

BRIEF SYNOPSIS OF SB 360 AND OTHER LEGISLATIVE OUTCOMES (From FAPA website: floridaplanning.org)

As you are all aware by now, the Florida Legislature passed [SB 360](#) (pdf), an Act Relating to Infrastructure Planning and Funding. Click on the bill number or go to the [Florida Senate website](#) and search Senate Bill 360. *When the web page for that bill number appears, make sure you click on the "Enrolled" or "ER" version of the bill.*

The Senate Committee on Community Affairs wrote an excellent summary of the bill, which you will find in [this PDF file](#). DCA is currently working on a summary as well, which they should have completed in time for their annual conference this coming Monday. Upon its release, it will be posted to FAPA's Legislative web page. In the meantime, a brief summary follows:

- The bill appropriates \$1.5 billion in new money for transportation, water and school infrastructure programs. The money is split evenly between nonrecurring and recurring dollars. As such, it appropriates \$750 million annually to fund these infrastructure projects (the Senate's summary provides a table on how these dollars are to be spent). It appropriates \$3 million annually from the Grants and Donations Trust Fund to DCA for technical assistance, as well as \$250,000 annually to support the Century Commission (as explained below). DCA is tasked with staffing that commission.
- The bill makes numerous changes to requirements associated with the Capital Improvements Element, including defining financial feasibility, requiring a local government's comprehensive plan to be financially feasible, requiring the capital improvements element to include a schedule of improvements that ensure the adopted LOS standards are achieved and maintained, and authorizing local governments to adopt a 10 or 15 year long-term concurrency management system for transportation and school facilities under certain circumstances.
- The bill strengthens the link between land use and water supply planning by requiring the potable water element to incorporate alternative water supply projects within 18 months of adoption of regional water supply plans.
- With regard to schools, the bill requires that adequate school facilities be in place or under construction within three years after the issuance of a final subdivision or site plan approval. It requires all local governments to adopt a public schools element and update to the interlocal agreement by December 1, 2008. No plan amendments that increase residential density may be adopted after that date unless the element and update are in place. School concurrency issues are also addressed including providing for proportionate-share mitigation for school capacity.
- The bill makes numerous revisions to transportation concurrency requirements including requiring local governments to adopt a proportionate-share ordinance and adopt it in their concurrency management system by December 1, 2006; under certain conditions, provides that proportionate-share mitigation be applied as a credit to transportation impact fees.
- The bill provides numerous regulatory incentives. For instance, it encourages local governments to adopt a community vision and urban service area in exchange for amendments within those areas being treated as small scale amendments. It also creates a DRI exemption in certain urban service areas, Rural Land Stewardship Areas, and Urban Infill and Redevelopment Areas provided in all cases the local government enters into an agreement with FDOT and adjacent jurisdictions to address the mitigation of impacts.
- The bill creates a 15 member Century Commission and charges it with developing a 25 and 50 year vision for the State of Florida.
- The Bill creates a School Concurrency Task Force to review the requirements for school concurrency and develop recommendations to streamline the process as well as review and make recommendations with respect to the methodology and processes used for funding public school construction.
- The bill creates the Florida Impact Fee Review Task Force and charges it with surveying and reviewing the current impact fee program in Florida.

There are, of course, exemptions to many of the requirements listed above as well as numerous miscellaneous provisions. We encourage you to read the bill to comprehend its full effects.