

HB 1037

2012

1 A bill to be entitled
2 An act relating to coordination between schools and
3 local governments; amending s. 1002.36, F.S.;
4 authorizing the Board of Trustees of the Florida
5 School for the Deaf and the Blind to exercise the
6 power of eminent domain after receiving approval from
7 the Administration Commission; requiring the board of
8 trustees to provide student housing in compliance with
9 specified law; amending s. 1013.33, F.S.; revising and
10 deleting requirements for an interlocal agreement
11 between a district school board and local governments
12 to conform to related requirements in s. 163.31777,
13 F.S.; amending s. 1013.35, F.S.; conforming cross-
14 references to changes made by the act; amending s.
15 1013.351, F.S.; deleting a requirement that the
16 Florida School for the Deaf and the Blind and the
17 local government submit an interlocal agreement to the
18 state land planning agency and the Office of
19 Educational Facilities for review; providing for the
20 vesting of Florida School for the Deaf and the Blind
21 facilities; requiring local government cooperation in
22 the restoration of school facilities; requiring school
23 facilities to comply with specified law; amending s.
24 1013.36, F.S.; conforming cross-references to changes
25 made by the act; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Paragraphs (e) and (f) of subsection (4) of
 30 section 1002.36, Florida Statutes, are amended to read:
 31 1002.36 Florida School for the Deaf and the Blind.—
 32 (4) BOARD OF TRUSTEES.—
 33 (e) The board of trustees is invested with full power and
 34 authority to:
 35 1. Appoint a president, faculty, teachers, and other
 36 employees and remove the same as in its judgment may be best and
 37 fix their compensation.
 38 2. Procure professional services, such as medical, mental
 39 health, architectural, and engineering.
 40 3. Procure legal services without the prior written
 41 approval of the Attorney General.
 42 4. Determine eligibility of students and procedure for
 43 admission.
 44 5. Provide for the students of the school necessary
 45 bedding, clothing, food, and medical attendance and such other
 46 things as may be proper for the health and comfort of the
 47 students without cost to their parents, except that the board of
 48 trustees may set tuition and other fees for nonresidents.
 49 6. Provide for the proper keeping of accounts and records
 50 and for budgeting of funds.
 51 7. Enter into contracts.
 52 8. Sue and be sued.
 53 9. Secure public liability insurance.
 54 10. Do and perform every other matter or thing requisite
 55 to the proper management, maintenance, support, and control of
 56 the school at the highest efficiency economically possible, the

57 board of trustees taking into consideration the purposes of the
 58 establishment.

59 11. Receive gifts, donations, and bequests of money or
 60 property, real or personal, tangible or intangible, from any
 61 person, firm, corporation, or other legal entity. However, the
 62 board of trustees may not obligate the state to any expenditure
 63 or policy that is not specifically authorized by law. If the
 64 bill of sale, will, trust indenture, deed, or other legal
 65 conveyance specifies terms and conditions concerning the use of
 66 such money or property, the board of trustees shall observe such
 67 terms and conditions.

68 12. Deposit outside the State Treasury such moneys as are
 69 received as gifts, donations, or bequests and may disburse and
 70 expend such moneys, upon its own warrant, for the use and
 71 benefit of the Florida School for the Deaf and the Blind and its
 72 students, as the board of trustees deems to be in the best
 73 interest of the school and its students. Such money or property
 74 does not ~~shall~~ not constitute and may not ~~or~~ be considered a
 75 part of any legislative appropriation.

76 13. Sell or convey by bill of sale, deed, or other legal
 77 instrument any property, real or personal, received as a gift,
 78 donation, or bequest, upon such terms and conditions as the
 79 board of trustees deems to be in the best interest of the school
 80 and its students.

81 14. Invest such moneys in securities enumerated under s.
 82 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,
 83 an Investment Management Fund exclusively for nonprofit
 84 educational institutions.

85 15. After receiving approval from the Administration
 86 Commission, exercise the power of eminent domain in the manner
 87 provided in chapter 73 or chapter 74.

88 (f) The board of trustees shall:

89 1. Prepare and submit legislative budget requests for
 90 operations and fixed capital outlay, in accordance with chapter
 91 216 and ss. 1011.56 and 1013.60, to the Department of Education
 92 for review and approval. The department must ~~analyze the amount~~
 93 ~~requested for fixed capital outlay to~~ determine if the requested
 94 amount for fixed capital outlay request is consistent with the
 95 school's campus master plan, educational plant survey, and
 96 facilities master plan. Projections of facility space needs may
 97 exceed the norm space and occupant design criteria established
 98 in the State Requirements for Educational Facilities.

99 2. Approve and administer an annual operating budget in
 100 accordance with ss. 1011.56 and 1011.57.

101 3. Require all funds received other than gifts, donations,
 102 bequests, funds raised by or belonging to student clubs or
 103 student organizations, and funds held for specific students or
 104 in accounts for individual students to be deposited in the State
 105 Treasury and expended as authorized in the General
 106 Appropriations Act.

107 4. Require all purchases to be in accordance with the
 108 provisions of chapter 287 except for purchases made with funds
 109 received as gifts, donations, or bequests; funds raised by or
 110 belonging to student clubs or student organizations; or funds
 111 held for specific students or in accounts for individual
 112 students.

113 5. Administer and maintain personnel programs for all
 114 employees of the board of trustees and the Florida School for
 115 the Deaf and the Blind who shall be state employees, including
 116 the personnel classification and pay plan established in
 117 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
 118 academic and academic administrative personnel, the provisions
 119 of chapter 110, and the provisions of law that grant authority
 120 to the Department of Management Services over such programs for
 121 state employees.

122 6. Give preference in appointment and retention in
 123 positions of employment as provided within s. 295.07(1).

124 ~~7. Ensure that the Florida School for the Deaf and the~~
 125 ~~Blind complies with s. 1013.351 concerning the coordination of~~
 126 ~~planning between the Florida School for the Deaf and the Blind~~
 127 ~~and local governing bodies.~~

128 7.8. ~~Comply~~ ~~Ensure that the Florida School for the Deaf~~
 129 ~~and the Blind complies~~ with s. 112.061 concerning per diem and
 130 travel expenses of public officers, employees, and authorized
 131 persons with respect to all funds other than funds received as
 132 gifts, donations, or bequests; funds raised by or belonging to
 133 student clubs or student organizations; or funds held for
 134 specific students or in accounts for individual students.

135 ~~8.9.~~ Adopt a master plan which specifies the mission and
 136 objectives of the Florida School for the Deaf and the Blind. The
 137 plan shall include, but not be limited to, procedures for
 138 systematically measuring the school's progress toward meeting
 139 its objectives, analyzing changes in the student population, and
 140 modifying school programs and services to respond to such

141 changes. The plan shall be for a period of 5 years and shall be
 142 reviewed for needed modifications every 2 years. The board of
 143 trustees shall submit the initial plan and subsequent
 144 modifications to the Speaker of the House of Representatives and
 145 the President of the Senate.

146 ~~9.10.~~ Designate a portion of the school as "The Verle
 147 Allyn Pope Complex for the Deaf," in tribute to the late Senator
 148 Verle Allyn Pope.

149 10. Provide safe and appropriate housing for all
 150 residential students at the Florida School for the Deaf and the
 151 Blind, in compliance with the state Fair Housing Act, the
 152 federal Fair Housing Act, and the Americans with Disabilities
 153 Act of 1990.

154 Section 2. Section 1013.33, Florida Statutes, is amended
 155 to read:

156 1013.33 Coordination of planning with local governing
 157 bodies.—

158 (1) It is the policy of this state to require the
 159 coordination of planning between boards and local governing
 160 bodies to ensure that plans for the construction and opening of
 161 public educational facilities are facilitated and coordinated in
 162 time and place with plans for residential development,
 163 concurrently with other necessary services. Such planning shall
 164 include the integration of the educational facilities plan and
 165 applicable policies and procedures of a board with the local
 166 comprehensive plan and land development regulations of local
 167 governments. The planning must include the consideration of
 168 allowing students to attend the school located nearest their

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169 homes when a new housing development is constructed near a
170 county boundary and it is more feasible to transport the
171 students a short distance to an existing facility in an adjacent
172 county than to construct a new facility or transport students
173 longer distances in their county of residence. The planning must
174 also consider the effects of the location of public education
175 facilities, including the feasibility of keeping central city
176 facilities viable, in order to encourage central city
177 redevelopment and the efficient use of infrastructure and to
178 discourage uncontrolled urban sprawl. In addition, all parties
179 to the planning process must consult with state and local road
180 departments to assist in implementing the Safe Paths to Schools
181 program administered by the Department of Transportation.

182 (2)(a) The school board, county, and nonexempt
183 municipalities located within the geographic area of a school
184 district shall enter into an interlocal agreement according to
185 s. 163.31777 that jointly establishes the specific ways in which
186 the plans and processes of the district school board and the
187 local governments are to be coordinated. ~~The interlocal~~
188 ~~agreements shall be submitted to the state land planning agency~~
189 ~~and the Office of Educational Facilities in accordance with a~~
190 ~~schedule published by the state land planning agency.~~

191 ~~(b) The schedule must establish staggered due dates for~~
192 ~~submission of interlocal agreements that are executed by both~~
193 ~~the local government and district school board, commencing on~~
194 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
195 ~~the same date for all governmental entities within a school~~
196 ~~district. However, if the county where the school district is~~

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197 ~~located contains more than 20 municipalities, the state land~~
198 ~~planning agency may establish staggered due dates for the~~
199 ~~submission of interlocal agreements by these municipalities. The~~
200 ~~schedule must begin with those areas where both the number of~~
201 ~~districtwide capital-outlay full-time-equivalent students equals~~
202 ~~80 percent or more of the current year's school capacity and the~~
203 ~~projected 5-year student growth rate is 1,000 or greater, or~~
204 ~~where the projected 5-year student growth rate is 10 percent or~~
205 ~~greater.~~

206 ~~(c) If the student population has declined over the 5-year~~
207 ~~period preceding the due date for submittal of an interlocal~~
208 ~~agreement by the local government and the district school board,~~
209 ~~the local government and district school board may petition the~~
210 ~~state land planning agency for a waiver of one or more of the~~
211 ~~requirements of subsection (3). The waiver must be granted if~~
212 ~~the procedures called for in subsection (3) are unnecessary~~
213 ~~because of the school district's declining school age~~
214 ~~population, considering the district's 5-year work program~~
215 ~~prepared pursuant to s. 1013.35. The state land planning agency~~
216 ~~may modify or revoke the waiver upon a finding that the~~
217 ~~conditions upon which the waiver was granted no longer exist.~~
218 ~~The district school board and local governments must submit an~~
219 ~~interlocal agreement within 1 year after notification by the~~
220 ~~state land planning agency that the conditions for a waiver no~~
221 ~~longer exist.~~

222 ~~(d) Interlocal agreements between local governments and~~
223 ~~district school boards adopted pursuant to s. 163.3177 before~~
224 ~~the effective date of subsections (2)–(7) must be updated and~~

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225 ~~executed pursuant to the requirements of subsections (2)-(7), if~~
226 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
227 ~~to subsections (2)-(7) must be submitted to the state land~~
228 ~~planning agency within 30 days after execution by the parties~~
229 ~~for review consistent with subsections (3) and (4). Local~~
230 ~~governments and the district school board in each school~~
231 ~~district are encouraged to adopt a single interlocal agreement~~
232 ~~in which all join as parties. The state land planning agency~~
233 ~~shall assemble and make available model interlocal agreements~~
234 ~~meeting the requirements of subsections (2)-(7) and shall notify~~
235 ~~local governments and, jointly with the Department of Education,~~
236 ~~the district school boards of the requirements of subsections~~
237 ~~(2)-(7), the dates for compliance, and the sanctions for~~
238 ~~noncompliance. The state land planning agency shall be available~~
239 ~~to informally review proposed interlocal agreements. If the~~
240 ~~state land planning agency has not received a proposed~~
241 ~~interlocal agreement for informal review, the state land~~
242 ~~planning agency shall, at least 60 days before the deadline for~~
243 ~~submission of the executed agreement, renotify the local~~
244 ~~government and the district school board of the upcoming~~
245 ~~deadline and the potential for sanctions.~~

246 ~~(3) At a minimum, the interlocal agreement must address~~
247 ~~interlocal agreement requirements in s. 163.31777 and, if~~
248 ~~applicable, s. 163.3180(6), and must address the following~~
249 ~~issues:~~

250 ~~(a) A process by which each local government and the~~
251 ~~district school board agree and base their plans on consistent~~
252 ~~projections of the amount, type, and distribution of population~~

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253 ~~growth and student enrollment. The geographic distribution of~~
254 ~~jurisdiction-wide growth forecasts is a major objective of the~~
255 ~~process.~~

256 ~~(b) A process to coordinate and share information relating~~
257 ~~to existing and planned public school facilities, including~~
258 ~~school renovations and closures, and local government plans for~~
259 ~~development and redevelopment.~~

260 ~~(c) Participation by affected local governments with the~~
261 ~~district school board in the process of evaluating potential~~
262 ~~school closures, significant renovations to existing schools,~~
263 ~~and new school site selection before land acquisition. Local~~
264 ~~governments shall advise the district school board as to the~~
265 ~~consistency of the proposed closure, renovation, or new site~~
266 ~~with the local comprehensive plan, including appropriate~~
267 ~~circumstances and criteria under which a district school board~~
268 ~~may request an amendment to the comprehensive plan for school~~
269 ~~siting.~~

270 ~~(d) A process for determining the need for and timing of~~
271 ~~onsite and offsite improvements to support new construction,~~
272 ~~proposed expansion, or redevelopment of existing schools. The~~
273 ~~process shall address identification of the party or parties~~
274 ~~responsible for the improvements.~~

275 ~~(e) A process for the school board to inform the local~~
276 ~~government regarding the effect of comprehensive plan amendments~~
277 ~~on school capacity. The capacity reporting must be consistent~~
278 ~~with laws and rules regarding measurement of school facility~~
279 ~~capacity and must also identify how the district school board~~
280 ~~will meet the public school demand based on the facilities work~~

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281 ~~program adopted pursuant to s. 1013.35.~~

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

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

289 ~~(h) A procedure for the resolution of disputes between the~~
290 ~~district school board and local governments, which may include~~
291 ~~the dispute resolution processes contained in chapters 164 and~~
292 ~~186.~~

293 ~~(i) An oversight process, including an opportunity for~~
294 ~~public participation, for the implementation of the interlocal~~
295 ~~agreement.~~

296 ~~(4) (a) The Office of Educational Facilities shall submit~~
297 ~~any comments or concerns regarding the executed interlocal~~
298 ~~agreement to the state land planning agency within 30 days after~~
299 ~~receipt of the executed interlocal agreement. The state land~~
300 ~~planning agency shall review the executed interlocal agreement~~
301 ~~to determine whether it is consistent with the requirements of~~
302 ~~subsection (3), the adopted local government comprehensive plan,~~
303 ~~and other requirements of law. Within 60 days after receipt of~~
304 ~~an executed interlocal agreement, the state land planning agency~~
305 ~~shall publish a notice of intent in the Florida Administrative~~
306 ~~Weekly and shall post a copy of the notice on the agency's~~
307 ~~Internet site. The notice of intent must state that the~~
308 ~~interlocal agreement is consistent or inconsistent with the~~

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309 ~~requirements of subsection (3) and this subsection as~~
310 ~~appropriate.~~

311 ~~(b) The state land planning agency's notice is subject to~~
312 ~~challenge under chapter 120; however, an affected person, as~~
313 ~~defined in s. 163.3184(1) (a), has standing to initiate the~~
314 ~~administrative proceeding, and this proceeding is the sole means~~
315 ~~available to challenge the consistency of an interlocal~~
316 ~~agreement required by this section with the criteria contained~~
317 ~~in subsection (3) and this subsection. In order to have~~
318 ~~standing, each person must have submitted oral or written~~
319 ~~comments, recommendations, or objections to the local government~~
320 ~~or the school board before the adoption of the interlocal~~
321 ~~agreement by the district school board and local government. The~~
322 ~~district school board and local governments are parties to any~~
323 ~~such proceeding. In this proceeding, when the state land~~
324 ~~planning agency finds the interlocal agreement to be consistent~~
325 ~~with the criteria in subsection (3) and this subsection, the~~
326 ~~interlocal agreement must be determined to be consistent with~~
327 ~~subsection (3) and this subsection if the local government's and~~
328 ~~school board's determination of consistency is fairly debatable.~~
329 ~~When the state land planning agency finds the interlocal~~
330 ~~agreement to be inconsistent with the requirements of subsection~~
331 ~~(3) and this subsection, the local government's and school~~
332 ~~board's determination of consistency shall be sustained unless~~
333 ~~it is shown by a preponderance of the evidence that the~~
334 ~~interlocal agreement is inconsistent.~~

335 ~~(c) If the state land planning agency enters a final order~~
336 ~~that finds that the interlocal agreement is inconsistent with~~

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337 ~~the requirements of subsection (3) or this subsection, the state~~
338 ~~land planning agency shall forward it to the Administration~~
339 ~~Commission, which may impose sanctions against the local~~
340 ~~government pursuant to s. 163.3184(11) and may impose sanctions~~
341 ~~against the district school board by directing the Department of~~
342 ~~Education to withhold an equivalent amount of funds for school~~
343 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
344 ~~1013.70, and 1013.72.~~

345 ~~(5) If an executed interlocal agreement is not timely~~
346 ~~submitted to the state land planning agency for review, the~~
347 ~~state land planning agency shall, within 15 working days after~~
348 ~~the deadline for submittal, issue to the local government and~~
349 ~~the district school board a notice to show cause why sanctions~~
350 ~~should not be imposed for failure to submit an executed~~
351 ~~interlocal agreement by the deadline established by the agency.~~
352 ~~The agency shall forward the notice and the responses to the~~
353 ~~Administration Commission, which may enter a final order citing~~
354 ~~the failure to comply and imposing sanctions against the local~~
355 ~~government and district school board by directing the~~
356 ~~appropriate agencies to withhold at least 5 percent of state~~
357 ~~funds pursuant to s. 163.3184(11) and by directing the~~
358 ~~Department of Education to withhold from the district school~~
359 ~~board at least 5 percent of funds for school construction~~
360 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
361 ~~1013.72.~~

362 ~~(6) Any local government transmitting a public school~~
363 ~~element to implement school concurrency pursuant to the~~
364 ~~requirements of s. 163.3180 before the effective date of this~~

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365 ~~section is not required to amend the element or any interlocal~~
366 ~~agreement to conform with the provisions of subsections (2) (6)~~
367 ~~if the element is adopted prior to or within 1 year after the~~
368 ~~effective date of subsections (2) (6) and remains in effect.~~

369 ~~(7) A board and the local governing body must share and~~
370 ~~coordinate information related to existing and planned school~~
371 ~~facilities; proposals for development, redevelopment, or~~
372 ~~additional development; and infrastructure required to support~~
373 ~~the school facilities, concurrent with proposed development. A~~
374 ~~school board shall use information produced by the demographic,~~
375 ~~revenue, and education estimating conferences pursuant to s.~~
376 ~~216.136 when preparing the district educational facilities plan~~
377 ~~pursuant to s. 1013.35, as modified and agreed to by the local~~
378 ~~governments, when provided by interlocal agreement, and the~~
379 ~~Office of Educational Facilities, in consideration of local~~
380 ~~governments' population projections, to ensure that the district~~
381 ~~educational facilities plan not only reflects enrollment~~
382 ~~projections but also considers applicable municipal and county~~
383 ~~growth and development projections. The projections must be~~
384 ~~apportioned geographically with assistance from the local~~
385 ~~governments using local government trend data and the school~~
386 ~~district student enrollment data. A school board is precluded~~
387 ~~from siting a new school in a jurisdiction where the school~~
388 ~~board has failed to provide the annual educational facilities~~
389 ~~plan for the prior year required pursuant to s. 1013.35 unless~~
390 ~~the failure is corrected.~~

391 ~~(8) The location of educational facilities shall be~~
392 ~~consistent with the comprehensive plan of the appropriate local~~

393 ~~governing body developed under part II of chapter 163 and~~
 394 ~~consistent with the plan's implementing land development~~
 395 ~~regulations.~~

396 ~~(9) To improve coordination relative to potential~~
 397 ~~educational facility sites, a board shall provide written notice~~
 398 ~~to the local government that has regulatory authority over the~~
 399 ~~use of the land consistent with an interlocal agreement entered~~
 400 ~~pursuant to subsections (2)-(6) at least 60 days prior to~~
 401 ~~acquiring or leasing property that may be used for a new public~~
 402 ~~educational facility. The local government, upon receipt of this~~
 403 ~~notice, shall notify the board within 45 days if the site~~
 404 ~~proposed for acquisition or lease is consistent with the land~~
 405 ~~use categories and policies of the local government's~~
 406 ~~comprehensive plan. This preliminary notice does not constitute~~
 407 ~~the local government's determination of consistency pursuant to~~
 408 ~~subsection (10).~~

409 ~~(10) As early in the design phase as feasible and~~
 410 ~~consistent with an interlocal agreement entered pursuant to~~
 411 ~~subsections (2)-(6), but no later than 90 days before commencing~~
 412 ~~construction, the district school board shall in writing request~~
 413 ~~a determination of consistency with the local government's~~
 414 ~~comprehensive plan. The local governing body that regulates the~~
 415 ~~use of land shall determine, in writing within 45 days after~~
 416 ~~receiving the necessary information and a school board's request~~
 417 ~~for a determination, whether a proposed educational facility is~~
 418 ~~consistent with the local comprehensive plan and consistent with~~
 419 ~~local land development regulations. If the determination is~~
 420 ~~affirmative, school construction may commence and further local~~

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421 ~~government approvals are not required, except as provided in~~
422 ~~this section. Failure of the local governing body to make a~~
423 ~~determination in writing within 90 days after a district school~~
424 ~~board's request for a determination of consistency shall be~~
425 ~~considered an approval of the district school board's~~
426 ~~application. Campus master plans and development agreements must~~
427 ~~comply with the provisions of s. 1013.30.~~

428 ~~(11) A local governing body may not deny the site~~
429 ~~applicant based on adequacy of the site plan as it relates~~
430 ~~solely to the needs of the school. If the site is consistent~~
431 ~~with the comprehensive plan's land use policies and categories~~
432 ~~in which public schools are identified as allowable uses, the~~
433 ~~local government may not deny the application but it may impose~~
434 ~~reasonable development standards and conditions in accordance~~
435 ~~with s. 1013.51(1) and consider the site plan and its adequacy~~
436 ~~as it relates to environmental concerns, health, safety and~~
437 ~~welfare, and effects on adjacent property. Standards and~~
438 ~~conditions may not be imposed which conflict with those~~
439 ~~established in this chapter or the Florida Building Code, unless~~
440 ~~mutually agreed and consistent with the interlocal agreement~~
441 ~~required by subsections (2)-(6).~~

442 ~~(12) This section does not prohibit a local governing body~~
443 ~~and district school board from agreeing and establishing an~~
444 ~~alternative process for reviewing a proposed educational~~
445 ~~facility and site plan, and offsite impacts, pursuant to an~~
446 ~~interlocal agreement adopted in accordance with subsections (2)-~~
447 ~~(6).~~

448 ~~(13) Existing schools shall be considered consistent with~~

449 ~~the applicable local government comprehensive plan adopted under~~
 450 ~~part II of chapter 163. If a board submits an application to~~
 451 ~~expand an existing school site, the local governing body may~~
 452 ~~impose reasonable development standards and conditions on the~~
 453 ~~expansion only, and in a manner consistent with s. 1013.51(1).~~
 454 ~~Standards and conditions may not be imposed which conflict with~~
 455 ~~those established in this chapter or the Florida Building Code,~~
 456 ~~unless mutually agreed. Local government review or approval is~~
 457 ~~not required for:~~

458 ~~(a) The placement of temporary or portable classroom~~
 459 ~~facilities; or~~

460 ~~(b) Proposed renovation or construction on existing school~~
 461 ~~sites, with the exception of construction that changes the~~
 462 ~~primary use of a facility, includes stadiums, or results in a~~
 463 ~~greater than 5 percent increase in student capacity, or as~~
 464 ~~mutually agreed upon, pursuant to an interlocal agreement~~
 465 ~~adopted in accordance with subsections (2)-(6).~~

466 Section 3. Paragraph (b) of subsection (2) and subsection
 467 (3) of section 1013.35, Florida Statutes, are amended to read:

468 1013.35 School district educational facilities plan;
 469 definitions; preparation, adoption, and amendment; long-term
 470 work programs.—

471 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 472 FACILITIES PLAN.—

473 (b) The plan must also include a financially feasible
 474 district facilities work program for a 5-year period. The work
 475 program must include:

476 1. A schedule of major repair and renovation projects

477 necessary to maintain the educational facilities and ancillary
478 facilities of the district.

479 2. A schedule of capital outlay projects necessary to
480 ensure the availability of satisfactory student stations for the
481 projected student enrollment in K-12 programs. This schedule
482 shall consider:

483 a. The locations, capacities, and planned utilization
484 rates of current educational facilities of the district. The
485 capacity of existing satisfactory facilities, as reported in the
486 Florida Inventory of School Houses must be compared to the
487 capital outlay full-time-equivalent student enrollment as
488 determined by the department, including all enrollment used in
489 the calculation of the distribution formula in s. 1013.64.

490 b. The proposed locations of planned facilities, whether
491 those locations are consistent with the comprehensive plans of
492 all affected local governments, and recommendations for
493 infrastructure and other improvements to land adjacent to
494 existing facilities. The provisions of s. 1013.36 ~~ss.~~
495 ~~1013.33(10), (11), and (12)~~ and 1013.36 must be addressed for
496 new facilities planned within the first 3 years of the work
497 plan, as appropriate.

498 c. Plans for the use and location of relocatable
499 facilities, leased facilities, and charter school facilities.

500 d. Plans for multitrack scheduling, grade level
501 organization, block scheduling, or other alternatives that
502 reduce the need for additional permanent student stations.

503 e. Information concerning average class size and
504 utilization rate by grade level within the district which will

505 result if the tentative district facilities work program is
506 fully implemented.

507 f. The number and percentage of district students planned
508 to be educated in relocatable facilities during each year of the
509 tentative district facilities work program. For determining
510 future needs, student capacity may not be assigned to any
511 relocatable classroom that is scheduled for elimination or
512 replacement with a permanent educational facility in the current
513 year of the adopted district educational facilities plan and in
514 the district facilities work program adopted under this section.
515 Those relocatable classrooms clearly identified and scheduled
516 for replacement in a school-board-adopted, financially feasible,
517 5-year district facilities work program shall be counted at zero
518 capacity at the time the work program is adopted and approved by
519 the school board. However, if the district facilities work
520 program is changed and the relocatable classrooms are not
521 replaced as scheduled in the work program, the classrooms must
522 be reentered into the system and be counted at actual capacity.
523 Relocatable classrooms may not be perpetually added to the work
524 program or continually extended for purposes of circumventing
525 this section. All relocatable classrooms not identified and
526 scheduled for replacement, including those owned, lease-
527 purchased, or leased by the school district, must be counted at
528 actual student capacity. The district educational facilities
529 plan must identify the number of relocatable student stations
530 scheduled for replacement during the 5-year survey period and
531 the total dollar amount needed for that replacement.

532 g. Plans for the closure of any school, including plans

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533 | for disposition of the facility or usage of facility space, and
534 | anticipated revenues.

535 | h. Projects for which capital outlay and debt service
536 | funds accruing under s. 9(d), Art. XII of the State Constitution
537 | are to be used shall be identified separately in priority order
538 | on a project priority list within the district facilities work
539 | program.

540 | 3. The projected cost for each project identified in the
541 | district facilities work program. For proposed projects for new
542 | student stations, a schedule shall be prepared comparing the
543 | planned cost and square footage for each new student station, by
544 | elementary, middle, and high school levels, to the low, average,
545 | and high cost of facilities constructed throughout the state
546 | during the most recent fiscal year for which data is available
547 | from the Department of Education.

548 | 4. A schedule of estimated capital outlay revenues from
549 | each currently approved source which is estimated to be
550 | available for expenditure on the projects included in the
551 | district facilities work program.

552 | 5. A schedule indicating which projects included in the
553 | district facilities work program will be funded from current
554 | revenues projected in subparagraph 4.

555 | 6. A schedule of options for the generation of additional
556 | revenues by the district for expenditure on projects identified
557 | in the district facilities work program which are not funded
558 | under subparagraph 5. Additional anticipated revenues may
559 | include effort index grants, SIT Program awards, and Classrooms
560 | First funds.

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561 (3) SUBMITTAL OF TENTATIVE DISTRICT EDUCATIONAL FACILITIES
 562 PLAN TO LOCAL GOVERNMENT.—The district school board shall submit
 563 a copy of its tentative district educational facilities plan to
 564 all affected local governments prior to adoption by the board.
 565 The affected local governments shall review the tentative
 566 district educational facilities plan and comment to the district
 567 school board on the consistency of the plan with the local
 568 comprehensive plan, whether a comprehensive plan amendment will
 569 be necessary for any proposed educational facility, and whether
 570 the local government supports a necessary comprehensive plan
 571 amendment. If the local government does not support a
 572 comprehensive plan amendment for a proposed educational
 573 facility, the matter shall be resolved pursuant to the
 574 interlocal agreement when required by ss. 163.3177(6) (h) and
 575 ~~163.31777, and 1013.33(2)~~. The process for the submittal and
 576 review shall be detailed in the interlocal agreement when
 577 required pursuant to ss. 163.3177(6) (h) and ~~163.31777, and~~
 578 ~~1013.33(2)~~.

579 Section 4. Section 1013.351, Florida Statutes, is amended
 580 to read:

581 1013.351 Coordination of planning between the Florida
 582 School for the Deaf and the Blind and local governing bodies.—

583 (1) As used in this section, the term:

584 (a) "Board of Trustees" means the Board of Trustees of the
 585 Florida School for the Deaf and the Blind.

586 (b) "Local government" means the municipality or county in
 587 which the school is located.

588 (c) "School" means the Florida School for the Deaf and the

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589 Blind.

590 (2) It is the policy of this state to require the board of
591 trustees to coordinate planning for new facilities with local
592 governments to ensure that plans for site acquisition,
593 construction, and opening of new facilities of the school are
594 facilitated, concurrent with other necessary services. The
595 planning shall include the integration of the educational plant
596 survey for the school and applicable policies and procedures of
597 the board of trustees with the local comprehensive plan and land
598 development regulations of the local governments. The planning
599 must consider the effect of the location of new facilities to be
600 located on property acquired on or after January 1, 1998,
601 including the efficient use of local infrastructure, the
602 proximity of the proposed new facilities to the school's
603 existing campus, and the effect and impact of any property
604 proposed to be acquired by the school after the effective date
605 of this act. In addition, all parties to the planning process
606 must consult with state and local road departments to assist in
607 implementing the Safe Paths to Schools Program administered by
608 the Department of Transportation.

609 (3) The board of trustees and the municipality in which
610 the school is located may enter into an interlocal agreement to
611 establish the specific ways in which the plans and processes of
612 the board of trustees and the local government are to be
613 coordinated. ~~If the school and local government enter into an~~
614 ~~interlocal agreement, the agreement must be submitted to the~~
615 ~~state land planning agency and the Office of Educational~~
616 ~~Facilities.~~

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617 (4) At a minimum, an interlocal agreement must address the
618 following issues:

619 (a) The process by which each local government and the
620 board of trustees will agree and base their plans on consistent
621 projections of the growth and needs of the school's student
622 enrollment.

623 (b) A process to coordinate and share information relating
624 to planned expansions of the school's facilities.

625 (c) Participation by affected local governments when the
626 board of trustees is evaluating potential land acquisitions
627 before the land acquisition occurs and when the board of
628 trustees proposes uses for property acquired by the board of
629 trustees on or after January 1, 1998. The local governments
630 shall advise the board of trustees as to the consistency of any
631 future land acquisitions and the uses proposed by the school for
632 lands acquired on or after January 1, 1998, including
633 appropriate circumstances and criteria under which the board of
634 trustees may request an amendment to the comprehensive plan for
635 the expansion of the school's campus or for school facilities to
636 be located on property acquired by the board of trustees on or
637 after January 1, 1998.

638 (d) A process for determining the need for and timing of
639 onsite and offsite improvements to support new facilities that
640 are to be located on property acquired by the board of trustees
641 on or after January 1, 1998, except new facilities for which a
642 construction contract was entered on or before the effective
643 date of this act. The process shall address identification of
644 the party or parties responsible for the improvements.

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645 (e) A process for the board of trustees to inform local
646 governments of the school's enrollment demographics and its
647 capacity to meet it. The capacity reporting must identify how
648 the board of trustees will meet the demands for enrollment at
649 the school, based on the educational plant survey required by s.
650 1013.31.

651 (f) A process for determining where and how joint use of
652 the school or local government facilities can be shared for
653 mutual benefit and efficiency.

654 (g) A procedure for resolving disputes between the board
655 of trustees and local governments, which may include the dispute
656 resolution processes contained in chapters 164 and 186.

657
658 The board of trustees and the local governments may choose not
659 to include a provision meeting the requirements of paragraph
660 (e). However, this decision may be made only after a public
661 hearing on the proposed decision, which may include the public
662 hearing at which the board of trustees or the local governments
663 adopt the interlocal agreements. An interlocal agreement entered
664 into under this section must be consistent with the adopted
665 comprehensive plan and land development regulations of the local
666 governments.

667 ~~(5) (a) The Office of Educational Facilities shall submit~~
668 ~~any comments or concerns regarding the executed interlocal~~
669 ~~agreements to the state land planning agency no later than 30~~
670 ~~days after receipt of the executed interlocal agreements. The~~
671 ~~state land planning agency shall review the executed interlocal~~
672 ~~agreements to determine whether they are consistent with the~~

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673 ~~requirements of subsection (4), the adopted local government~~
674 ~~comprehensive plans, and other requirements of law. Not later~~
675 ~~than 60 days after receipt of an executed interlocal agreement,~~
676 ~~the state land planning agency shall publish a notice of intent~~
677 ~~in the Florida Administrative Weekly. The notice of intent must~~
678 ~~state that the interlocal agreement is consistent or~~
679 ~~inconsistent with the requirements of subsection (4) and this~~
680 ~~subsection as appropriate.~~

681 ~~(b)1. The state land planning agency's notice is subject~~
682 ~~to challenge under chapter 120. However, an affected person, as~~
683 ~~defined in s. 163.3184, has standing to initiate the~~
684 ~~administrative proceeding, and this proceeding is the sole means~~
685 ~~available to challenge the consistency of an interlocal~~
686 ~~agreement with the criteria contained in subsection (4) and this~~
687 ~~subsection. In order to have standing, a person must have~~
688 ~~submitted oral or written comments, recommendations, or~~
689 ~~objections to the appropriate local government or the board of~~
690 ~~trustees before the adoption of the interlocal agreement by the~~
691 ~~board of trustees and local government. The board of trustees~~
692 ~~and the appropriate local government are parties to any such~~
693 ~~proceeding.~~

694 ~~2. In the administrative proceeding, if the state land~~
695 ~~planning agency finds the interlocal agreement to be consistent~~
696 ~~with the criteria in subsection (4) and this subsection, the~~
697 ~~interlocal agreement must be determined to be consistent with~~
698 ~~subsection (4) and this subsection if the local government and~~
699 ~~board of trustees is fairly debatable.~~

700 ~~3. If the state land planning agency finds the interlocal~~

701 ~~agreement to be inconsistent with the requirements of subsection~~
 702 ~~(4) and this subsection, the determination of consistency by the~~
 703 ~~local government and board of trustees shall be sustained unless~~
 704 ~~it is shown by a preponderance of the evidence that the~~
 705 ~~interlocal agreement is inconsistent.~~

706 ~~(c) If the state land planning agency enters a final order~~
 707 ~~that finds that the interlocal agreement is inconsistent with~~
 708 ~~the requirements of subsection (4) or this subsection, the state~~
 709 ~~land planning agency shall identify the issues in dispute and~~
 710 ~~submit the matter to the Administration Commission for final~~
 711 ~~action. The report to the Administration Commission must list~~
 712 ~~each issue in dispute, describe the nature and basis for each~~
 713 ~~dispute, identify alternative resolutions of each dispute, and~~
 714 ~~make recommendations. After receiving the report from the state~~
 715 ~~land planning agency, the Administration Commission shall take~~
 716 ~~action to resolve the issues. In deciding upon a proper~~
 717 ~~resolution, the Administration Commission shall consider the~~
 718 ~~nature of the issues in dispute, the compliance of the parties~~
 719 ~~with this section, the extent of the conflict between the~~
 720 ~~parties, the comparative hardships, and the public interest~~
 721 ~~involved. In resolving the matter, the Administration Commission~~
 722 ~~may prescribe, by order, the contents of the interlocal~~
 723 ~~agreement which shall be executed by the board of trustees and~~
 724 ~~the local government.~~

725 ~~(5)-(6)~~ (5) An interlocal agreement may be amended under
 726 subsections (2)-(4) ~~(2)-(5)~~:

727 (a) In conjunction with updates to the school's
 728 educational plant survey prepared under s. 1013.31; or

729 (b) If either party delays by more than 12 months the
 730 construction of a capital improvement identified in the
 731 agreement.

732 ~~(6)-(7)~~ This section does not prohibit a local governing
 733 body and the board of trustees from agreeing and establishing an
 734 alternative process for reviewing proposed expansions to the
 735 school's campus and offsite impacts, under the interlocal
 736 agreement adopted in accordance with subsections (2)-(5) ~~(2)-~~
 737 ~~(6)~~.

738 ~~(7)-(8)~~ School facilities within the geographic area or the
 739 campus of the school as it existed on or before January 1, 1998,
 740 are consistent with the local government's comprehensive plan
 741 developed under part II of chapter 163 and consistent with the
 742 plan's implementing land development regulations. School
 743 facilities, and all uses, structures, fences, enclosures, and
 744 walls that exist on school facilities as of July 1, 2012, are
 745 vested. The local government shall cooperate with the school to
 746 allow for restoration of school facilities, and all uses,
 747 structures, fences, enclosures, and walls that exist on school
 748 facilities. School facilities, and all uses, structures, fences,
 749 enclosures, and walls that exist on school facilities, shall
 750 comply with the state Fair Housing Act, the federal Fair Housing
 751 Act, and the Americans with Disabilities Act of 1990.

752 ~~(8)-(9)~~ To improve coordination relative to potential
 753 educational facility sites, the board of trustees shall provide
 754 written notice to the local governments consistent with the
 755 interlocal agreements entered under subsections (2)-(5) ~~(2)-(6)~~
 756 at least 60 days before the board of trustees acquires any

757 additional property. The local government shall notify the board
 758 of trustees no later than 45 days after receipt of this notice
 759 if the site proposed for acquisition is consistent with the land
 760 use categories and policies of the local government's
 761 comprehensive plan. This preliminary notice does not constitute
 762 the local government's determination of consistency under
 763 subsection (9) ~~(10)~~.

764 (9) ~~(10)~~ As early in the design phase as feasible, but no
 765 later than 90 days before commencing construction, the board of
 766 trustees shall request in writing a determination of consistency
 767 with the local government's comprehensive plan and local
 768 development regulations for the proposed use of any property
 769 acquired by the board of trustees on or after January 1, 1998.
 770 The local governing body that regulates the use of land shall
 771 determine, in writing, no later than 45 days after receiving the
 772 necessary information and a school board's request for a
 773 determination, whether a proposed use of the property is
 774 consistent with the local comprehensive plan and consistent with
 775 local land development regulations. If the local governing body
 776 determines the proposed use is consistent, construction may
 777 commence and additional local government approvals are not
 778 required, except as provided in this section. Failure of the
 779 local governing body to make a determination in writing within
 780 90 days after receiving the board of trustees' request for a
 781 determination of consistency shall be considered an approval of
 782 the board of trustees' application. This subsection does not
 783 apply to facilities to be located on the property if a contract
 784 for construction of the facilities was entered on or before the

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785 effective date of this act.

786 (10)~~(11)~~ Disputes that arise in the implementation of an
787 executed interlocal agreement or in the determinations required
788 pursuant to subsection (8) ~~(9)~~ or subsection (9) ~~(10)~~ must be
789 resolved in accordance with chapter 164.

790 Section 5. Subsection (6) of section 1013.36, Florida
791 Statutes, is amended to read:

792 1013.36 Site planning and selection.-

793 (6) If the school board and local government have entered
794 into an interlocal agreement pursuant to ~~s. 1013.33(2)~~ and
795 ~~either~~ s. 163.3177(6)(h)4. or s. 163.31777 or have developed a
796 process to ensure consistency between the local government
797 comprehensive plan and the school district educational
798 facilities plan, site planning and selection must be consistent
799 with the interlocal agreements and the plans.

800 Section 6. This act shall take effect July 1, 2012.