290,
 26 Laws of Florida; revising an appropriation from the State
 27 Transportation Trust Fund for Florida Strategic Intermodal
 28 System purposes; providing an effective date.

29

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

31

32 Section 1. Subsection (32) of section 163.3164, Florida
 33 Statutes, is amended to read:

34 163.3164 Local Government Comprehensive Planning and Land
 35 Development Regulation Act; definitions.--As used in this act:

36 (32) "Financial feasibility" means that sufficient
 37 revenues are currently available or will be available from
 38 committed funding sources for the first 3 years, or will be
 39 available from committed or planned funding sources for years 4
 40 and 5, of a 5-year capital improvement schedule for financing
 41 capital improvements, such as ad valorem taxes, bonds, state and
 42 federal funds, tax revenues, impact fees, and developer
 43 contributions, which are adequate to fund the projected costs of
 44 the capital improvements identified in the comprehensive plan
 45 necessary to ensure that adopted level-of-service standards are
 46 achieved and maintained within the period covered by the 5-year
 47 schedule of capital improvements. The requirement that level-of-
 48 service standards be achieved and maintained shall not apply if
 49 the proportionate fair-share mitigation ~~proportionate share~~
 50 process set forth in s. 163.3180(12) and (16) is used.

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51 Section 2. Paragraph (c) of subsection (13) of section
52 163.3177, Florida Statutes, is amended to read:

53 163.3177 Required and optional elements of comprehensive
54 plan; studies and surveys.--

55 (13) Local governments are encouraged to develop a
56 community vision that provides for sustainable growth,
57 recognizes its fiscal constraints, and protects its natural
58 resources. At the request of a local government, the applicable
59 regional planning council shall provide assistance in the
60 development of a community vision.

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

64 1. Strategies to preserve open space and environmentally
65 sensitive lands, and to encourage a healthy agricultural
66 economy, including innovative planning and development
67 strategies, such as the transfer of development rights;

68 2. Incentives for mixed-use development, including
69 increased height and intensity standards for buildings that
70 provide residential use in combination with office or commercial
71 space;

72 3. Incentives for workforce housing;

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

75 5. Strategies to provide mobility within the community and
76 to protect the Strategic Intermodal System, including the
77 development of a transportation corridor management plan under
78 s. 337.273.

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79 Section 3. Subsections (1) and (2), paragraph (a) of
80 subsection (3), and subsection (4) of section 163.31777, Florida
81 Statutes, are amended to read:

82 163.31777 Public schools interlocal agreement.--

83 (1) (a) The district school board, county, and nonexempt
84 municipalities located within the geographic area of a school
85 district shall enter into an interlocal agreement ~~with the~~
86 ~~district school board~~ which jointly establishes the specific
87 ways in which the plans and processes of the district school
88 board and the local governments are to be coordinated. The
89 ~~interlocal agreements shall be submitted to the state land~~
90 ~~planning agency and the Office of Educational Facilities and the~~
91 ~~SMART Schools Clearinghouse in accordance with a schedule~~
92 ~~published by the state land planning agency.~~

93 ~~(b) The schedule must establish staggered due dates for~~
94 ~~submission of interlocal agreements that are executed by both~~
95 ~~the local government and the district school board, commencing~~
96 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
97 ~~set the same date for all governmental entities within a school~~
98 ~~district. However, if the county where the school district is~~
99 ~~located contains more than 20 municipalities, the state land~~
100 ~~planning agency may establish staggered due dates for the~~
101 ~~submission of interlocal agreements by these municipalities. The~~
102 ~~schedule must begin with those areas where both the number of~~
103 ~~districtwide capital outlay full-time equivalent students equals~~
104 ~~80 percent or more of the current year's school capacity and the~~
105 ~~projected 5-year student growth is 1,000 or greater, or where~~

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106 | ~~the projected 5-year student growth rate is 10 percent or~~
107 | ~~greater.~~

108 | (b)~~(e)~~ If the student population has declined over the 5-
109 | year period preceding the due date for submittal of an
110 | interlocal agreement by the local government and the district
111 | school board, the local government and the district school board
112 | may petition the state land planning agency for a waiver of one
113 | or more requirements of subsection (2). The waiver must be
114 | granted if the procedures called for in subsection (2) are
115 | unnecessary because of the school district's declining school
116 | age population, considering the district's 5-year facilities
117 | work program prepared pursuant to s. 1013.35. The state land
118 | planning agency may modify or revoke the waiver upon a finding
119 | that the conditions upon which the waiver was granted no longer
120 | exist. The district school board and local governments must
121 | submit an interlocal agreement within 1 year after notification
122 | by the state land planning agency that the conditions for a
123 | waiver no longer exist.

124 | (c)~~(d)~~ ~~Interlocal agreements between local governments and~~
125 | ~~district school boards adopted pursuant to s. 163.3177 before~~
126 | ~~the effective date of this section must be updated and executed~~
127 | ~~pursuant to the requirements of this section, if necessary.~~
128 | ~~Amendments to interlocal agreements adopted pursuant to this~~
129 | ~~section must be submitted to the state land planning agency~~
130 | ~~within 30 days after execution by the parties for review~~
131 | ~~consistent with this section.~~ Local governments and the district
132 | school board in each school district are encouraged to adopt a
133 | single updated interlocal agreement to which all join as

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134 parties. The state land planning agency shall assemble and make
135 available model interlocal agreements meeting the requirements
136 of this section and notify local governments and, jointly with
137 the Department of Education, the district school boards of the
138 requirements of this section, the dates for compliance, and the
139 sanctions for noncompliance. The state land planning agency
140 shall be available to informally review proposed interlocal
141 agreements. If the state land planning agency has not received a
142 proposed interlocal agreement for informal review, the state
143 land planning agency shall, at least 60 days before the deadline
144 for submission of the executed agreement, renotify the local
145 government and the district school board of the upcoming
146 deadline and the potential for sanctions.

147 (2) The interlocal agreement must acknowledge the school
148 board's constitutional and statutory obligations to provide a
149 uniform system of free public schools on a countywide basis and
150 the land use authority of local governments, including the
151 authority to approve or deny comprehensive plan amendments and
152 development orders. ~~At a minimum,~~ The interlocal agreement must
153 ~~address interlocal agreement requirements in s. 163.3180(13)(g),~~
154 ~~except for exempt local governments as provided in s.~~
155 ~~163.3177(12), and must~~ address the following issues:

156 (a) Mechanisms for coordinating the development, adoption,
157 and amendment of each local government's public school
158 facilities element with each other local government that is a
159 party to the agreements and the plans of the school board to
160 ensure a uniform districtwide school concurrency system.

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161 (b) A process for developing siting criteria that
162 encourages the location of public schools proximate to urban
163 residential areas to the extent possible and seeks to collocate
164 schools with other public facilities, including, but not limited
165 to, parks, libraries, and community centers, to the extent
166 possible.

167 (c) Uniform, districtwide, level-of-service standards for
168 public schools of the same type and a process for modifying
169 adopted level-of-service standards.

170 (d) A process for establishing a financially feasible
171 public school capital facilities program and a process and
172 schedule for incorporation of the public school capital
173 facilities program into the local government comprehensive plans
174 on an annual basis.

175 (e) If school concurrency is to be applied on a less than
176 districtwide basis in the form of concurrency service areas,
177 criteria and standards for the establishment and modification of
178 school concurrency service areas. The agreement must ensure
179 maximum use of school capacity, taking into account
180 transportation costs and court-approved desegregation plans and
181 other applicable factors.

182 (f) A uniform districtwide procedure for implementing
183 school concurrency that provides for:

184 1. Evaluation of development applications for compliance
185 with school concurrency requirements, including, but not limited
186 to, information provided by the school board on affected
187 schools.

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188 2. Monitoring and evaluation of the school concurrency
189 system.

190 (g) A process and uniform methodology for determining
191 proportionate fair-share mitigation pursuant to s. 380.06.

192 (h)~~(a)~~ A process by which each local government and the
193 district school board agree and base their plans on consistent
194 projections of the amount, type, and distribution of population
195 growth and student enrollment. The geographic distribution of
196 jurisdiction-wide growth forecasts is a major objective of the
197 process.

198 (i)~~(b)~~ A process to coordinate and share information
199 relating to existing and planned public school facilities,
200 including school renovations and closures, and local government
201 plans for development and redevelopment.

202 (j)~~(c)~~ Participation by affected local governments with
203 the district school board in the process of evaluating potential
204 school closures, significant renovations to existing schools,
205 and new school site selection before land acquisition. Local
206 governments shall advise the district school board as to the
207 consistency of the proposed closure, renovation, or new site
208 with the local comprehensive plan, including appropriate
209 circumstances and criteria under which a district school board
210 may request an amendment to the comprehensive plan for school
211 siting.

212 (k)~~(d)~~ A process for determining the need for and timing
213 of onsite and offsite improvements to support new, proposed
214 expansion, or redevelopment of existing schools. The process

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215 must address identification of the party or parties responsible
216 for the improvements.

217 ~~(e) A process for the school board to inform the local~~
218 ~~government regarding the effect of comprehensive plan amendments~~
219 ~~on school capacity. The capacity reporting must be consistent~~
220 ~~with laws and rules relating to measurement of school facility~~
221 ~~capacity and must also identify how the district school board~~
222 ~~will meet the public school demand based on the facilities work~~
223 ~~program adopted pursuant to s. 1013.35.~~

224 (l)~~(f)~~ Participation of the local governments in the
225 preparation of the annual update to the district school board's
226 5-year district facilities work program and educational plant
227 survey prepared pursuant to s. 1013.35.

228 (m)~~(g)~~ A process for determining where and how joint use
229 of either school board or local government facilities can be
230 shared for mutual benefit and efficiency.

231 (n)~~(h)~~ A procedure for the resolution of disputes between
232 the district school board and local governments, which may
233 include the dispute resolution processes contained in chapters
234 164 and 186.

235 (o)~~(i)~~ An oversight process, including an opportunity for
236 public participation, for the implementation of the interlocal
237 agreement.

238 (p) A process for development of a public school
239 facilities element pursuant to s. 163.3177(12).

240 (q) Provisions for siting and modification or enhancements
241 to existing school facilities so as to encourage urban infill
242 and redevelopment.

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243 (r) A process for the use and conversion of historic
244 school facilities that are no longer suitable for educational
245 purposes, as determined by the district school board.

246 (s) A process for informing the local government regarding
247 the effect of comprehensive plan amendments and rezonings on
248 school capacity. The capacity reporting must be consistent with
249 laws and rules relating to measurement of school facility
250 capacity and must also identify how the district school board
251 will meet the public school demand based on the facilities work
252 program adopted pursuant to s. 1013.35.

253 (t) A process to ensure an opportunity for the school
254 board to review and comment on the effect of comprehensive plan
255 amendments and rezonings on the public school facilities plan.

256
257 For those local governments that receive a waiver pursuant to
258 subsection (1), the interlocal agreement shall not include the
259 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),
260 and (p). For counties or municipalities that do not have a
261 public school interlocal agreement or public school facility
262 element, the assessment shall determine whether the local
263 government continues to meet the criteria of s. 163.3177(12). If
264 a county or municipality determines that it no longer meets the
265 criteria, the county or municipality must adopt appropriate
266 school concurrency goals, objectives, and policies in its plan
267 amendments pursuant to the requirements of the public school
268 facility element and enter into the existing interlocal
269 agreement required by this section and s. 173.3177(6)(h)2. in
270 order to fully participate in the school concurrency system.

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271 (3) (a) The updated interlocal agreement adopted pursuant
272 to the schedule adopted in accordance with s. 163.3177(12) (i)
273 and any subsequent amendments must be submitted to the state
274 land planning agency and the Office of Educational Facilities
275 within 30 days after execution by the parties to the agreement
276 for review consistent with this section. The office and SMART
277 Schools Clearinghouse shall submit any comments or concerns
278 regarding the executed interlocal agreement or agreement
279 amendments to the state land planning agency within 30 days
280 after receipt of the executed interlocal agreement or agreement
281 amendments. The state land planning agency shall review the
282 updated executed interlocal agreement or agreement amendments to
283 determine whether they are it is consistent with the
284 requirements of subsection (2), the adopted local government
285 comprehensive plan, and other requirements of law. Within 60
286 days after receipt of an updated executed interlocal agreement
287 or agreement amendments, the state land planning agency shall
288 publish a notice on the agency's Internet website that states of
289 intent in the Florida Administrative Weekly and shall post a
290 copy of the notice on the agency's Internet site. The notice of
291 intent must state whether the interlocal agreement is consistent
292 or inconsistent with the requirements of subsection (2) and this
293 subsection, as appropriate.

294 (4) If an updated executed interlocal agreement is not
295 timely submitted to the state land planning agency for review,
296 the state land planning agency shall, within 15 working days
297 after the deadline for submittal, issue to the local government
298 and the district school board a Notice to Show Cause why

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299 | sanctions should not be imposed for failure to submit an
 300 | executed interlocal agreement by the deadline established by the
 301 | agency. The agency shall forward the notice and the responses to
 302 | the Administration Commission, which may enter a final order
 303 | citing the failure to comply and imposing sanctions against the
 304 | local government and district school board by directing the
 305 | appropriate agencies to withhold at least 5 percent of state
 306 | funds pursuant to s. 163.3184(11) and by directing the
 307 | Department of Education to withhold from the district school
 308 | board at least 5 percent of funds for school construction
 309 | available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 310 | 1013.72.

311 | Section 4. Paragraph (c) of subsection (2), paragraph (f)
 312 | of subsection (5), subsection (7), paragraphs (e), (f), (g), and
 313 | (h) of subsection (13), and paragraphs (a), (b), (c), (e), and
 314 | (f) of subsection (16) of section 163.3180, Florida Statutes,
 315 | are amended to read:

316 | 163.3180 Concurrency.--

317 | (2)

318 | (c) Consistent with the public welfare, and except as
 319 | otherwise provided in this section, transportation facilities
 320 | needed to serve new development shall be in place or under
 321 | actual construction within 3 years after the local government
 322 | approves a building permit or its functional equivalent that
 323 | results in traffic generation. For purposes of this paragraph
 324 | and all provisions relating to transportation concurrency, if
 325 | the construction funding needed for facilities is provided in
 326 | the first 3 years of the Department of Transportation's work

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327 program or the local government's schedule of capital
328 improvements, the under-actual-construction requirements of this
329 paragraph shall be deemed to have been met.

330 (5)

331 (f) Prior to the designation of a concurrency exception
332 area, the Department of Transportation shall be consulted by the
333 local government to assess the impact that the proposed
334 exception area is expected to have on the adopted level-of-
335 service standards established for Strategic Intermodal System
336 facilities, as defined in s. 339.64, and roadway facilities
337 funded in accordance with s. 339.2819. Further, the local
338 government shall, in cooperation with the Department of
339 Transportation, develop a plan to mitigate ~~any~~ impacts to the
340 Strategic Intermodal System, including, if appropriate, the
341 development of a long-term concurrency management system
342 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions
343 may be available only within the specific geographic area of the
344 jurisdiction designated in the plan. Pursuant to s. 163.3184,
345 any affected person may challenge a plan amendment establishing
346 these guidelines and the areas within which an exception could
347 be granted. By October 1, 2006, the Department of
348 Transportation, after publicly noticed workshops, shall publish
349 and distribute to local governments a policy guideline
350 containing criteria and options to assist local governments in
351 planning to assess and mitigate the impacts of a proposed
352 concurrency exception area as described in this paragraph.

353 (7) In order to promote infill development and
354 redevelopment, one or more transportation concurrency management

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355 areas may be designated in a local government comprehensive
356 plan. A transportation concurrency management area must be a
357 compact geographic area with an existing network of roads where
358 multiple, viable alternative travel paths or modes are available
359 for common trips. A local government may establish an areawide
360 level-of-service standard for such a transportation concurrency
361 management area based upon an analysis that provides for a
362 justification for the areawide level of service, how urban
363 infill development or redevelopment will be promoted, and how
364 mobility will be accomplished within the transportation
365 concurrency management area. Prior to the designation of a
366 concurrency management area, the Department of Transportation
367 shall be consulted by the local government to assess the impact
368 that the proposed concurrency management area is expected to
369 have on the adopted level-of-service standards established for
370 Strategic Intermodal System facilities, as defined in s. 339.64,
371 and roadway facilities funded in accordance with s. 339.2819.
372 Further, the local government shall, in cooperation with the
373 Department of Transportation, develop a plan to mitigate any
374 impacts to the Strategic Intermodal System, including, if
375 appropriate, the development of a long-term concurrency
376 management system pursuant to subsection (9) and s.
377 163.3177(3)(d). Transportation concurrency management areas
378 existing prior to July 1, 2005, shall meet, at a minimum, the
379 provisions of this section by July 1, 2006, or at the time of
380 the comprehensive plan update pursuant to the evaluation and
381 appraisal report, whichever occurs last. The state land planning
382 agency shall amend chapter 9J-5, Florida Administrative Code, to

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383 | be consistent with this subsection. By October 1, 2006, the
384 | Department of Transportation, after publicly noticed workshops,
385 | shall publish and distribute to local governments a policy
386 | guideline containing criteria and options to assist local
387 | governments in planning to assess and mitigate the impacts of a
388 | proposed concurrency management area as described in this
389 | paragraph.

390 | (13) School concurrency shall be established on a
391 | districtwide basis and shall include all public schools in the
392 | district and all portions of the district, whether located in a
393 | municipality or an unincorporated area unless exempt from the
394 | public school facilities element pursuant to s. 163.3177(12).
395 | The application of school concurrency to development shall be
396 | based upon the adopted comprehensive plan, as amended. All local
397 | governments within a county, except as provided in paragraph
398 | (f), shall adopt and transmit to the state land planning agency
399 | the necessary plan amendments, along with the interlocal
400 | agreement, for a compliance review pursuant to s. 163.3184(7)
401 | and (8). The minimum requirements for school concurrency are the
402 | following:

403 | (e) Availability standard.--Consistent with the public
404 | welfare, a local government may not deny an application for site
405 | plan, final subdivision approval, or the functional equivalent
406 | for a development or phase of a development authorizing
407 | residential development for failure to achieve and maintain the
408 | level-of-service standard for public school capacity in a local
409 | school concurrency management system where adequate school
410 | facilities will be in place or under actual construction within

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411 3 years after the issuance of final subdivision or site plan
 412 approval, or the functional equivalent. School concurrency shall
 413 be satisfied if the developer executes a legally binding
 414 commitment to provide proportionate fair-share mitigation
 415 against ~~proportionate~~ to the demand for public school facilities
 416 to be created by actual development of the property, including,
 417 but not limited to, the options described in subparagraph 1.
 418 Options for proportionate fair-share ~~proportionate-share~~
 419 mitigation of impacts on public school facilities shall be
 420 established in the public school facilities element and the
 421 interlocal agreement pursuant to s. 163.31777.

422 1. Appropriate proportionate fair-share mitigation options
 423 include the contribution of land; the construction, expansion,
 424 or payment for land acquisition or construction of a public
 425 school facility; or the creation of mitigation banking based on
 426 the construction of a public school facility in exchange for the
 427 right to sell capacity credits. Such options must include
 428 execution by the applicant and the local government of a binding
 429 development agreement that constitutes a legally binding
 430 commitment to pay proportionate fair-share ~~proportionate-share~~
 431 mitigation for the additional residential units approved by the
 432 local government in a development order and actually developed
 433 on the property, taking into account residential density allowed
 434 on the property prior to the plan amendment that increased
 435 overall residential density. The district school board shall be
 436 a party to such an agreement. As a condition of its entry into
 437 such a development agreement, the local government may require

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438 the landowner to agree to continuing renewal of the agreement
439 upon its expiration.

440 2. If the education facilities plan and the public
441 educational facilities element authorize a contribution of land;
442 the construction, expansion, or payment for land acquisition; or
443 the construction or expansion of a public school facility, or a
444 portion thereof, as proportionate fair-share ~~proportionate share~~
445 mitigation, the local government shall credit such a
446 contribution, construction, expansion, or payment toward any
447 other impact fee or exaction imposed by local ordinance for the
448 same need, on a dollar-for-dollar basis at fair market value.

449 3. Any proportionate fair-share ~~proportionate share~~
450 mitigation must be directed by the school board toward a school
451 capacity improvement identified in a financially feasible 5-year
452 district work plan and which satisfies the demands created by
453 that development in accordance with a binding developer's
454 agreement.

455 4. This paragraph does not limit the authority of a local
456 government to deny a development permit or its functional
457 equivalent pursuant to its home rule regulatory powers, except
458 as provided in this part.

459 (f) Intergovernmental coordination.--

460 1. When establishing concurrency requirements for public
461 schools, a local government shall satisfy the requirements for
462 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
463 and 2., except that a municipality is not required to be a
464 signatory to the interlocal agreement required by ss.
465 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for

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466 imposition of school concurrency, and as a nonsignatory, shall
467 not participate in the adopted local school concurrency system,
468 if the municipality meets all of the following criteria for
469 having no significant impact on school attendance:

470 a. The municipality has issued development orders for
471 fewer than 50 residential dwelling units during the preceding 5
472 years, or the municipality has generated fewer than 25
473 additional public school students during the preceding 5 years.

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

477 c. The municipality has no public schools located within
478 its boundaries.

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

481 2. A municipality which qualifies as having no significant
482 impact on school attendance pursuant to the criteria of
483 subparagraph 1. must review and determine at the time of its
484 evaluation and appraisal report pursuant to s. 163.3191 whether
485 it continues to meet the criteria pursuant to s. 163.3177(6).
486 If the municipality determines that it no longer meets the
487 criteria, it must adopt appropriate school concurrency goals,
488 objectives, and policies in its plan amendments based on the
489 evaluation and appraisal report, and enter into the existing
490 interlocal agreement required by ss. 163.3177(6)(h)2. and
491 163.31777, in order to fully participate in the school
492 concurrency system. If such a municipality fails to do so, it
493 will be subject to the enforcement provisions of s. 163.3191.

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494 ~~(g) Interlocal agreement for school concurrency. When~~
495 ~~establishing concurrency requirements for public schools, a~~
496 ~~local government must enter into an interlocal agreement that~~
497 ~~satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and~~
498 ~~163.31777 and the requirements of this subsection. The~~
499 ~~interlocal agreement shall acknowledge both the school board's~~
500 ~~constitutional and statutory obligations to provide a uniform~~
501 ~~system of free public schools on a countywide basis, and the~~
502 ~~land use authority of local governments, including their~~
503 ~~authority to approve or deny comprehensive plan amendments and~~
504 ~~development orders. The interlocal agreement shall be submitted~~
505 ~~to the state land planning agency by the local government as a~~
506 ~~part of the compliance review, along with the other necessary~~
507 ~~amendments to the comprehensive plan required by this part. In~~
508 ~~addition to the requirements of ss. 163.3177(6)(h) and~~
509 ~~163.31777, the interlocal agreement shall meet the following~~
510 ~~requirements:~~

511 ~~1. Establish the mechanisms for coordinating the~~
512 ~~development, adoption, and amendment of each local government's~~
513 ~~public school facilities element with each other and the plans~~
514 ~~of the school board to ensure a uniform districtwide school~~
515 ~~concurrency system.~~

516 ~~2. Establish a process for the development of siting~~
517 ~~criteria which encourages the location of public schools~~
518 ~~proximate to urban residential areas to the extent possible and~~
519 ~~seeks to collocate schools with other public facilities such as~~
520 ~~parks, libraries, and community centers to the extent possible.~~

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521 ~~3. Specify uniform, districtwide level of service~~
522 ~~standards for public schools of the same type and the process~~
523 ~~for modifying the adopted level of service standards.~~

524 ~~4. Establish a process for the preparation, amendment, and~~
525 ~~joint approval by each local government and the school board of~~
526 ~~a public school capital facilities program which is financially~~
527 ~~feasible, and a process and schedule for incorporation of the~~
528 ~~public school capital facilities program into the local~~
529 ~~government comprehensive plans on an annual basis.~~

530 ~~5. Define the geographic application of school~~
531 ~~concurrency. If school concurrency is to be applied on a less~~
532 ~~than districtwide basis in the form of concurrency service~~
533 ~~areas, the agreement shall establish criteria and standards for~~
534 ~~the establishment and modification of school concurrency service~~
535 ~~areas. The agreement shall also establish a process and schedule~~
536 ~~for the mandatory incorporation of the school concurrency~~
537 ~~service areas and the criteria and standards for establishment~~
538 ~~of the service areas into the local government comprehensive~~
539 ~~plans. The agreement shall ensure maximum utilization of school~~
540 ~~capacity, taking into account transportation costs and court-~~
541 ~~approved desegregation plans, as well as other factors. The~~
542 ~~agreement shall also ensure the achievement and maintenance of~~
543 ~~the adopted level of service standards for the geographic area~~
544 ~~of application throughout the 5 years covered by the public~~
545 ~~school capital facilities plan and thereafter by adding a new~~
546 ~~fifth year during the annual update.~~

547 ~~6. Establish a uniform districtwide procedure for~~
548 ~~implementing school concurrency which provides for:~~

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549 ~~a. The evaluation of development applications for~~
550 ~~compliance with school concurrency requirements, including~~
551 ~~information provided by the school board on affected schools,~~
552 ~~impact on levels of service, and programmed improvements for~~
553 ~~affected schools and any options to provide sufficient capacity;~~

554 ~~b. An opportunity for the school board to review and~~
555 ~~comment on the effect of comprehensive plan amendments and~~
556 ~~rezonings on the public school facilities plan; and~~

557 ~~c. The monitoring and evaluation of the school concurrency~~
558 ~~system.~~

559 ~~7. Include provisions relating to amendment of the~~
560 ~~agreement.~~

561 ~~8. A process and uniform methodology for determining~~
562 ~~proportionate share mitigation pursuant to subparagraph (e)1.~~

563 (g) ~~(h)~~ Local government authority.--This subsection does
564 not limit the authority of a local government to grant or deny a
565 development permit or its functional equivalent prior to the
566 implementation of school concurrency.

567 (16) It is the intent of the Legislature to provide a
568 method by which the impacts of development on transportation
569 facilities can be mitigated by the cooperative efforts of the
570 public and private sectors. The methodology used to calculate
571 proportionate fair-share mitigation under this section shall be
572 as provided for in subsection (12).

573 (a) By December 1, 2006, each local government shall adopt
574 by ordinance a methodology for assessing proportionate fair-
575 share mitigation options. A local government that fails to adopt
576 a methodology for assessing proportionate fair-share mitigation

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577 options by December 1, 2006, shall be subject to the sanctions
578 described in s. 163.3184(11)(a) imposed by the Administration
579 Commission. By December 1, 2005, the Department of
580 Transportation shall develop a model transportation concurrency
581 management ordinance with methodologies for assessing
582 proportionate fair-share mitigation options.

583 (b)1. In its transportation concurrency management system,
584 a local government shall, by December 1, 2006, include
585 methodologies that will be applied to calculate proportionate
586 fair-share mitigation. A local government that fails to include
587 such methodologies by December 1, 2006, shall be subject to the
588 sanctions described in s. 163.3184(11)(a) imposed by the
589 Administration Commission. A developer may choose to satisfy all
590 transportation concurrency requirements by contributing or
591 paying proportionate fair-share mitigation if transportation
592 facilities or facility segments identified as mitigation for
593 traffic impacts are specifically identified for funding in the
594 5-year schedule of capital improvements in the capital
595 improvements element of the local plan or the long-term
596 concurrency management system or if such contributions or
597 payments to such facilities or segments are reflected in the 5-
598 year schedule of capital improvements in the next regularly
599 scheduled update of the capital improvements element. Updates to
600 the 5-year capital improvements element which reflect
601 proportionate fair-share contributions may not be found not in
602 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3)
603 if additional contributions, payments or funding sources are

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604 reasonably anticipated during a period not to exceed 10 years to
605 fully mitigate impacts on the transportation facilities.

606 2. Proportionate fair-share mitigation shall be applied as
607 a credit against impact fees to the extent that all or a portion
608 of the proportionate fair-share mitigation is used to address
609 the same capital infrastructure improvements contemplated by the
610 local government's impact fee ordinance.

611 (c) Proportionate fair-share mitigation includes, without
612 limitation, separately or collectively, private funds,
613 contributions of land, and construction and contribution of
614 facilities and may include public funds as determined by the
615 local government. The fair market value of the proportionate
616 fair-share mitigation shall not differ based on the form of
617 mitigation. A local government may not require a development to
618 pay more than its proportionate fair-share mitigation
619 ~~contribution~~ regardless of the method of mitigation.

620 (e) Mitigation for development impacts to facilities on
621 the Strategic Intermodal System made pursuant to this subsection
622 requires the concurrence of the Department of Transportation.
623 The department has 30 days from the date of submission by the
624 applicable local government to concur or withhold concurrence
625 with the mitigation of development impacts to facilities on the
626 Strategic Intermodal System. If the department does not respond
627 within the 30-day period, the department is deemed to have
628 concurred with the mitigation.

629 (f) If ~~In the event~~ the funds in an adopted 5-year capital
630 improvements element are insufficient to fully fund construction
631 of a transportation improvement required by the local

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632 government's concurrency management system, a local government
633 and a developer may still enter into a binding proportionate
634 fair-share mitigation ~~proportionate-share~~ agreement authorizing
635 the developer to construct that amount of development on which
636 the proportionate fair-share mitigation ~~proportionate share~~ is
637 calculated if the proportionate fair-share mitigation
638 ~~proportionate share~~ amount in such agreement is sufficient to
639 pay for one or more improvements which will, in the opinion of
640 the governmental entity or entities maintaining the
641 transportation facilities, significantly benefit the impacted
642 transportation system. The improvement or improvements funded by
643 the proportionate fair-share mitigation ~~proportionate share~~
644 component must be adopted into the 5-year capital improvements
645 schedule of the comprehensive plan at the next annual capital
646 improvements element update.

647 Section 5. Subsection (17) of section 163.3184, Florida
648 Statutes, is amended to read:

649 163.3184 Process for adoption of comprehensive plan or
650 plan amendment.--

651 (17) A local government that has adopted a community
652 vision and urban service boundary under s. 163.3177(13)
653 ~~163.31773(13)~~ and (14) may adopt a plan amendment related to map
654 amendments solely to property within an urban service boundary
655 in the manner described in subsections (1), (2), (7), (14),
656 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,
657 such that state and regional agency review is eliminated. The
658 department may not issue an objections, recommendations, and
659 comments report on proposed plan amendments or a notice of

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660 intent on adopted plan amendments; however, affected persons, as
661 defined by paragraph (1)(a), may file a petition for
662 administrative review pursuant to the requirements of s.
663 163.3187(3)(a) to challenge the compliance of an adopted plan
664 amendment. This subsection does not apply to any amendment
665 within an area of critical state concern, to any amendment that
666 increases residential densities allowable in high-hazard coastal
667 areas as defined in s. 163.3178(2)(h), or to a text change to
668 the goals, policies, or objectives of the local government's
669 comprehensive plan. Amendments submitted under this subsection
670 are exempt from the limitation on the frequency of plan
671 amendments in s. 163.3187.

672 Section 6. Paragraph (a) of subsection (4) of section
673 339.2819, Florida Statutes, is amended to read:

674 339.2819 Transportation Regional Incentive Program.--

675 (4)(a) Projects to be funded with Transportation Regional
676 Incentive Program funds shall, at a minimum:

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

680 2. Be identified in the capital improvements element of a
681 comprehensive plan that has been determined to be in compliance
682 with part II of chapter 163, after July 1, 2005, or to implement
683 a long-term concurrency management system adopted by a local
684 government in accordance with s. 163.3180(9) ~~163.3177(9)~~.

685 Further, the project shall be in compliance with local
686 government comprehensive plan policies relative to corridor
687 management.

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688 3. Be consistent with the Strategic Intermodal System Plan
689 developed under s. 339.64.

690 4. Have a commitment for local, regional, or private
691 financial matching funds as a percentage of the overall project
692 cost.

693 Section 7. Subsection (10) of section 339.55, Florida
694 Statutes, is amended to read:

695 339.55 State-funded infrastructure bank.--

696 ~~(10) Funds paid into the State Transportation Trust Fund~~
697 ~~pursuant to s. 201.15(1)(d) for the purposes of the State~~
698 ~~Infrastructure Bank are hereby annually appropriated for~~
699 ~~expenditure to support that program.~~

700 Section 8. Paragraphs (l), (m), and (n) of subsection (24)
701 of section 380.06, Florida Statutes, are amended to read:

702 380.06 Developments of regional impact.--

703 (24) STATUTORY EXEMPTIONS.--

704 (l) Any proposed development within an urban service
705 boundary established under s. 163.3177(14) is exempt from the
706 provisions of this section if the local government having
707 jurisdiction over the area where the development is proposed has
708 adopted the urban service boundary and has entered into a
709 binding agreement with adjacent jurisdictions and the Department
710 of Transportation regarding the mitigation of impacts on state
711 and regional transportation facilities, and has adopted a
712 proportionate fair-share mitigation ~~share~~ methodology pursuant
713 to s. 163.3180(16).

714 (m) Any proposed development within a rural land
715 stewardship area created under s. 163.3177(11)(d) is exempt from

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716 | the provisions of this section if the local government that has
 717 | adopted the rural land stewardship area has entered into a
 718 | binding agreement with jurisdictions that would be impacted and
 719 | the Department of Transportation regarding the mitigation of
 720 | impacts on state and regional transportation facilities, and has
 721 | adopted a proportionate fair-share mitigation ~~share~~ methodology
 722 | pursuant to s. 163.3180(16).

723 | (n) Any proposed development or redevelopment within an
 724 | area designated as an urban infill and redevelopment area under
 725 | s. 163.2517 is exempt from the provisions of this section if the
 726 | local government has entered into a binding agreement with
 727 | jurisdictions that would be impacted and the Department of
 728 | Transportation regarding the mitigation of impacts on state and
 729 | regional transportation facilities, and has adopted a
 730 | proportionate fair-share mitigation ~~share~~ methodology pursuant
 731 | to s. 163.3180(16).

732 | Section 9. Subsections (2), (3), and (12) of section
 733 | 1013.33, Florida Statutes, are amended to read:

734 | 1013.33 Coordination of planning with local governing
 735 | bodies.--

736 | (2)(a) The school board, county, and nonexempt
 737 | municipalities located within the geographic area of a school
 738 | district shall enter into an interlocal agreement that jointly
 739 | establishes the specific ways in which the plans and processes
 740 | of the district school board and the local governments are to be
 741 | coordinated. Any updated ~~The~~ interlocal agreements and agreement
 742 | amendments shall be submitted to the state land planning agency
 743 | and the Office of Educational Facilities ~~and the SMART Schools~~

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744 ~~Clearinghouse~~ in accordance with a schedule published by the
745 state land planning agency pursuant to s. 163.3177(12)(i).

746 ~~(b) The schedule must establish staggered due dates for~~
747 ~~submission of interlocal agreements that are executed by both~~
748 ~~the local government and district school board, commencing on~~
749 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
750 ~~the same date for all governmental entities within a school~~
751 ~~district. However, if the county where the school district is~~
752 ~~located contains more than 20 municipalities, the state land~~
753 ~~planning agency may establish staggered due dates for the~~
754 ~~submission of interlocal agreements by these municipalities. The~~
755 ~~schedule must begin with those areas where both the number of~~
756 ~~districtwide capital outlay full time equivalent students equals~~
757 ~~80 percent or more of the current year's school capacity and the~~
758 ~~projected 5 year student growth rate is 1,000 or greater, or~~
759 ~~where the projected 5 year student growth rate is 10 percent or~~
760 ~~greater.~~

761 (b)(e) If the student population has declined over the 5-
762 year period preceding the due date for submittal of an
763 interlocal agreement by the local government and the district
764 school board, the local government and district school board may
765 petition the state land planning agency for a waiver of one or
766 more of the requirements of subsection (3). The waiver must be
767 granted if the procedures called for in subsection (3) are
768 unnecessary because of the school district's declining school
769 age population, considering the district's 5-year work program
770 prepared pursuant to s. 1013.35. The state land planning agency
771 may modify or revoke the waiver upon a finding that the

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772 conditions upon which the waiver was granted no longer exist.
773 The district school board and local governments must submit an
774 interlocal agreement within 1 year after notification by the
775 state land planning agency that the conditions for a waiver no
776 longer exist.

777 (c)~~(d)~~ ~~Interlocal agreements between local governments and~~
778 ~~district school boards adopted pursuant to s. 163.3177 before~~
779 ~~the effective date of subsections (2)-(9) must be updated and~~
780 ~~executed pursuant to the requirements of subsections (2)-(9), if~~
781 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
782 ~~to subsections (2)-(9) must be submitted to the state land~~
783 ~~planning agency within 30 days after execution by the parties~~
784 ~~for review consistent with subsections (3) and (4). Local~~
785 ~~governments and the district school board in each school~~
786 ~~district are encouraged to adopt a single updated interlocal~~
787 ~~agreement in which all join as parties. The state land planning~~
788 ~~agency shall assemble and make available model interlocal~~
789 ~~agreements meeting the requirements of subsections (2)-(9) and~~
790 ~~shall notify local governments and, jointly with the Department~~
791 ~~of Education, the district school boards of the requirements of~~
792 ~~subsections (2)-(9), the dates for compliance, and the sanctions~~
793 ~~for noncompliance. The state land planning agency shall be~~
794 ~~available to informally review proposed interlocal agreements.~~
795 ~~If the state land planning agency has not received a proposed~~
796 ~~interlocal agreement for informal review, the state land~~
797 ~~planning agency shall, at least 60 days before the deadline for~~
798 ~~submission of the executed agreement, renotify the local~~

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799 government and the district school board of the upcoming
800 deadline and the potential for sanctions.

801 ~~(3) At a minimum,~~ The interlocal agreement must address
802 ~~interlocal agreement requirements in s. 163.3180(13)(g), except~~
803 ~~for exempt local governments as provided in s. 163.3177(12), and~~
804 ~~must address the following issues specified in s. 163.31777(2).~~

805 ~~(a) A process by which each local government and the~~
806 ~~district school board agree and base their plans on consistent~~
807 ~~projections of the amount, type, and distribution of population~~
808 ~~growth and student enrollment. The geographic distribution of~~
809 ~~jurisdiction-wide growth forecasts is a major objective of the~~
810 ~~process.~~

811 ~~(b) A process to coordinate and share information relating~~
812 ~~to existing and planned public school facilities, including~~
813 ~~school renovations and closures, and local government plans for~~
814 ~~development and redevelopment.~~

815 ~~(c) Participation by affected local governments with the~~
816 ~~district school board in the process of evaluating potential~~
817 ~~school closures, significant renovations to existing schools,~~
818 ~~and new school site selection before land acquisition. Local~~
819 ~~governments shall advise the district school board as to the~~
820 ~~consistency of the proposed closure, renovation, or new site~~
821 ~~with the local comprehensive plan, including appropriate~~
822 ~~circumstances and criteria under which a district school board~~
823 ~~may request an amendment to the comprehensive plan for school~~
824 ~~siting.~~

825 ~~(d) A process for determining the need for and timing of~~
826 ~~onsite and offsite improvements to support new construction,~~

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827 ~~proposed expansion, or redevelopment of existing schools. The~~
828 ~~process shall address identification of the party or parties~~
829 ~~responsible for the improvements.~~

830 ~~(e) A process for the school board to inform the local~~
831 ~~government regarding the effect of comprehensive plan amendments~~
832 ~~on school capacity. The capacity reporting must be consistent~~
833 ~~with laws and rules regarding measurement of school facility~~
834 ~~capacity and must also identify how the district school board~~
835 ~~will meet the public school demand based on the facilities work~~
836 ~~program adopted pursuant to s. 1013.35.~~

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

841 ~~(g) A process for determining where and how joint use of~~
842 ~~either school board or local government facilities can be shared~~
843 ~~for mutual benefit and efficiency.~~

844 ~~(h) A procedure for the resolution of disputes between the~~
845 ~~district school board and local governments, which may include~~
846 ~~the dispute resolution processes contained in chapters 164 and~~
847 ~~186.~~

848 ~~(i) An oversight process, including an opportunity for~~
849 ~~public participation, for the implementation of the interlocal~~
850 ~~agreement.~~

851 (12) As early in the design phase as feasible and
852 consistent with an interlocal agreement entered pursuant to
853 subsections (2)-(8), but no later than 120 ~~90~~ days before
854 commencing construction, the district school board shall in

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855 writing request a determination of consistency with the local
 856 government's comprehensive plan. The local governing body that
 857 regulates the use of land shall determine, in writing within 45
 858 days after receiving the necessary information and a school
 859 board's request for a determination, whether a proposed
 860 educational facility is consistent with the local comprehensive
 861 plan and consistent with local land development regulations. If
 862 the determination is affirmative, school construction may
 863 commence and further local government approvals are not
 864 required, except as provided in this section. Failure of the
 865 local governing body to make a determination in writing within
 866 90 days after a district school board's request for a
 867 determination of consistency shall be considered an approval of
 868 the district school board's application. Campus master plans and
 869 development agreements must comply with the provisions of ss.
 870 1013.30 and 1013.63.

871 Section 10. Paragraph (a) of subsection (2) of section
 872 1013.65, Florida Statutes, is amended to read:

873 1013.65 Educational and ancillary plant construction
 874 funds; Public Education Capital Outlay and Debt Service Trust
 875 Fund; allocation of funds.--

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

879 1. Proceeds, premiums, and accrued interest from the sale
 880 of public education bonds and that portion of the revenues
 881 accruing from the gross receipts tax as provided by s. 9(a)(2),

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882 | Art. XII of the State Constitution, as amended, interest on
883 | investments, and federal interest subsidies.

884 | 2. General revenue funds appropriated to the fund for
885 | educational capital outlay purposes.

886 | 3. All capital outlay funds previously appropriated and
887 | certified forward pursuant to s. 216.301.

888 | 4.a. Funds paid pursuant to s. 201.15(1)(d).

889 | ~~b. The sum of \$41.75 million of such funds shall be~~
890 | ~~appropriated annually for expenditure to fund the Classrooms for~~
891 | ~~Kids Program created in s. 1013.735 and shall be distributed as~~
892 | ~~provided by that section.~~

893 | Section 11. Paragraph (a) of subsection (2) of section 27
894 | of chapter 2005-290, Laws of Florida, is amended to read:

895 | Section 27.

896 | (2) The following appropriations are made for the 2005-
897 | 2006 fiscal year only on a nonrecurring basis:

898 | (a) From the State Transportation Trust Fund in the
899 | Department of Transportation:

900 | 1. One hundred seventy-five ~~Two hundred~~ million dollars
901 | for the purposes specified in sections 339.61, 339.62, 339.63,
902 | and 339.64, Florida Statutes.

903 | 2. Two hundred seventy-five million dollars for the
904 | purposes specified in section 339.2819, Florida Statutes.

905 | 3. One hundred million dollars for the purposes specified
906 | in section 339.55, Florida Statutes.

907 | 4. Twenty-five million for the purposes specified in
908 | section 339.2817, Florida Statutes.

909 | Section 12. This act shall take effect July 1, 2006.