

1
2 An act relating to infrastructure planning and
3 funding; amending s. 163.3164, F.S.; defining
4 the term "financial feasibility"; amending s.
5 163.3177, F.S.; revising requirements for the
6 capital improvements element of a comprehensive
7 plan; requiring a schedule of capital
8 improvements; providing a deadline for certain
9 amendments; providing an exception; providing
10 for sanctions; requiring incorporation of
11 selected water supply projects in the
12 comprehensive plan; authorizing planning for
13 multijurisdictional water supply facilities;
14 providing requirements for counties and
15 municipalities with respect to the public
16 school facilities element; requiring an
17 interlocal agreement; providing for a waiver
18 under certain circumstances; exempting certain
19 municipalities from such requirements;
20 requiring that the state land planning agency
21 establish a schedule for adopting and updating
22 the public school facilities element; revising
23 the requirements and criteria for establishing
24 a rural land stewardship area; revising the
25 requirements for designating a stewardship
26 receiving area to address listed species;
27 revising requirements for an ordinance adopting
28 a plan amendment to create a rural land
29 stewardship area; encouraging local governments
30 to include a community vision and an urban
31 service boundary as a component of their

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

1 the impacts on public school facilities;
2 providing for the adoption of a transportation
3 concurrency management system by ordinance;
4 providing requirements for proportionate
5 fair-share mitigation; providing an exception;
6 amending s. 163.3184, F.S.; prescribing
7 authority of local governments to adopt plan
8 amendments after adopting community vision and
9 an urban service boundary; providing for small
10 scale plan amendment review under certain
11 circumstances; providing exemptions; providing
12 concurrency exemption for certain DRI projects;
13 amending s. 163.3191, F.S.; providing
14 additional requirements for the evaluation and
15 assessment of the comprehensive plan for
16 counties and municipalities that do not have a
17 public schools interlocal agreement; revising
18 requirements for the evaluation and appraisal
19 report; providing time limit for amendments
20 relating to the report; amending s. 339.135,
21 F.S., relating to tentative work programs of
22 the Department of Transportation; conforming
23 provisions to changes made by the act;
24 requiring the Office of Program Policy Analysis
25 and Government Accountability to perform a
26 study of the boundaries of specified state
27 entities; requiring a report to the
28 Legislature; creating s. 163.3247, F.S.;
29 providing a popular name; providing legislative
30 findings and intent; creating the Century
31 Commission for certain purposes; providing for

1 appointment of commission members; providing
2 for terms; providing for meetings and votes of
3 members; requiring members to serve without
4 compensation; providing for per diem and travel
5 expenses; providing powers and duties of the
6 commission; requiring the creation of a joint
7 select committee of the Legislature; providing
8 purposes; requiring the Secretary of Community
9 Affairs to select an executive director of the
10 commission; requiring the Department of
11 Community Affairs to provide staff for the
12 commission; providing for other agency staff
13 support for the commission; creating s.
14 339.2819, F.S.; creating the Transportation
15 Regional Incentive Program within the
16 Department of Transportation; providing
17 matching funds for projects meeting certain
18 criteria; amending s. 337.107, F.S.; allowing
19 the inclusion of right-of-way services in
20 certain design-build contracts; amending s.
21 337.107, F.S., effective July 1, 2007;
22 eliminating the inclusion of right-of-way
23 services and as part of design-build contracts
24 under certain circumstances; amending s.
25 337.11, F.S.; allowing the Department of
26 Transportation to include right-of-way services
27 and design and construction into a single
28 contract; providing an exception; delaying
29 construction activities in certain
30 circumstances; amending s. 337.11, F.S.,
31 effective July 1, 2007; deleting language

1 allowing right-of-way services and design and
2 construction phases to be combined for certain
3 projects; deleting an exception; amending s.
4 380.06, F.S.; providing exceptions; amending s.
5 1013.33, F.S.; conforming provisions to changes
6 made by the act; amending s. 206.46, F.S.;
7 increasing the threshold for maximum debt
8 service for transfers in the State
9 Transportation Trust Fund; amending s. 339.08,
10 F.S.; providing for expenditure of moneys in
11 the State Transportation Trust Fund; amending
12 s. 339.155, F.S.; providing for the development
13 of regional transportation plans in Regional
14 Transportation Areas; amending s. 339.175,
15 F.S.; making conforming changes to provisions
16 of the act; amending s. 339.55, F.S.; providing
17 for loans for certain projects from the
18 state-funded infrastructure bank within the
19 Department of Transportation; amending s.
20 1013.64, F.S.; providing for the expenditure of
21 funds in the Public Education Capital Outlay
22 and Debt Service Trust Fund; amending s.
23 1013.65, F.S.; providing funding for the
24 Classrooms for Kids Program; amending s.
25 201.15, F.S.; providing for the expenditure of
26 certain excise taxes on documents; providing
27 for appropriations for the 2005-2006 fiscal
28 year on a nonrecurring basis for certain
29 purposes; specifying the evidentiary standard a
30 local government must meet when defending a
31 challenge to an ordinance establishing an

1 impact fee; requiring the Department of
2 Transportation to amend the tentative work
3 program and budget for 2005-2006; prohibits
4 reversion of certain funds; providing a
5 declaration of important state interest;
6 creating s. 1013.789, F.S.; establishing the
7 High Growth County Construction Account
8 program; amending s. 339.2818, F.S.; providing
9 for an annual appropriation from the State
10 Transportation Trust Fund for purposes of
11 funding the Small County Outreach Program;
12 amending s. 341.051, F.S.; providing for an
13 annual appropriation from the State
14 Transportation Trust Fund for purposes of
15 funding the New Starts Transit Program;
16 amending s. 339.61, F.S.; providing for
17 appropriations from the State Transportation
18 Trust Fund; creating s. 403.891, F.S.;
19 appropriating funds to the Water Protection and
20 Sustainability Trust Fund; creating s. 1013.78,
21 F.S.; creating the High Growth District Capital
22 Outlay Assistance Grant Program; providing for
23 grants to school districts meeting certain
24 criteria; Amending s. 380.115, F.S.; allowing
25 an applicant under the development-of-regional
26 impact program to proceed under that program
27 after an optional sector plan is adopted;
28 grandfathering certain developments of regional
29 impact from the provisions of this act relating
30 to chs. 163 and 380, F.S.; providing annual
31 appropriations from the Grants and Donations

1 Trust Fund for purposes of implementing the act
2 and supporting the Century Commission;
3 providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Subsection (32) is added to section
8 163.3164, Florida Statutes, to read:

9 163.3164 Local Government Comprehensive Planning and
10 Land Development Regulation Act; definitions.--As used in this
11 act:

12 (32) "Financial feasibility" means that sufficient
13 revenues are currently available or will be available from
14 committed funding sources for the first 3 years, or will be
15 available from committed or planned funding sources for years
16 4 and 5, of a 5-year capital improvement schedule for
17 financing capital improvements, such as ad valorem taxes,
18 bonds, state and federal funds, tax revenues, impact fees, and
19 developer contributions, which are adequate to fund the
20 projected costs of the capital improvements identified in the
21 comprehensive plan necessary to ensure that adopted
22 level-of-service standards are achieved and maintained within
23 the period covered by the 5-year schedule of capital
24 improvements. The requirement that level-of-service standards
25 be achieved and maintained shall not apply if the
26 proportionate-share process set forth in s. 163.3180(12) and
27 (16) is used.

28 Section 2. Subsections (2) and (3), paragraphs (a),
29 (c), and (h) of subsection (6), paragraph (d) of subsection
30 (11), and subsection (12) of section 163.3177, Florida
31

1 Statutes, are amended, and subsections (13) and (14) are added
2 to that section, to read:

3 163.3177 Required and optional elements of
4 comprehensive plan; studies and surveys.--

5 (2) Coordination of the several elements of the local
6 comprehensive plan shall be a major objective of the planning
7 process. The several elements of the comprehensive plan shall
8 be consistent, and the comprehensive plan shall be financially
9 ~~economically~~ feasible. Financial feasibility shall be
10 determined using professionally accepted methodologies.

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

15 1. A component which outlines principles for
16 construction, extension, or increase in capacity of public
17 facilities, as well as a component which outlines principles
18 for correcting existing public facility deficiencies, which
19 are necessary to implement the comprehensive plan. The
20 components shall cover at least a 5-year period.

21 2. Estimated public facility costs, including a
22 delineation of when facilities will be needed, the general
23 location of the facilities, and projected revenue sources to
24 fund the facilities.

25 3. Standards to ensure the availability of public
26 facilities and the adequacy of those facilities including
27 acceptable levels of service.

28 4. Standards for the management of debt.

29 5. A schedule of capital improvements which includes
30 publicly funded projects, and which may include privately
31 funded projects for which the local government has no fiscal

1 responsibility, necessary to ensure that adopted
2 level-of-service standards are achieved and maintained. For
3 capital improvements that will be funded by the developer,
4 financial feasibility shall be demonstrated by being
5 guaranteed in an enforceable development agreement or
6 interlocal agreement pursuant to paragraph (10)(h), or other
7 enforceable agreement. These development agreements and
8 interlocal agreements shall be reflected in the schedule of
9 capital improvements if the capital improvement is necessary
10 to serve development within the 5-year schedule. If the local
11 government uses planned revenue sources that require referenda
12 or other actions to secure the revenue source, the plan must,
13 in the event the referenda are not passed or actions do not
14 secure the planned revenue source, identify other existing
15 revenue sources that will be used to fund the capital projects
16 or otherwise amend the plan to ensure financial feasibility.

17 6. The schedule must include transportation
18 improvements included in the applicable metropolitan planning
19 organization's transportation improvement program adopted
20 pursuant to s. 339.175(7) to the extent that such improvements
21 are relied upon to ensure concurrency and financial
22 feasibility. The schedule must also be coordinated with the
23 applicable metropolitan planning organization's long-range
24 transportation plan adopted pursuant to s. 339.175(6).

25 (b)1. The capital improvements element shall be
26 reviewed on an annual basis and modified as necessary in
27 accordance with s. 163.3187 or s. 163.3189 in order to
28 maintain a financially feasible 5-year schedule of capital
29 improvements., ~~except that~~ Corrections, ~~updates,~~ and
30 modifications concerning costs; revenue sources; or acceptance
31 of facilities pursuant to dedications which are consistent

1 with the plan; ~~or the date of construction of any facility~~
2 ~~enumerated in the capital improvements element~~ may be
3 accomplished by ordinance and shall not be deemed to be
4 amendments to the local comprehensive plan. A copy of the
5 ordinance shall be transmitted to the state land planning
6 agency. An amendment to the comprehensive plan is required to
7 update the schedule on an annual basis or to eliminate, defer,
8 or delay the construction for any facility listed in the
9 5-year schedule. All public facilities shall be consistent
10 with the capital improvements element. Amendments to implement
11 this section must be adopted and transmitted no later than
12 December 1, 2007. Thereafter, a local government may not amend
13 its future land use map, except for plan amendments to meet
14 new requirements under this part and emergency amendments
15 pursuant to s. 163.3187(1)(a), after December 1, 2007, and
16 every year thereafter, unless and until the local government
17 has adopted the annual update and it has been transmitted to
18 the state land planning agency.

19 2. Capital improvements element amendments adopted
20 after the effective date of this act shall require only a
21 single public hearing before the governing board which shall
22 be an adoption hearing as described in s. 163.3184(7). Such
23 amendments are not subject to the requirements of s.
24 163.3184(3)-(6).

25 (c) If the local government does not adopt the
26 required annual update to the schedule of capital improvements
27 or the annual update is found not in compliance, the state
28 land planning agency must notify the Administration
29 Commission. A local government that has a demonstrated lack of
30 commitment to meeting its obligations identified in the
31

1 capital improvement element may be subject to sanctions by the
2 Administration Commission pursuant to s. 163.3184(11).

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

9 (6) In addition to the requirements of subsections
10 (1)-(5) and (12), the comprehensive plan shall include the
11 following elements:

12 (a) A future land use plan element designating
13 proposed future general distribution, location, and extent of
14 the uses of land for residential uses, commercial uses,
15 industry, agriculture, recreation, conservation, education,
16 public buildings and grounds, other public facilities, and
17 other categories of the public and private uses of land.
18 Counties are encouraged to designate rural land stewardship
19 areas, pursuant to the provisions of paragraph (11)(d), as
20 overlays on the future land use map. Each future land use
21 category must be defined in terms of uses included, and must
22 include standards to be followed in the control and
23 distribution of population densities and building and
24 structure intensities. The proposed distribution, location,
25 and extent of the various categories of land use shall be
26 shown on a land use map or map series which shall be
27 supplemented by goals, policies, and measurable objectives.
28 The future land use plan shall be based upon surveys, studies,
29 and data regarding the area, including the amount of land
30 required to accommodate anticipated growth; the projected
31 population of the area; the character of undeveloped land; the

1 availability of water supplies, public facilities, and
2 services; the need for redevelopment, including the renewal of
3 blighted areas and the elimination of nonconforming uses which
4 are inconsistent with the character of the community; the
5 compatibility of uses on lands adjacent to or closely
6 proximate to military installations; and, in rural
7 communities, the need for job creation, capital investment,
8 and economic development that will strengthen and diversify
9 the community's economy. The future land use plan may
10 designate areas for future planned development use involving
11 combinations of types of uses for which special regulations
12 may be necessary to ensure development in accord with the
13 principles and standards of the comprehensive plan and this
14 act. The future land use plan element shall include criteria
15 to be used to achieve the compatibility of adjacent or closely
16 proximate lands with military installations. In addition, for
17 rural communities, the amount of land designated for future
18 planned industrial use shall be based upon surveys and studies
19 that reflect the need for job creation, capital investment,
20 and the necessity to strengthen and diversify the local
21 economies, and shall not be limited solely by the projected
22 population of the rural community. The future land use plan of
23 a county may also designate areas for possible future
24 municipal incorporation. The land use maps or map series shall
25 generally identify and depict historic district boundaries and
26 shall designate historically significant properties meriting
27 protection. The future land use element must clearly identify
28 the land use categories in which public schools are an
29 allowable use. When delineating the land use categories in
30 which public schools are an allowable use, a local government
31 shall include in the categories sufficient land proximate to

1 residential development to meet the projected needs for
2 schools in coordination with public school boards and may
3 establish differing criteria for schools of different type or
4 size. Each local government shall include lands contiguous to
5 existing school sites, to the maximum extent possible, within
6 the land use categories in which public schools are an
7 allowable use. ~~All comprehensive plans must comply with the~~
8 ~~school siting requirements of this paragraph no later than~~
9 ~~October 1, 1999.~~ The failure by a local government to comply
10 with these school siting requirements ~~by October 1, 1999~~, will
11 result in the prohibition of the local government's ability to
12 amend the local comprehensive plan, except for plan amendments
13 described in s. 163.3187(1)(b), until the school siting
14 requirements are met. Amendments proposed by a local
15 government for purposes of identifying the land use categories
16 in which public schools are an allowable use ~~or for adopting~~
17 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~
18 are exempt from the limitation on the frequency of plan
19 amendments contained in s. 163.3187. The future land use
20 element shall include criteria that encourage the location of
21 schools proximate to urban residential areas to the extent
22 possible and shall require that the local government seek to
23 collocate public facilities, such as parks, libraries, and
24 community centers, with schools to the extent possible and to
25 encourage the use of elementary schools as focal points for
26 neighborhoods. For schools serving predominantly rural
27 counties, defined as a county with a population of 100,000 or
28 fewer, an agricultural land use category shall be eligible for
29 the location of public school facilities if the local
30 comprehensive plan contains school siting criteria and the
31 location is consistent with such criteria. Local governments

1 required to update or amend their comprehensive plan to
2 include criteria and address compatibility of adjacent or
3 closely proximate lands with existing military installations
4 in their future land use plan element shall transmit the
5 update or amendment to the department by June 30, 2006.

6 (c) A general sanitary sewer, solid waste, drainage,
7 potable water, and natural groundwater aquifer recharge
8 element correlated to principles and guidelines for future
9 land use, indicating ways to provide for future potable water,
10 drainage, sanitary sewer, solid waste, and aquifer recharge
11 protection requirements for the area. The element may be a
12 detailed engineering plan including a topographic map
13 depicting areas of prime groundwater recharge. The element
14 shall describe the problems and needs and the general
15 facilities that will be required for solution of the problems
16 and needs. The element shall also include a topographic map
17 depicting any areas adopted by a regional water management
18 district as prime groundwater recharge areas for the Floridan
19 or Biscayne aquifers, pursuant to s. 373.0395. These areas
20 shall be given special consideration when the local government
21 is engaged in zoning or considering future land use for said
22 designated areas. For areas served by septic tanks, soil
23 surveys shall be provided which indicate the suitability of
24 soils for septic tanks. Within 18 months after the governing
25 board approves an updated regional water supply plan ~~By~~
26 ~~December 1, 2006,~~ the element must incorporate the alternative
27 water supply project or projects selected by the local
28 government from those identified in the regional water supply
29 plan pursuant to s. 373.0361(2)(a) or proposed by the local
30 government under s. 373.0361(7)(b) ~~consider the appropriate~~
31 ~~water management district's regional water supply plan~~

1 ~~approved pursuant to s. 373.0361. If a local government is~~
2 located within two water management districts, the local
3 government shall adopt its comprehensive plan amendment within
4 18 months after the later updated regional water supply plan.
5 The element must identify such alternative water supply
6 projects and traditional water supply projects and
7 conservation and reuse necessary to meet the water needs
8 identified in s. 373.0361(2)(a) within the local government's
9 jurisdiction and include a work plan, covering at least a 10
10 year planning period, for building public, private, and
11 regional water supply facilities, including development of
12 alternative water supplies, which ~~that~~ are identified in the
13 element as necessary to serve existing and new development ~~and~~
14 ~~for which the local government is responsible.~~ The work plan
15 shall be updated, at a minimum, every 5 years within 18 ~~12~~
16 months after the governing board of a water management
17 district approves an updated regional water supply plan.
18 Amendments to incorporate the work plan do not count toward
19 the limitation on the frequency of adoption of amendments to
20 the comprehensive plan. Local governments, public and private
21 utilities, regional water supply authorities, special
22 districts, and water management districts are encouraged to
23 cooperatively plan for the development of multijurisdictional
24 water supply facilities that are sufficient to meet projected
25 demands for established planning periods, including the
26 development of alternative water sources to supplement
27 traditional sources of ground and surface water supplies.
28 (h)1. An intergovernmental coordination element
29 showing relationships and stating principles and guidelines to
30 be used in the accomplishment of coordination of the adopted
31 comprehensive plan with the plans of school boards, regional

1 | water supply authorities, and other units of local government
2 | providing services but not having regulatory authority over
3 | the use of land, with the comprehensive plans of adjacent
4 | municipalities, the county, adjacent counties, or the region,
5 | with the state comprehensive plan and with the applicable
6 | regional water supply plan approved pursuant to s. 373.0361,
7 | as the case may require and as such adopted plans or plans in
8 | preparation may exist. This element of the local
9 | comprehensive plan shall demonstrate consideration of the
10 | particular effects of the local plan, when adopted, upon the
11 | development of adjacent municipalities, the county, adjacent
12 | counties, or the region, or upon the state comprehensive plan,
13 | as the case may require.

14 | a. The intergovernmental coordination element shall
15 | provide for procedures to identify and implement joint
16 | planning areas, especially for the purpose of annexation,
17 | municipal incorporation, and joint infrastructure service
18 | areas.

19 | b. The intergovernmental coordination element shall
20 | provide for recognition of campus master plans prepared
21 | pursuant to s. 1013.30.

22 | c. The intergovernmental coordination element may
23 | provide for a voluntary dispute resolution process as
24 | established pursuant to s. 186.509 for bringing to closure in
25 | a timely manner intergovernmental disputes. A local
26 | government may develop and use an alternative local dispute
27 | resolution process for this purpose.

28 | 2. The intergovernmental coordination element shall
29 | further state principles and guidelines to be used in the
30 | accomplishment of coordination of the adopted comprehensive
31 | plan with the plans of school boards and other units of local

1 government providing facilities and services but not having
2 regulatory authority over the use of land. In addition, the
3 intergovernmental coordination element shall describe joint
4 processes for collaborative planning and decisionmaking on
5 population projections and public school siting, the location
6 and extension of public facilities subject to concurrency, and
7 siting facilities with countywide significance, including
8 locally unwanted land uses whose nature and identity are
9 established in an agreement. Within 1 year of adopting their
10 intergovernmental coordination elements, each county, all the
11 municipalities within that county, the district school board,
12 and any unit of local government service providers in that
13 county shall establish by interlocal or other formal agreement
14 executed by all affected entities, the joint processes
15 described in this subparagraph consistent with their adopted
16 intergovernmental coordination elements.

17 3. To foster coordination between special districts
18 and local general-purpose governments as local general-purpose
19 governments implement local comprehensive plans, each
20 independent special district must submit a public facilities
21 report to the appropriate local government as required by s.
22 189.415.

23 4.a. Local governments ~~adopting a public educational~~
24 ~~facilities element pursuant to s. 163.31776~~ must execute an
25 interlocal agreement with the district school board, the
26 county, and nonexempt municipalities pursuant to s. 163.31777,
27 ~~as defined by s. 163.31776(1), which includes the items listed~~
28 ~~in s. 163.31777(2)~~. The local government shall amend the
29 intergovernmental coordination element to provide that
30 coordination between the local government and school board is
31

1 pursuant to the agreement and shall state the obligations of
2 the local government under the agreement.

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

5 5. The state land planning agency shall establish a
6 schedule for phased completion and transmittal of plan
7 amendments to implement subparagraphs 1., 2., and 3. from all
8 jurisdictions so as to accomplish their adoption by December
9 31, 1999. A local government may complete and transmit its
10 plan amendments to carry out these provisions prior to the
11 scheduled date established by the state land planning agency.
12 The plan amendments are exempt from the provisions of s.
13 163.3187(1).

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

18 a. Identifies all existing or proposed interlocal
19 service-delivery agreements regarding the following:
20 education; sanitary sewer; public safety; solid waste;
21 drainage; potable water; parks and recreation; and
22 transportation facilities.

23 b. Identifies any deficits or duplication in the
24 provision of services within its jurisdiction, whether capital
25 or operational. Upon request, the Department of Community
26 Affairs shall provide technical assistance to the local
27 governments in identifying deficits or duplication.

28 7. Within 6 months after submission of the report, the
29 Department of Community Affairs shall, through the appropriate
30 regional planning council, coordinate a meeting of all local
31 governments within the regional planning area to discuss the

1 reports and potential strategies to remedy any identified
2 deficiencies or duplications.

3 8. Each local government shall update its
4 intergovernmental coordination element based upon the findings
5 in the report submitted pursuant to subparagraph 6. The report
6 may be used as supporting data and analysis for the
7 intergovernmental coordination element.

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

13 (11)

14 (d)1. The department, in cooperation with the
15 Department of Agriculture and Consumer Services, the
16 Department of Environmental Protection, water management
17 districts, and regional planning councils, shall provide
18 assistance to local governments in the implementation of this
19 paragraph and rule 9J-5.006(5)(1), Florida Administrative
20 Code. Implementation of those provisions shall include a
21 process by which the department may authorize local
22 governments to designate all or portions of lands classified
23 in the future land use element as predominantly agricultural,
24 rural, open, open-rural, or a substantively equivalent land
25 use, as a rural land stewardship area within which planning
26 and economic incentives are applied to encourage the
27 implementation of innovative and flexible planning and
28 development strategies and creative land use planning
29 techniques, including those contained herein and in rule
30 9J-5.006(5)(1), Florida Administrative Code. Assistance may
31 include, but is not limited to:

1 a. Assistance from the Department of Environmental
2 Protection and water management districts in creating the
3 geographic information systems land cover database and aerial
4 photogrammetry needed to prepare for a rural land stewardship
5 area;

6 b. Support for local government implementation of
7 rural land stewardship concepts by providing information and
8 assistance to local governments regarding land acquisition
9 programs that may be used by the local government or
10 landowners to leverage the protection of greater acreage and
11 maximize the effectiveness of rural land stewardship areas;
12 and

13 c. Expansion of the role of the Department of
14 Community Affairs as a resource agency to facilitate
15 establishment of rural land stewardship areas in smaller rural
16 counties that do not have the staff or planning budgets to
17 create a rural land stewardship area.

18 2. The department shall encourage participation by
19 local governments of different sizes and rural characteristics
20 in establishing and implementing rural land stewardship areas.
21 It is the intent of the Legislature that rural land
22 stewardship areas be used to further the following broad
23 principles of rural sustainability: restoration and
24 maintenance of the economic value of rural land; control of
25 urban sprawl; identification and protection of ecosystems,
26 habitats, and natural resources; promotion of rural economic
27 activity; maintenance of the viability of Florida's
28 agricultural economy; and protection of the character of rural
29 areas of Florida. Rural land stewardship areas may be
30 multicounty in order to encourage coordinated regional
31 stewardship planning.

1 3. A local government, in conjunction with a regional
2 planning council, a stakeholder organization of private land
3 owners, or another local government, shall notify the
4 department in writing of its intent to designate a rural land
5 stewardship area. The written notification shall describe the
6 basis for the designation, including the extent to which the
7 rural land stewardship area enhances rural land values,
8 controls urban sprawl, provides necessary open space for
9 agriculture and protection of the natural environment,
10 promotes rural economic activity, and maintains rural
11 character and the economic viability of agriculture.

12 4. A rural land stewardship area shall be not less
13 than 10,000 acres and shall be located outside of
14 municipalities and established urban growth boundaries, and
15 shall be designated by plan amendment. The plan amendment
16 designating a rural land stewardship area shall be subject to
17 review by the Department of Community Affairs pursuant to s.
18 163.3184 and shall provide for the following:

19 a. Criteria for the designation of receiving areas
20 within rural land stewardship areas in which innovative
21 planning and development strategies may be applied. Criteria
22 shall at a minimum provide for the following: adequacy of
23 suitable land to accommodate development so as to avoid
24 conflict with environmentally sensitive areas, resources, and
25 habitats; compatibility between and transition from higher
26 density uses to lower intensity rural uses; the establishment
27 of receiving area service boundaries which provide for a
28 separation between receiving areas and other land uses within
29 the rural land stewardship area through limitations on the
30 extension of services; and connection of receiving areas with
31

1 the rest of the rural land stewardship area using rural design
2 and rural road corridors.

3 b. Goals, objectives, and policies setting forth the
4 innovative planning and development strategies to be applied
5 within rural land stewardship areas pursuant to the provisions
6 of this section.

7 c. A process for the implementation of innovative
8 planning and development strategies within the rural land
9 stewardship area, including those described in this subsection
10 and rule 9J-5.006(5)(1), Florida Administrative Code, which
11 provide for a functional mix of land uses, including adequate
12 available work force housing, including low, very-low and
13 moderate income housing for the development anticipated in the
14 receiving area and which are applied through the adoption by
15 the local government of zoning and land development
16 regulations applicable to the rural land stewardship area.

17 d. A process which encourages visioning pursuant to s.
18 163.3167(11) to ensure that innovative planning and
19 development strategies comply with the provisions of this
20 section.

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

25 5. A receiving area shall be designated by the
26 adoption of a land development regulation. Prior to the
27 designation of a receiving area, the local government shall
28 provide the Department of Community Affairs a period of 30
29 days in which to review a proposed receiving area for
30 consistency with the rural land stewardship area plan
31 amendment and to provide comments to the local government. At

1 the time of designation of a stewardship receiving area, a
2 listed species survey will be performed. If listed species
3 occur on the receiving area site, the developer shall
4 coordinate with each appropriate local, state, or federal
5 agency to determine if adequate provisions have been made to
6 protect those species in accordance with applicable
7 regulations. In determining the adequacy of provisions for the
8 protection of listed species and their habitats, the rural
9 land stewardship area shall be considered as a whole, and the
10 impacts to areas to be developed as receiving areas shall be
11 considered together with the environmental benefits of areas
12 protected as sending areas in fulfilling this criteria.

13 6. Upon the adoption of a plan amendment creating a
14 rural land stewardship area, the local government shall, by
15 ordinance, establish the methodology for the creation,
16 conveyance, and use of transferrable rural land use credits,
17 otherwise referred to as stewardship credits, the application
18 of assign to the area a certain number of credits, to be known
19 as "transferable rural land use credits," which shall not
20 constitute a right to develop land, nor increase density of
21 land, except as provided by this section. The total amount of
22 transferable rural land use credits within assigned to the
23 rural land stewardship area must enable the realization of the
24 long-term vision and goals for correspond to the 25-year or
25 greater projected population of the rural land stewardship
26 area. Transferable rural land use credits are subject to the
27 following limitations:

28 a. Transferable rural land use credits may only exist
29 within a rural land stewardship area.

30 b. Transferable rural land use credits may only be
31 used on lands designated as receiving areas and then solely

1 for the purpose of implementing innovative planning and
2 development strategies and creative land use planning
3 techniques adopted by the local government pursuant to this
4 section.

5 c. Transferable rural land use credits assigned to a
6 parcel of land within a rural land stewardship area shall
7 cease to exist if the parcel of land is removed from the rural
8 land stewardship area by plan amendment.

9 d. Neither the creation of the rural land stewardship
10 area by plan amendment nor the assignment of transferable
11 rural land use credits by the local government shall operate
12 to displace the underlying density of land uses assigned to a
13 parcel of land within the rural land stewardship area;
14 however, if transferable rural land use credits are
15 transferred from a parcel for use within a designated
16 receiving area, the underlying density assigned to the parcel
17 of land shall cease to exist.

18 e. The underlying density on each parcel of land
19 located within a rural land stewardship area shall not be
20 increased or decreased by the local government, except as a
21 result of the conveyance or use of transferable rural land use
22 credits, as long as the parcel remains within the rural land
23 stewardship area.

24 f. Transferable rural land use credits shall cease to
25 exist on a parcel of land where the underlying density
26 assigned to the parcel of land is utilized.

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

31

1 h. A change in the density of land use on parcels
2 located within receiving areas shall be specified in a
3 development order which reflects the total number of
4 transferable rural land use credits assigned to the parcel of
5 land and the infrastructure and support services necessary to
6 provide for a functional mix of land uses corresponding to the
7 plan of development.

8 i. Land within a rural land stewardship area may be
9 removed from the rural land stewardship area through a plan
10 amendment.

11 j. Transferable rural land use credits may be assigned
12 at different ratios of credits per acre according to the
13 natural resource or other beneficial use characteristics of
14 the land and according to the land use remaining following the
15 transfer of credits, with the highest number of credits per
16 acre assigned to the most environmentally valuable land or, in
17 locations where the retention of ~~and a lesser number of~~
18 ~~credits to be assigned to~~ open space and agricultural land is
19 a priority, to such lands.

20 k. The use or conveyance of transferable rural land
21 use credits must be recorded in the public records of the
22 county in which the property is located as a covenant or
23 restrictive easement running with the land in favor of the
24 county and either the Department of Environmental Protection,
25 Department of Agriculture and Consumer Services, a water
26 management district, or a recognized statewide land trust.

27 7. Owners of land within rural land stewardship areas
28 should be provided incentives to enter into rural land
29 stewardship agreements, pursuant to existing law and rules
30 adopted thereto, with state agencies, water management
31 districts, and local governments to achieve mutually agreed

1 upon conservation objectives. Such incentives may include,
2 but not be limited to, the following:

3 a. Opportunity to accumulate transferable mitigation
4 credits.

5 b. Extended permit agreements.

6 c. Opportunities for recreational leases and
7 ecotourism.

8 d. Payment for specified land management services on
9 publicly owned land, or property under covenant or restricted
10 easement in favor of a public entity.

11 e. Option agreements for sale to public entities or
12 private land conservation entities, in either fee or easement,
13 upon achievement of conservation objectives.

14 8. The department shall report to the Legislature on
15 an annual basis on the results of implementation of rural land
16 stewardship areas authorized by the department, including
17 successes and failures in achieving the intent of the
18 Legislature as expressed in this paragraph.

19 (e) The Legislature finds that mixed-use, high-density
20 development is appropriate for urban infill and redevelopment
21 areas. Mixed-use projects accommodate a variety of uses,
22 including residential and commercial, and usually at higher
23 densities that promote pedestrian-friendly, sustainable
24 communities. The Legislature recognizes that mixed-use,
25 high-density development improves the quality of life for
26 residents and businesses in urban areas. The Legislature finds
27 that mixed-use, high-density redevelopment and infill benefits
28 residents by creating a livable community with alternative
29 modes of transportation. Furthermore, the Legislature finds
30 that local zoning ordinances often discourage mixed-use,
31 high-density development in areas that are appropriate for

1 urban infill and redevelopment. The Legislature intends to
2 discourage single-use zoning in urban areas which often leads
3 to lower-density, land-intensive development outside an urban
4 service area. Therefore, the Department of Community Affairs
5 shall provide technical assistance to local governments in
6 order to encourage mixed-use, high-density urban infill and
7 redevelopment projects.

8 (f) The Legislature finds that a program for the
9 transfer of development rights is a useful tool to preserve
10 historic buildings and create public open spaces in urban
11 areas. A program for the transfer of development rights allows
12 the transfer of density credits from historic properties and
13 public open spaces to areas designated for high-density
14 development. The Legislature recognizes that high-density
15 development is integral to the success of many urban infill
16 and redevelopment projects. The Legislature intends to
17 encourage high-density urban infill and redevelopment while
18 preserving historic structures and open spaces. Therefore, the
19 Department of Community Affairs shall provide technical
20 assistance to local governments in order to promote the
21 transfer of development rights within urban areas for
22 high-density infill and redevelopment projects.

23 (g) The implementation of this subsection shall be
24 subject to the provisions of this chapter, chapters 186 and
25 187, and applicable agency rules.

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

28 (12) A public school facilities element adopted to
29 implement a school concurrency program shall meet the
30 requirements of this subsection. Each county and each
31 municipality within the county, unless exempt or subject to a

1 waiver, must adopt a public school facilities element that is
2 consistent with those adopted by the other local governments
3 within the county and enter the interlocal agreement pursuant
4 to s. 163.31777.

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

16 1. Whether the exceedance is due to temporary
17 circumstances;

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

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

24 4. The adequacy of the data and analysis submitted to
25 support the waiver request.

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

29 1. The municipality has issued development orders for
30 fewer than 50 residential dwelling units during the preceding
31 5 years, or the municipality has generated fewer than 25

1 additional public school students during the preceding 5
2 years.

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

6 3. The municipality has no public schools located
7 within its boundaries.

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

30

31

1 ~~(d)(b)~~ The element shall contain one or more goals
2 which establish the long-term end toward which public school
3 programs and activities are ultimately directed.

4 ~~(e)(c)~~ The element shall contain one or more
5 objectives for each goal, setting specific, measurable,
6 intermediate ends that are achievable and mark progress toward
7 the goal.

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

12 ~~(g)(e)~~ The objectives and policies shall address items
13 such as:

14 1. The procedure for an annual update process;

15 2. The procedure for school site selection;

16 3. The procedure for school permitting;

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

22 5. Provision for colocation of other public
23 facilities, such as parks, libraries, and community centers,
24 in proximity to public schools;

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

29 7. Measures to ensure compatibility of school sites
30 and surrounding land uses;

31

1 8. Coordination with adjacent local governments and
2 the school district on emergency preparedness issues,
3 including the use of public schools to serve as emergency
4 shelters; and

5 9. Coordination with the future land use element.

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

16 (i) The state land planning agency shall establish a
17 phased schedule for adoption of the public school facilities
18 element and the required updates to the public schools
19 interlocal agreement pursuant to s. 163.31777. The schedule
20 shall provide for each county and local government within the
21 county to adopt the element and update to the agreement no
22 later than December 1, 2008. Plan amendments to adopt a public
23 school facilities element are exempt from the provisions of s.
24 163.3187(1).

25 (j) Failure to adopt the public school facility
26 element, to enter into an approved interlocal agreement as
27 required by subparagraph (6)(h)2. and 163.31777, or to amend
28 the comprehensive plan as necessary to implement school
29 concurrency, according to the phased schedule, shall result in
30 a local government being prohibited from adopting amendments
31 to the comprehensive plan which increase residential density

1 until the necessary amendments have been adopted and
2 transmitted to the state land planning agency.

3 (k) The state land planning agency may issue the
4 school board a notice to show cause why sanctions should not
5 be enforced for failure to enter into an approved interlocal
6 agreement as required by s. 163.31777 or for failure to
7 implement the provisions of this act relating to public school
8 concurrency. The school board may be subject to sanctions
9 imposed by the Administration Commission directing the
10 Department of Education to withhold from the district school
11 board an equivalent amount of funds for school construction
12 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
13 1013.72.

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

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

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

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

1 5. Strategies to provide mobility within the community
2 and to protect the Strategic Intermodal System, including the
3 development of a transportation corridor management plan under
4 s. 337.273.

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

12 (e) After the workshops and public meetings required
13 under paragraph (a) are held, the local government may amend
14 its comprehensive plan to include the community vision as a
15 component in the plan. This plan amendment must be transmitted
16 and adopted pursuant to the procedures in ss. 163.3184 and
17 163.3189 at public hearings of the governing body other than
18 those identified in paragraph (a).

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

22 (g) A local government that has developed a community
23 vision or completed a visioning process after July 1, 2000,
24 and before July 1, 2005, which substantially accomplishes the
25 goals set forth in this subsection and the appropriate goals,
26 policies, or objectives have been adopted as part of the
27 comprehensive plan or reflected in subsequently adopted land
28 development regulations and the plan amendment incorporating
29 the community vision as a component has been found in
30 compliance is eligible for the incentives in s. 163.3184(17).

31

1 (14) Local governments are also encouraged to
2 designate an urban service boundary. This area must be
3 appropriate for compact, contiguous urban development within a
4 10-year planning timeframe. The urban service area boundary
5 must be identified on the future land use map or map series.
6 The local government shall demonstrate that the land included
7 within the urban service boundary is served or is planned to
8 be served with adequate public facilities and services based
9 on the local government's adopted level-of-service standards
10 by adopting a 10-year facilities plan in the capital
11 improvements element which is financially feasible. The local
12 government shall demonstrate that the amount of land within
13 the urban service boundary does not exceed the amount of land
14 needed to accommodate the projected population growth at
15 densities consistent with the adopted comprehensive plan
16 within the 10-year planning timeframe.

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

26 (b)1. After the workshops and public meetings required
27 under paragraph (a) are held, the local government may amend
28 its comprehensive plan to include the urban service boundary.
29 This plan amendment must be transmitted and adopted pursuant
30 to the procedures in ss. 163.3184 and 163.3189 at meetings of
31

1 the governing body other than those required under paragraph
2 (a).

3 2. This subsection does not prohibit new development
4 outside an urban service boundary. However, a local government
5 that establishes an urban service boundary under this
6 subsection is encouraged to require a full-cost accounting
7 analysis for any new development outside the boundary and to
8 consider the results of that analysis when adopting a plan
9 amendment for property outside the established urban service
10 boundary.

11 (c) Amendments submitted under this subsection are
12 exempt from the limitation on the frequency of plan amendments
13 in s. 163.3187.

14 (d) A local government that has adopted an urban
15 service boundary before July 1, 2005, which substantially
16 accomplishes the goals set forth in this subsection is not
17 required to comply with paragraph (a) or subparagraph 1. of
18 paragraph (b) in order to be eligible for the incentives under
19 s. 163.3184(17). In order to satisfy the provisions of this
20 paragraph, the local government must secure a determination
21 from the state land planning agency that the urban service
22 boundary adopted before July 1, 2005, substantially complies
23 with the criteria of this subsection, based on data and
24 analysis submitted by the local government to support this
25 determination. The determination by the state land planning
26 agency is not subject to administrative challenge.

27 Section 3. Section 163.31776, Florida Statutes, is
28 repealed.

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

31 163.31777 Public schools interlocal agreement.--

1 (2) At a minimum, the interlocal agreement must
2 address interlocal-agreement requirements in s.
3 163.3180(13)(g), except for exempt local governments as
4 provided in s. 163.3177(12), and must address the following
5 issues:

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

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

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

26 (d) A process for determining the need for and timing
27 of onsite and offsite improvements to support new, proposed
28 expansion, or redevelopment of existing schools. The process
29 must address identification of the party or parties
30 responsible for the improvements.

31

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

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

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

15 (h) A procedure for the resolution of disputes between
16 the district school board and local governments, which may
17 include the dispute resolution processes contained in chapters
18 164 and 186.

19 (i) An oversight process, including an opportunity for
20 public participation, for the implementation of the interlocal
21 agreement.

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

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

11 (6) Except as provided in subsection (7),
12 municipalities meeting the exemption criteria in s.
13 163.3177(12) having no established need for a new school
14 facility and meeting the following criteria are exempt from
15 the requirements of subsections (1), (2), and (3).⁺

16 ~~(a) The municipality has no public schools located~~
17 ~~within its boundaries.~~

18 ~~(b) The district school board's 5 year facilities work~~
19 ~~program and the long term 10 year and 20 year work programs,~~
20 ~~as provided in s. 1013.35, demonstrate that no new school~~
21 ~~facility is needed in the municipality. In addition, the~~
22 ~~district school board must verify in writing that no new~~
23 ~~school facility will be needed in the municipality within the~~
24 ~~5 year and 10 year timeframes.~~

25 (7) At the time of the evaluation and appraisal
26 report, each exempt municipality shall assess the extent to
27 which it continues to meet the criteria for exemption under s.
28 163.3177(12) subsection (6). If the municipality continues to
29 meet these criteria ~~and the district school board verifies in~~
30 ~~writing that no new school facilities will be needed within~~
31 ~~the 5 year and 10 year timeframes,~~ the municipality shall

1 continue to be exempt from the interlocal-agreement
2 requirement. Each municipality exempt under s. 163.3177(12)
3 ~~subsection (6)~~ must comply with the provisions of this section
4 within 1 year after the district school board proposes, in its
5 5-year district facilities work program, a new school within
6 the municipality's jurisdiction.

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

12 163.3180 Concurrency.--

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

23 (2)(a) Consistent with public health and safety,
24 sanitary sewer, solid waste, drainage, adequate water
25 supplies, and potable water facilities shall be in place and
26 available to serve new development no later than the issuance
27 by the local government of a certificate of occupancy or its
28 functional equivalent. Prior to approval of a building permit
29 or its functional equivalent, the local government shall
30 consult with the applicable water supplier to determine
31 whether adequate water supplies to serve the new development

1 will be available no later than the anticipated date of
2 issuance by the local government of a certificate of occupancy
3 or its functional equivalent.

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

17 (c) Consistent with the public welfare, and except as
18 otherwise provided in this section, transportation facilities
19 ~~designated as part of the Florida Intrastate Highway System~~
20 needed to serve new development shall be in place or under
21 actual construction within 3 ~~not more than 5~~ years after the
22 local government approves a building permit or its functional
23 equivalent that results in traffic generation ~~issuance by the~~
24 ~~local government of a certificate of occupancy or its~~
25 ~~functional equivalent. Other transportation facilities needed~~
26 ~~to serve new development shall be in place or under actual~~
27 ~~construction no more than 3 years after issuance by the local~~
28 ~~government of a certificate of occupancy or its functional~~
29 ~~equivalent.~~

30 (4)
31

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

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

26 (b) A local government may grant an exception from the
27 concurrency requirement for transportation facilities if the
28 proposed development is otherwise consistent with the adopted
29 local government comprehensive plan and is a project that
30 promotes public transportation or is located within an area
31 designated in the comprehensive plan for:

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

5 (c) The Legislature also finds that developments
6 located within urban infill, urban redevelopment, existing
7 urban service, or downtown revitalization areas or areas
8 designated as urban infill and redevelopment areas under s.
9 163.2517 which pose only special part-time demands on the
10 transportation system should be excepted from the concurrency
11 requirement for transportation facilities. A special
12 part-time demand is one that does not have more than 200
13 scheduled events during any calendar year and does not affect
14 the 100 highest traffic volume hours.

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

20 (e) The local government shall adopt into the plan and
21 implement strategies to support and fund mobility within the
22 designated exception area, including alternative modes of
23 transportation. The plan amendment shall also demonstrate how
24 strategies will support the purpose of the exception and how
25 mobility within the designated exception area will be
26 provided. In addition, the strategies must address urban
27 design; appropriate land use mixes, including intensity and
28 density; and network connectivity plans needed to promote
29 urban infill, redevelopment, or downtown revitalization. The
30 comprehensive plan amendment designating the concurrency

31

1 exception area shall be accompanied by data and analysis
2 justifying the size of the area.

3 (f) Prior to the designation of a concurrency
4 exception area, the Department of Transportation shall be
5 consulted by the local government to assess the impact that
6 the proposed exception area is expected to have on the adopted
7 level of service standards established for Strategic
8 Intermodal System facilities, as defined in s. 339.64, and
9 roadway facilities funded in accordance with s. 339.2819.

10 Further, the local government shall, in cooperation with the
11 Department of Transportation, develop a plan to mitigate any
12 impacts to the Strategic Intermodal System, including, if
13 appropriate, the development of a long-term concurrency
14 management system pursuant to ss. 163.3177(3)(d) and
15 163.3180(9). in the comprehensive plan. These guidelines must
16 include consideration of the impacts on the Florida Intrastate
17 Highway System, as defined in s. 338.001. The exceptions may
18 be available only within the specific geographic area of the
19 jurisdiction designated in the plan. Pursuant to s. 163.3184,
20 any affected person may challenge a plan amendment
21 establishing these guidelines and the areas within which an
22 exception could be granted.

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

28 (6) The Legislature finds that a de minimis impact is
29 consistent with this part. A de minimis impact is an impact
30 that would not affect more than 1 percent of the maximum
31 volume at the adopted level of service of the affected

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

27 (7) In order to promote infill development and
28 redevelopment, one or more transportation concurrency
29 management areas may be designated in a local government
30 comprehensive plan. A transportation concurrency management
31 area must be a compact geographic area with an existing

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

28 (9)(a) Each local government may adopt as a part of
29 its plan, ~~a~~ a long-term transportation and school concurrency
30 management ~~systems~~ ~~system~~ system with a planning period of up to 10
31 years for specially designated districts or areas where

1 significant backlogs exist. The plan may include interim
2 level-of-service standards on certain facilities and shall ~~may~~
3 rely on the local government's schedule of capital
4 improvements for up to 10 years as a basis for issuing
5 development orders that authorize commencement of construction
6 ~~permits~~ in these designated districts or areas. The
7 concurrency management system. ~~It~~ must be designed to correct
8 existing deficiencies and set priorities for addressing
9 backlogged facilities. The concurrency management system ~~it~~
10 must be financially feasible and consistent with other
11 portions of the adopted local plan, including the future land
12 use map.

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

- 21 1. The extent of the backlog.
- 22 2. For roads, whether the backlog is on local or state
23 roads.
- 24 3. The cost of eliminating the backlog.
- 25 4. The local government's tax and other
26 revenue-raising efforts.

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

31

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

9 (10) With regard to roadway facilities on the
10 Strategic Intermodal System designated in accordance with ss.
11 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate
12 Highway System as defined in s. 338.001, and roadway
13 facilities funded in accordance with s. 339.2819 with
14 ~~concurrence from the Department of Transportation, the~~
15 ~~level of service standard for general lanes in urbanized~~
16 ~~areas, as defined in s. 334.03(36), may be established by the~~
17 ~~local government in the comprehensive plan. For all other~~
18 ~~facilities on the Florida Intrastate Highway System, local~~
19 governments shall adopt the level-of-service standard
20 established by the Department of Transportation by rule. For
21 all other roads on the State Highway System, local governments
22 shall establish an adequate level-of-service standard that
23 need not be consistent with any level-of-service standard
24 established by the Department of Transportation. In
25 establishing adequate level-of-service standards for any
26 arterial roads, or collector roads as appropriate, which
27 traverse multiple jurisdictions, local governments shall
28 consider compatibility with the roadway facility's adopted
29 level-of-service standards in adjacent jurisdictions. Each
30 local government within a county shall use a professionally
31 accepted methodology for measuring impacts on transportation

1 facilities for the purposes of implementing its concurrency
2 management system. Counties are encouraged to coordinate with
3 adjacent counties, and local governments within a county are
4 encouraged to coordinate, for the purpose of using common
5 methodologies for measuring impacts on transportation
6 facilities for the purpose of implementing their concurrency
7 management systems.

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

27 (a) Public school facilities element.--A local
28 government shall adopt and transmit to the state land planning
29 agency a plan or plan amendment which includes a public school
30 facilities element which is consistent with the requirements
31 of s. 163.3177(12) and which is determined to be in compliance

1 as defined in s. 163.3184(1)(b). All local government public
2 school facilities plan elements within a county must be
3 consistent with each other as well as the requirements of this
4 part.

5 (b) Level-of-service standards.--The Legislature
6 recognizes that an essential requirement for a concurrency
7 management system is the level of service at which a public
8 facility is expected to operate.

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

15 2. Public school level-of-service standards shall be
16 included and adopted into the capital improvements element of
17 the local comprehensive plan and shall apply districtwide to
18 all schools of the same type. Types of schools may include
19 elementary, middle, and high schools as well as special
20 purpose facilities such as magnet schools.

21 3. Local governments and school boards shall have the
22 option to utilize tiered level-of-service standards to allow
23 time to achieve an adequate and desirable level of service as
24 circumstances warrant.

25 (c) Service areas.--The Legislature recognizes that an
26 essential requirement for a concurrency system is a
27 designation of the area within which the level of service will
28 be measured when an application for a residential development
29 permit is reviewed for school concurrency purposes. This
30 delineation is also important for purposes of determining
31 whether the local government has a financially feasible public

1 school capital facilities program that will provide schools
2 which will achieve and maintain the adopted level-of-service
3 standards.

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

17 2. For local governments applying school concurrency
18 on a less than districtwide basis, such as utilizing school
19 attendance zones or larger school concurrency service areas,
20 local governments and school boards shall have the burden to
21 demonstrate that the utilization of school capacity is
22 maximized to the greatest extent possible in the comprehensive
23 plan and amendment, taking into account transportation costs
24 and court-approved desegregation plans, as well as other
25 factors. In addition, in order to achieve concurrency within
26 the service area boundaries selected by local governments and
27 school boards, the service area boundaries, together with the
28 standards for establishing those boundaries, shall be
29 identified and included as supporting data and analysis for,
30 ~~and adopted as part of the comprehensive plan. Any subsequent~~
31 ~~change to the service area boundaries for purposes of a school~~

1 ~~concurrency system shall be by plan amendment and shall be~~
2 ~~exempt from the limitation on the frequency of plan amendments~~
3 ~~in s. 163.3187(1).~~

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

19 (d) Financial feasibility.--The Legislature recognizes
20 that financial feasibility is an important issue because the
21 premise of concurrency is that the public facilities will be
22 provided in order to achieve and maintain the adopted
23 level-of-service standard. This part and chapter 9J-5, Florida
24 Administrative Code, contain specific standards to determine
25 the financial feasibility of capital programs. These standards
26 were adopted to make concurrency more predictable and local
27 governments more accountable.

28 1. A comprehensive plan amendment seeking to impose
29 school concurrency shall contain appropriate amendments to the
30 capital improvements element of the comprehensive plan,
31 consistent with the requirements of s. 163.3177(3) and rule

1 9J-5.016, Florida Administrative Code. The capital
2 improvements element shall set forth a financially feasible
3 public school capital facilities program, established in
4 conjunction with the school board, that demonstrates that the
5 adopted level-of-service standards will be achieved and
6 maintained.

7 2. Such amendments shall demonstrate that the public
8 school capital facilities program meets all of the financial
9 feasibility standards of this part and chapter 9J-5, Florida
10 Administrative Code, that apply to capital programs which
11 provide the basis for mandatory concurrency on other public
12 facilities and services.

13 3. When the financial feasibility of a public school
14 capital facilities program is evaluated by the state land
15 planning agency for purposes of a compliance determination,
16 the evaluation shall be based upon the service areas selected
17 by the local governments and school board.

18 (e) Availability standard.--Consistent with the public
19 welfare, a local government may not deny an application for
20 site plan, final subdivision approval, or the functional
21 equivalent for a development or phase of a development ~~permit~~
22 authorizing residential development for failure to achieve and
23 maintain the level-of-service standard for public school
24 capacity in a local ~~option~~ school concurrency management
25 system where adequate school facilities will be in place or
26 under actual construction within 3 years after the ~~permit~~
27 issuance of final subdivision or site plan approval, or the
28 functional equivalent. School concurrency shall be satisfied
29 if the developer executes a legally binding commitment to
30 provide mitigation proportionate to the demand for public
31 school facilities to be created by actual development of the

1 property, including, but not limited to, the options described
2 in subparagraph 1. Options for proportionate-share mitigation
3 of impacts on public school facilities shall be established in
4 the public school facilities element and the interlocal
5 agreement pursuant to s. 163.31777.

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

24 2. If the education facilities plan and the public
25 educational facilities element authorize a contribution of
26 land; the construction, expansion, or payment for land
27 acquisition; or the construction or expansion of a public
28 school facility, or a portion thereof, as proportionate-share
29 mitigation, the local government shall credit such a
30 contribution, construction, expansion, or payment toward any
31 other impact fee or exaction imposed by local ordinance for

1 the same need, on a dollar-for-dollar basis at fair market
2 value.

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

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

12 (f) Intergovernmental coordination.--

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

24 a. The municipality has issued development orders for
25 fewer than 50 residential dwelling units during the preceding
26 5 years, or the municipality has generated fewer than 25
27 additional public school students during the preceding 5
28 years.

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

1 c. The municipality has no public schools located
2 within its boundaries.

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

5 2. A municipality which qualifies as having no
6 significant impact on school attendance pursuant to the
7 criteria of subparagraph 1. must review and determine at the
8 time of its evaluation and appraisal report pursuant to s.
9 163.3191 whether it continues to meet the criteria pursuant to
10 s. 163.3177(6). If the municipality determines that it no
11 longer meets the criteria, it must adopt appropriate school
12 concurrency goals, objectives, and policies in its plan
13 amendments based on the evaluation and appraisal report, and
14 enter into the existing interlocal agreement required by ss.
15 ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully
16 participate in the school concurrency system. If such a
17 municipality fails to do so, it will be subject to the
18 enforcement provisions of s. 163.3191.

19 (g) Interlocal agreement for school concurrency.--When
20 establishing concurrency requirements for public schools, a
21 local government must enter into an interlocal agreement that
22 ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6)(h)1.
23 and 2. and 163.31777 and the requirements of this subsection.
24 The interlocal agreement shall acknowledge both the school
25 board's constitutional and statutory obligations to provide a
26 uniform system of free public schools on a countywide basis,
27 and the land use authority of local governments, including
28 their authority to approve or deny comprehensive plan
29 amendments and development orders. The interlocal agreement
30 shall be submitted to the state land planning agency by the
31 local government as a part of the compliance review, along

1 with the other necessary amendments to the comprehensive plan
2 required by this part. In addition to the requirements of ss.
3 ~~s.~~ 163.3177(6)(h) and 163.31777, the interlocal agreement
4 shall meet the following requirements:

5 1. Establish the mechanisms for coordinating the
6 development, adoption, and amendment of each local
7 government's public school facilities element with each other
8 and the plans of the school board to ensure a uniform
9 districtwide school concurrency system.

10 ~~2. Establish a process by which each local government~~
11 ~~and the school board shall agree and base their plans on~~
12 ~~consistent projections of the amount, type, and distribution~~
13 ~~of population growth and coordinate and share information~~
14 ~~relating to existing and planned public school facilities~~
15 ~~projections and proposals for development and redevelopment,~~
16 ~~and infrastructure required to support public school~~
17 ~~facilities.~~

18 ~~2.3.~~ Establish a process for the development of siting
19 criteria which encourages the location of public schools
20 proximate to urban residential areas to the extent possible
21 and seeks to collocate schools with other public facilities
22 such as parks, libraries, and community centers to the extent
23 possible.

24 ~~3.4.~~ Specify uniform, districtwide level-of-service
25 standards for public schools of the same type and the process
26 for modifying the adopted level-of-service standards.

27 ~~4.5.~~ Establish a process for the preparation,
28 amendment, and joint approval by each local government and the
29 school board of a public school capital facilities program
30 which is financially feasible, and a process and schedule for
31 incorporation of the public school capital facilities program

1 into the local government comprehensive plans on an annual
2 basis.

3 ~~5.6.~~ Define the geographic application of school
4 concurrency. If school concurrency is to be applied on a less
5 than districtwide basis in the form of concurrency service
6 areas, the agreement shall establish criteria and standards
7 for the establishment and modification of school concurrency
8 service areas. The agreement shall also establish a process
9 and schedule for the mandatory incorporation of the school
10 concurrency service areas and the criteria and standards for
11 establishment of the service areas into the local government
12 comprehensive plans. The agreement shall ensure maximum
13 utilization of school capacity, taking into account
14 transportation costs and court-approved desegregation plans,
15 as well as other factors. The agreement shall also ensure the
16 achievement and maintenance of the adopted level-of-service
17 standards for the geographic area of application throughout
18 the 5 years covered by the public school capital facilities
19 plan and thereafter by adding a new fifth year during the
20 annual update.

21 ~~6.7.~~ Establish a uniform districtwide procedure for
22 implementing school concurrency which provides for:

23 a. The evaluation of development applications for
24 compliance with school concurrency requirements, including
25 information provided by the school board on affected schools,
26 impact on levels of service, and programmed improvements for
27 affected schools and any options to provide sufficient
28 capacity;

29 b. An opportunity for the school board to review and
30 comment on the effect of comprehensive plan amendments and
31 rezonings on the public school facilities plan; and

1 c. The monitoring and evaluation of the school
2 concurrency system.

3 ~~7.8. Include provisions relating to termination,~~
4 ~~suspension, and amendment of the agreement. The agreement~~
5 ~~shall provide that if the agreement is terminated or~~
6 ~~suspended, the application of school concurrency shall be~~
7 ~~terminated or suspended.~~

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

10 (h) This subsection does not limit the authority of a
11 local government to grant or deny a development permit or its
12 functional equivalent prior to the implementation of school
13 concurrency.

14 (15)(a) Multimodal transportation districts may be
15 established under a local government comprehensive plan in
16 areas delineated on the future land use map for which the
17 local comprehensive plan assigns secondary priority to vehicle
18 mobility and primary priority to assuring a safe, comfortable,
19 and attractive pedestrian environment, with convenient
20 interconnection to transit. Such districts must incorporate
21 community design features that will reduce the number of
22 automobile trips or vehicle miles of travel and will support
23 an integrated, multimodal transportation system. Prior to the
24 designation of multimodal transportation districts, the
25 Department of Transportation shall be consulted by the local
26 government to assess the impact that the proposed multimodal
27 district area is expected to have on the adopted level of
28 service standards established for Strategic Intermodal System
29 facilities, as defined in s. 339.64, and roadway facilities
30 funded in accordance with s. 339.2819. Further, the local
31 government shall, in cooperation with the Department of

1 Transportation, develop a plan to mitigate any impacts to the
2 Strategic Intermodal System, including the development of a
3 long-term concurrency management system pursuant to ss.
4 163.3177(3)(d) and 163.3180(9). Multimodal transportation
5 districts existing prior to July 1, 2005, shall meet, at a
6 minimum, the provisions of this section by July 1, 2006, or at
7 the time of the comprehensive plan update pursuant to the
8 evaluation and appraisal report, whichever occurs last.

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

21 (c) Local governments may establish multimodal
22 level-of-service standards that rely primarily on nonvehicular
23 modes of transportation within the district, when justified by
24 an analysis demonstrating that the existing and planned
25 community design will provide an adequate level of mobility
26 within the district based upon professionally accepted
27 multimodal level-of-service methodologies. ~~The analysis must~~
28 ~~take into consideration the impact on the Florida Intrastate~~
29 ~~Highway System.~~ The analysis must also demonstrate that the
30 capital improvements required to promote community design are
31 financially feasible over the development or redevelopment

1 | timeframe for the district and that community design features
2 | within the district provide convenient interconnection for a
3 | multimodal transportation system. Local governments may issue
4 | development permits in reliance upon all planned community
5 | design capital improvements that are financially feasible over
6 | the development or redevelopment timeframe for the district,
7 | without regard to the period of time between development or
8 | redevelopment and the scheduled construction of the capital
9 | improvements. A determination of financial feasibility shall
10 | be based upon currently available funding or funding sources
11 | that could reasonably be expected to become available over the
12 | planning period.

13 | (d) Local governments may reduce impact fees or local
14 | access fees for development within multimodal transportation
15 | districts based on the reduction of vehicle trips per
16 | household or vehicle miles of travel expected from the
17 | development pattern planned for the district.

18 | (16) It is the intent of the Legislature to provide a
19 | method by which the impacts of development on transportation
20 | facilities can be mitigated by the cooperative efforts of the
21 | public and private sectors. The methodology used to calculate
22 | proportionate fair-share mitigation under this section shall
23 | be as provided for in s. 163.3180(12).

24 | (a) By December 1, 2006, each local government shall
25 | adopt by ordinance a methodology for assessing proportionate
26 | fair-share mitigation options. By December 1, 2005, the
27 | Department of Transportation shall develop a model
28 | transportation concurrency management ordinance with
29 | methodologies for assessing proportionate fair-share
30 | mitigation options.

31 |

1 (b)1. In its transportation concurrency management
2 system, a local government shall, by December 1, 2006, include
3 methodologies that will be applied to calculate proportionate
4 fair-share mitigation. A developer may choose to satisfy all
5 transportation concurrency requirements by contributing or
6 paying proportionate fair-share mitigation if transportation
7 facilities or facility segments identified as mitigation for
8 traffic impacts are specifically identified for funding in the
9 5-year schedule of capital improvements in the capital
10 improvements element of the local plan or the long-term
11 concurrency management system or if such contributions or
12 payments to such facilities or segments are reflected in the
13 5-year schedule of capital improvements in the next regularly
14 scheduled update of the capital improvements element. Updates
15 to the 5-year capital improvements element which reflect
16 proportionate fair-share contributions may not be found not in
17 compliance based on s. 163.3177(3) and s. 163.164(32) if
18 additional contributions, payments or funding sources are
19 reasonably anticipated during a period not to exceed 10 years
20 to fully mitigate impacts on the transportation facilities.

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

26 (c) Proportionate fair-share mitigation includes,
27 without limitation, separately or collectively, private funds,
28 contributions of land, and construction and contribution of
29 facilities and may include public funds as determined by the
30 local government. The fair market value of the proportionate
31 fair-share mitigation shall not differ based on the form of

1 mitigation. A local government may not require a development
2 to pay more than its proportionate fair-share contribution
3 regardless of the method of mitigation.

4 (d) Nothing in this subsection shall require a local
5 government to approve a development that is not otherwise
6 qualified for approval pursuant to the applicable local
7 comprehensive plan and land development regulations.

8 (e) Mitigation for development impacts to facilities
9 on the Strategic Intermodal System made pursuant to this
10 subsection requires the concurrence of the Department of
11 Transportation.

12 (f) In the event the funds in an adopted 5-year
13 capital improvements element are insufficient to fully fund
14 construction of a transportation improvement required by the
15 local government's concurrency management system, a local
16 government and a developer may still enter into a binding
17 proportionate share agreement authorizing the developer to
18 construct that amount of development on which the
19 proportionate share is calculated if the proportionate share
20 amount in such agreement is sufficient to pay for one or more
21 improvements which will, in the opinion of the governmental
22 entity or entities maintaining the transportation facilities,
23 significantly benefit the impacted transportation system. The
24 improvement or improvements funded by the proportionate share
25 component must be adopted into the 5-year capital improvements
26 schedule of the comprehensive plan at the next annual capital
27 improvements element update.

28 (g) Except as provided in subparagraph (b)1., nothing
29 in this section shall prohibit the Department of Community
30 Affairs from finding other portions of the capital
31

1 improvements element amendments not in compliance as provided
2 in this chapter.

3 (h) The provisions of this subsection do not apply to
4 a multiuse development of regional impact satisfying the
5 requirements of subsection (12).

6 Section 6. Subsections (17) and (18) are added to
7 section 163.3184, Florida Statutes, to read:

8 163.3184 Process for adoption of comprehensive plan or
9 plan amendment.--

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

31

1 (18) A municipality that has a designated urban infill
2 and redevelopment area under s. 163.2517 may adopt a plan
3 amendment related to map amendments solely to property within
4 a designated urban infill and redevelopment area in the manner
5 described in subsections (1), (2), (7), (14), (15), and (16)
6 and s. 163.3187(1)(c)1.d. and e., 2., 3., such that state and
7 regional agency review is eliminated. The department may not
8 issue an objections, recommendations, and comments report on
9 proposed plan amendments or a notice of intent on adopted plan
10 amendments; however, affected persons, as defined by paragraph
11 (1)(a), may file a petition for administrative review pursuant
12 to the requirements of s. 163.3187(3)(a) to challenge the
13 compliance of an adopted plan amendment. This subsection does
14 not apply to any amendment within an area of critical state
15 concern, to any amendment that increases residential densities
16 allowable in high-hazard coastal areas as defined in s.
17 163.3178(2)(h), or to a text change to the goals, policies, or
18 objectives of the local government's comprehensive plan.
19 Amendments submitted under this subsection are exempt from the
20 limitation on the frequency of plan amendments in s. 163.3187.

21 Section 7. Paragraph (c) of subsection (1) is amended
22 and paragraph (o) is added to section 163.3187, Florida
23 Statutes, to read:

24 163.3187 Amendment of adopted comprehensive plan.--

25 (1) Amendments to comprehensive plans adopted pursuant
26 to this part may be made not more than two times during any
27 calendar year, except:

28 (c) Any local government comprehensive plan amendments
29 directly related to proposed small scale development
30 activities may be approved without regard to statutory limits
31 on the frequency of consideration of amendments to the local

1 comprehensive plan. A small scale development amendment may be
2 adopted only under the following conditions:

3 1. The proposed amendment involves a use of 10 acres
4 or fewer and:

5 a. The cumulative annual effect of the acreage for all
6 small scale development amendments adopted by the local
7 government shall not exceed:

8 (I) A maximum of 120 acres in a local government that
9 contains areas specifically designated in the local
10 comprehensive plan for urban infill, urban redevelopment, or
11 downtown revitalization as defined in s. 163.3164, urban
12 infill and redevelopment areas designated under s. 163.2517,
13 transportation concurrency exception areas approved pursuant
14 to s. 163.3180(5), or regional activity centers and urban
15 central business districts approved pursuant to s.
16 380.06(2)(e); however, amendments under this paragraph may be
17 applied to no more than 60 acres annually of property outside
18 the designated areas listed in this sub-sub-subparagraph.
19 Amendments adopted pursuant to paragraph (k) shall not be
20 counted toward the acreage limitations for small scale
21 amendments under this paragraph.

22 (II) A maximum of 80 acres in a local government that
23 does not contain any of the designated areas set forth in
24 sub-sub-subparagraph (I).

25 (III) A maximum of 120 acres in a county established
26 pursuant to s. 9, Art. VIII of the State Constitution.

27 b. The proposed amendment does not involve the same
28 property granted a change within the prior 12 months.

29 c. The proposed amendment does not involve the same
30 owner's property within 200 feet of property granted a change
31 within the prior 12 months.

1 d. The proposed amendment does not involve a text
2 change to the goals, policies, and objectives of the local
3 government's comprehensive plan, but only proposes a land use
4 change to the future land use map for a site-specific small
5 scale development activity.

6 e. The property that is the subject of the proposed
7 amendment is not located within an area of critical state
8 concern, unless the project subject to the proposed amendment
9 involves the construction of affordable housing units meeting
10 the criteria of s. 420.0004(3), and is located within an area
11 of critical state concern designated by s. 380.0552 or by the
12 Administration Commission pursuant to s. 380.05(1). Such
13 amendment is not subject to the density limitations of
14 sub-subparagraph f., and shall be reviewed by the state land
15 planning agency for consistency with the principles for
16 guiding development applicable to the area of critical state
17 concern where the amendment is located and shall not become
18 effective until a final order is issued under s. 380.05(6).

19 f. If the proposed amendment involves a residential
20 land use, the residential land use has a density of 10 units
21 or less per acre or the proposed future land use category
22 allows a maximum residential density of the same or less than
23 the maximum residential density allowable under the existing
24 future land use category, except that this limitation does not
25 apply to small scale amendments involving the construction of
26 affordable housing units meeting the criteria of s.
27 420.0004(3) on property which will be the subject of a land
28 use restriction agreement or extended use agreement recorded
29 in conjunction with the issuance of tax exempt bond financing
30 or an allocation of federal tax credits issued through the
31 Florida Housing Finance Corporation or a local housing finance

1 authority authorized by the Division of Bond Finance of the
2 State Board of Administration, or small scale amendments
3 described in sub-sub-subparagraph a.(I) that are designated in
4 the local comprehensive plan for urban infill, urban
5 redevelopment, or downtown revitalization as defined in s.
6 163.3164, urban infill and redevelopment areas designated
7 under s. 163.2517, transportation concurrency exception areas
8 approved pursuant to s. 163.3180(5), or regional activity
9 centers and urban central business districts approved pursuant
10 to s. 380.06(2)(e).

11 2.a. A local government that proposes to consider a
12 plan amendment pursuant to this paragraph is not required to
13 comply with the procedures and public notice requirements of
14 s. 163.3184(15)(c) for such plan amendments if the local
15 government complies with the provisions in s. 125.66(4)(a) for
16 a county or in s. 166.041(3)(c) for a municipality. If a
17 request for a plan amendment under this paragraph is initiated
18 by other than the local government, public notice is required.

19 b. The local government shall send copies of the
20 notice and amendment to the state land planning agency, the
21 regional planning council, and any other person or entity
22 requesting a copy. This information shall also include a
23 statement identifying any property subject to the amendment
24 that is located within a coastal high hazard area as
25 identified in the local comprehensive plan.

26 3. Small scale development amendments adopted pursuant
27 to this paragraph require only one public hearing before the
28 governing board, which shall be an adoption hearing as
29 described in s. 163.3184(7), and are not subject to the
30 requirements of s. 163.3184(3)-(6) unless the local government
31 elects to have them subject to those requirements.

1 4. If the small scale development amendment involves a
2 site within an area that is designated by the Governor as a
3 rural area of critical economic concern under s. 288.0656(7)
4 for the duration of such designation, the 10-acre limit listed
5 in subparagraph 1. shall be increased by 100 percent to 20
6 acres. The local government approving the small scale plan
7 amendment shall certify to the Office of Tourism, Trade, and
8 Economic Development that the plan amendment furthers the
9 economic objectives set forth in the executive order issued
10 under s. 288.0656(7), and the property subject to the plan
11 amendment shall undergo public review to ensure that all
12 concurrency requirements and federal, state, and local
13 environmental permit requirements are met.

14 (d) Any comprehensive plan amendment required by a
15 compliance agreement pursuant to s. 163.3184(16) may be
16 approved without regard to statutory limits on the frequency
17 of adoption of amendments to the comprehensive plan.

18 (e) A comprehensive plan amendment for location of a
19 state correctional facility. Such an amendment may be made at
20 any time and does not count toward the limitation on the
21 frequency of plan amendments.

22 (f) Any comprehensive plan amendment that changes the
23 schedule in the capital improvements element, and any
24 amendments directly related to the schedule, may be made once
25 in a calendar year on a date different from the two times
26 provided in this subsection when necessary to coincide with
27 the adoption of the local government's budget and capital
28 improvements program.

29 (g) Any local government comprehensive plan amendments
30 directly related to proposed redevelopment of brownfield areas
31 designated under s. 376.80 may be approved without regard to

1 statutory limits on the frequency of consideration of
2 amendments to the local comprehensive plan.

3 (h) Any comprehensive plan amendments for port
4 transportation facilities and projects that are eligible for
5 funding by the Florida Seaport Transportation and Economic
6 Development Council pursuant to s. 311.07.

7 (i) A comprehensive plan amendment for the purpose of
8 designating an urban infill and redevelopment area under s.
9 163.2517 may be approved without regard to the statutory
10 limits on the frequency of amendments to the comprehensive
11 plan.

12 (j) Any comprehensive plan amendment to establish
13 public school concurrency pursuant to s. 163.3180(13),
14 including, but not limited to, adoption of a public school
15 facilities element and adoption of amendments to the capital
16 improvements element and intergovernmental coordination
17 element. In order to ensure the consistency of local
18 government public school facilities elements within a county,
19 such elements shall be prepared and adopted on a similar time
20 schedule.

21 (k) A local comprehensive plan amendment directly
22 related to providing transportation improvements to enhance
23 life safety on Controlled Access Major Arterial Highways
24 identified in the Florida Intrastate Highway System, in
25 counties as defined in s. 125.011, where such roadways have a
26 high incidence of traffic accidents resulting in serious
27 injury or death. Any such amendment shall not include any
28 amendment modifying the designation on a comprehensive
29 development plan land use map nor any amendment modifying the
30 allowable densities or intensities of any land.

31

1 (1) A comprehensive plan amendment to adopt a public
2 educational facilities element pursuant to s. 163.31776 and
3 future land-use-map amendments for school siting may be
4 approved notwithstanding statutory limits on the frequency of
5 adopting plan amendments.

6 (m) A comprehensive plan amendment that addresses
7 criteria or compatibility of land uses adjacent to or in close
8 proximity to military installations in a local government's
9 future land use element does not count toward the limitation
10 on the frequency of the plan amendments.

11 (n) Any local government comprehensive plan amendment
12 establishing or implementing a rural land stewardship area
13 pursuant to the provisions of s. 163.3177(11)(d).

14 (o) A comprehensive plan amendment that is submitted
15 by an area designated by the Governor as a rural area of
16 critical economic concern under s. 288.0656(7) and that meets
17 the economic development objectives may be approved without
18 regard to the statutory limits on the frequency of adoption of
19 amendments to the comprehensive plan.

20 Section 8. Subsections (2) and (10) of section
21 163.3191, Florida Statutes, are amended to read:

22 163.3191 Evaluation and appraisal of comprehensive
23 plan.--

24 (2) The report shall present an evaluation and
25 assessment of the comprehensive plan and shall contain
26 appropriate statements to update the comprehensive plan,
27 including, but not limited to, words, maps, illustrations, or
28 other media, related to:

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

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

2 (c) The financial feasibility of implementing the
3 comprehensive plan and of providing needed infrastructure to
4 achieve and maintain adopted level-of-service standards and
5 sustain concurrency management systems through the capital
6 improvements element, as well as the ability to address
7 infrastructure backlogs and meet the demands of growth on
8 public services and facilities.

9 (d) The location of existing development in relation
10 to the location of development as anticipated in the original
11 plan, or in the plan as amended by the most recent evaluation
12 and appraisal report update amendments, such as within areas
13 designated for urban growth.

14 (e) An identification of the major issues for the
15 jurisdiction and, where pertinent, the potential social,
16 economic, and environmental impacts.

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

23 (g) An assessment of whether the plan objectives
24 within each element, as they relate to major issues, have been
25 achieved. The report shall include, as appropriate, an
26 identification as to whether unforeseen or unanticipated
27 changes in circumstances have resulted in problems or
28 opportunities with respect to major issues identified in each
29 element and the social, economic, and environmental impacts of
30 the issue.

31

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

3 (i) The identification of any actions or corrective
4 measures, including whether plan amendments are anticipated to
5 address the major issues identified and analyzed in the
6 report. Such identification shall include, as appropriate,
7 new population projections, new revised planning timeframes, a
8 revised future conditions map or map series, an updated
9 capital improvements element, and any new and revised goals,
10 objectives, and policies for major issues identified within
11 each element. This paragraph shall not require the submittal
12 of the plan amendments with the evaluation and appraisal
13 report.

14 (j) A summary of the public participation program and
15 activities undertaken by the local government in preparing the
16 report.

17 (k) The coordination of the comprehensive plan with
18 existing public schools and those identified in the applicable
19 educational facilities plan adopted pursuant to s. 1013.35.
20 The assessment shall address, where relevant, the success or
21 failure of the coordination of the future land use map and
22 associated planned residential development with public schools
23 and their capacities, as well as the joint decisionmaking
24 processes engaged in by the local government and the school
25 board in regard to establishing appropriate population
26 projections and the planning and siting of public school
27 facilities. For those counties or municipalities that do not
28 have a public schools interlocal agreement or public school
29 facility element, the assessment shall determine whether the
30 local government continues to meet the criteria of s.
31 163.3177(12). If the county or municipality determines that it

1 no longer meets the criteria, it must adopt appropriate school
2 concurrency goals, objectives, and policies in its plan
3 amendments pursuant to the requirements of the public school
4 facility element, and enter into the existing interlocal
5 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
6 order to fully participate in the school concurrency system.
7 ~~If the issues are not relevant, the local government shall~~
8 ~~demonstrate that they are not relevant.~~

9 (1) The extent to which the local government has been
10 successful in identifying alternative water supply projects
11 and traditional water supply projects, including conservation
12 and reuse, necessary to meet the water needs identified in s.
13 373.0361(2)(a) within the local government's jurisdiction. The
14 report must evaluate the degree to which the local government
15 has implemented the work plan for building public, private,
16 and regional water supply facilities, including development of
17 alternative water supplies. The evaluation must consider the
18 ~~appropriate water management district's regional water supply~~
19 ~~plan approved pursuant to s. 373.0361. The potable water~~
20 ~~element must be revised to include a work plan, covering at~~
21 ~~least a 10 year planning period, for building any water supply~~
22 ~~facilities that are identified in the element as necessary to~~
23 ~~serve existing and new development and for which the local~~
24 ~~government is responsible.~~

25 (m) If any of the jurisdiction of the local government
26 is located within the coastal high-hazard area, an evaluation
27 of whether any past reduction in land use density impairs the
28 property rights of current residents when redevelopment
29 occurs, including, but not limited to, redevelopment following
30 a natural disaster. The property rights of current residents
31 shall be balanced with public safety considerations. The local

1 government must identify strategies to address redevelopment
2 feasibility and the property rights of affected residents.

3 These strategies may include the authorization of
4 redevelopment up to the actual built density in existence on
5 the property prior to the natural disaster or redevelopment.

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

9 (o) The extent to which a concurrency exception area
10 designated pursuant to s. 163.3180(5), a concurrency
11 management area designated pursuant to s. 163.3180(7), or a
12 multimodal transportation district designated pursuant to s.
13 163.3180(15) has achieved the purpose for which it was created
14 and otherwise complies with the provisions of s. 163.3180.

15 (p) An assessment of the extent to which changes are
16 needed to develop a common methodology for measuring impacts
17 on transportation facilities for the purpose of implementing
18 its concurrency management system in coordination with the
19 municipalities and counties, as appropriate pursuant to s.
20 163.3180(10).

21 (10) The governing body shall amend its comprehensive
22 plan based on the recommendations in the report and shall
23 update the comprehensive plan based on the components of
24 subsection (2), pursuant to the provisions of ss. 163.3184,
25 163.3187, and 163.3189. Amendments to update a comprehensive
26 plan based on the evaluation and appraisal report shall be
27 adopted during a single amendment cycle within 18 months after
28 the report is determined to be sufficient by the state land
29 planning agency, except the state land planning agency may
30 grant an extension for adoption of a portion of such
31 amendments. The state land planning agency may grant a

1 6-month extension for the adoption of such amendments if the
2 request is justified by good and sufficient cause as
3 determined by the agency. An additional extension may also be
4 granted if the request will result in greater coordination
5 between transportation and land use, for the purposes of
6 improving Florida's transportation system, as determined by
7 the agency in coordination with the Metropolitan Planning
8 Organization program. Beginning July 1, 2006, failure to
9 timely adopt and transmit update amendments to the
10 comprehensive plan based on the evaluation and appraisal
11 report shall result in a local government being prohibited
12 from adopting amendments to the comprehensive plan until the
13 evaluation and appraisal report update amendments have been
14 adopted and transmitted to the state land planning agency. The
15 prohibition on plan amendments shall commence when the update
16 amendments to the comprehensive plan are past due. The
17 comprehensive plan as amended shall be in compliance as
18 defined in s. 163.3184(1)(b). Within 6 months after the
19 effective date of the update amendments to the comprehensive
20 plan, the local government shall provide to the state land
21 planning agency and to all agencies designated by rule a
22 complete copy of the updated comprehensive plan.

23 Section 9. Paragraph (b) of subsection (4) of section
24 339.135, Florida Statutes, is amended to read:

25 339.135 Work program; legislative budget request;
26 definitions; preparation, adoption, execution, and
27 amendment.--

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

29 (b)1. A tentative work program, including the ensuing
30 fiscal year and the successive 4 fiscal years, shall be
31 prepared for the State Transportation Trust Fund and other

1 funds managed by the department, unless otherwise provided by
2 law. The tentative work program shall be based on the
3 district work programs and shall set forth all projects by
4 phase to be undertaken during the ensuing fiscal year and
5 planned for the successive 4 fiscal years. The total amount of
6 the liabilities accruing in each fiscal year of the tentative
7 work program may not exceed the revenues available for
8 expenditure during the respective fiscal year based on the
9 cash forecast for that respective fiscal year.

10 2. The tentative work program shall be developed in
11 accordance with the Florida Transportation Plan required in s.
12 339.155 and must comply with the program funding levels
13 contained in the program and resource plan.

14 3. The department may include in the tentative work
15 program proposed changes to the programs contained in the
16 previous work program adopted pursuant to subsection (5);
17 however, the department shall minimize changes and adjustments
18 that affect the scheduling of project phases in the 4 common
19 fiscal years contained in the previous adopted work program
20 and the tentative work program. The department, in the
21 development of the tentative work program, shall advance by 1
22 fiscal year all projects included in the second year of the
23 previous year's adopted work program, unless the secretary
24 specifically determines that it is necessary, for specific
25 reasons, to reschedule or delete one or more projects from
26 that year. Such changes and adjustments shall be clearly
27 identified, and the effect on the 4 common fiscal years
28 contained in the previous adopted work program and the
29 tentative work program shall be shown. It is the intent of
30 the Legislature that ~~the first 5 years of the adopted work~~
31 ~~program for facilities designated as part of the Florida~~

1 | ~~Intrastate Highway System~~ and the first 3 years of the adopted
2 | work program stand as the commitment of the state to undertake
3 | transportation projects that local governments may rely on for
4 | planning and concurrency purposes and in the development and
5 | amendment of the capital improvements elements of their local
6 | government comprehensive plans.

7 | 4. The tentative work program must include a balanced
8 | 36-month forecast of cash and expenditures and a 5-year
9 | finance plan supporting the tentative work program.

10 | Section 10. The Office of Program Policy Analysis and
11 | Government Accountability shall perform a study on adjustments
12 | to the boundaries of Florida Regional Planning Councils,
13 | Florida Water Management Districts, and Department of
14 | Transportation Districts. The purpose of this study is to
15 | organize these regional boundaries to be more coterminous with
16 | one another, creating a more unified system of regional
17 | boundaries. This study must be completed by December 31, 2005,
18 | and submitted to the President of the Senate, the Speaker of
19 | the House of Representatives, and the Governor by January 15,
20 | 2006.

21 | Section 11. Section 163.3247, Florida Statutes, is
22 | created to read:

23 | 163.3247 Century Commission for a Sustainable
24 | Florida.--

25 | (1) POPULAR NAME.--This section may be cited as the
26 | "Century Commission for a Sustainable Florida Act."

27 | (2) FINDINGS AND INTENT.--The Legislature finds and
28 | declares that the population of this state is expected to more
29 | than double over the next 100 years, with commensurate impacts
30 | to the state's natural resources and public infrastructure.
31 | Consequently, it is in the best interests of the people of the

1 state to ensure sound planning for the proper placement of
2 this growth and protection of the state's land, water, and
3 other natural resources since such resources are essential to
4 our collective quality of life and a strong economy. The
5 state's growth management system should foster economic
6 stability through regional solutions and strategies, urban
7 renewal and infill, and the continued viability of
8 agricultural economies, while allowing for rural economic
9 development and protecting the unique characteristics of rural
10 areas, and should reduce the complexity of the regulatory
11 process while carrying out the intent of the laws and
12 encouraging greater citizen participation.

13 (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
14 CREATION; ORGANIZATION.--The Century Commission for a
15 Sustainable Florida is created as a standing body to help the
16 citizens of this state envision and plan their collective
17 future with an eye towards both 25-year and 50-year horizons.

18 (a) The commission shall consist of fifteen members,
19 five appointed by the Governor, five appointed by the
20 President of the Senate, and five appointed by the Speaker of
21 the House of Representatives. Appointments shall be made no
22 later than October 1, 2005. The membership must represent
23 local governments, school boards, developers and homebuilders,
24 the business community, the agriculture community, the
25 environmental community, and other appropriate stakeholders.
26 One member shall be designated by the Governor as chair of the
27 commission. Any vacancy that occurs on the commission must be
28 filled in the same manner as the original appointment and
29 shall be for the unexpired term of that commission seat.
30 Members shall serve 4-year terms, except that, initially, to
31 provide for staggered terms, the Governor, the President of

1 the Senate, and the Speaker of the House of Representatives,
2 shall each appoint one member to serve a 2-year term, two
3 members to serve 3-year terms, and two members to serve 4-year
4 terms. All subsequent appointments shall be for 4-year terms.
5 An appointee may not serve more than 6 years.

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

12 (c) Each member of the commission is entitled to one
13 vote and actions of the commission are not binding unless
14 taken by a three-fifths vote of the members present. A
15 majority of the members is required to constitute a quorum,
16 and the affirmative vote of a quorum is required for a binding
17 vote.

18 (d) Members of the commission shall serve without
19 compensation but shall be entitled to receive per diem and
20 travel expenses in accordance with s. 112.061 while in
21 performance of their duties.

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

23 (a) Annually conduct a process through which the
24 commission envisions the future for the state and then
25 develops and recommends policies, plans, action steps, or
26 strategies to assist in achieving the vision.

27 (b) Continuously review and consider statutory and
28 regulatory provisions, governmental processes, and societal
29 and economic trends in its inquiry of how state, regional, and
30 local governments and entities and citizens of this state can
31 best accommodate projected increased populations while

1 maintaining the natural, historical, cultural, and manmade
2 life qualities that best represent the state.

3 (c) Bring together people representing varied
4 interests to develop a shared image of the state and its
5 developed and natural areas. The process should involve
6 exploring the impact of the estimated population increase and
7 other emerging trends and issues; creating a vision for the
8 future; and developing a strategic action plan to achieve that
9 vision using 25-year and 50-year intermediate planning
10 timeframes.

11 (d) Focus on essential state interests, defined as
12 those interests that transcend local or regional boundaries
13 and are most appropriately conserved, protected, and promoted
14 at the state level.

15 (e) Serve as an objective, nonpartisan repository of
16 exemplary community-building ideas and as a source to
17 recommend strategies and practices to assist others in working
18 collaboratively to problem solve on issues relating to growth
19 management.

20 (f) Annually, beginning January 16, 2007, and every
21 year thereafter on the same date, provide to the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives a written report containing specific
24 recommendations for addressing growth management in the state,
25 including executive and legislative recommendations. Further,
26 the report shall contain discussions regarding the need for
27 intergovernmental cooperation and the balancing of
28 environmental protection and future development and
29 recommendations on issues, including, but not limited to,
30 recommendations regarding dedicated sources of funding for
31 sewer facilities, water supply and quality, transportation

1 facilities that are not adequately addressed by the Strategic
2 Intermodal System, and educational infrastructure to support
3 existing development and projected population growth.

4 (g) Beginning with the 2007 Regular Session of the
5 Legislature, the President of the Senate and Speaker of the
6 House of Representatives shall create a joint select
7 committee, the task of which shall be to review the findings
8 and recommendations of the Century Commission for a
9 Sustainable Florida for potential action.

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

11 (a) The Secretary of Community Affairs shall select an
12 executive director of the commission, and the executive
13 director shall serve at the pleasure of the secretary under
14 the supervision and control of the commission.

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

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

21 Section 12. Section 339.2819, Florida Statutes, is
22 created to read:

23 339.2819 Transportation Regional Incentive Program.--

24 (1) There is created within the Department of
25 Transportation a Transportation Regional Incentive Program for
26 the purpose of providing funds to improve regionally
27 significant transportation facilities in regional
28 transportation areas created pursuant to s. 339.155(5).

29 (2) The percentage of matching funds provided from the
30 Transportation Regional Incentive Program shall be 50 percent
31 of project costs, or up to 50 percent of the nonfederal share

1 of the eligible project cost for a public transportation
2 facility project.

3 (3) The department shall allocate funding available
4 for the Transportation Regional Incentive Program to the
5 districts based on a factor derived from equal parts of
6 population and motor fuel collections for eligible counties in
7 regional transportation areas created pursuant to s.
8 339.155(5).

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

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

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

19 Further, the project shall be in compliance with local
20 government comprehensive plan policies relative to corridor
21 management.

22 3. Be consistent with the Strategic Intermodal System
23 Plan developed under s. 339.64.

24 4. Have a commitment for local, regional, or private
25 financial matching funds as a percentage of the overall
26 project cost.

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

29 1. Provide connectivity to the Strategic Intermodal
30 System developed under s. 339.64.

31

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

4 3. Are subject to a local ordinance that establishes
5 corridor management techniques, including access management
6 strategies, right-of-way acquisition and protection measures,
7 appropriate land use strategies, zoning, and setback
8 requirements for adjacent land uses.

9 4. Improve connectivity between military installations
10 and the Strategic Highway Network or the Strategic Rail
11 Corridor Network.

12 (5) Funds paid into the State Transportation Trust
13 Fund pursuant to s. 201.15(1)(d) for the purposes of the
14 Transportation Regional Incentive Program are hereby annually
15 appropriated for expenditure to support that program.

16 Section 13. Section 337.107, Florida Statutes, is
17 amended to read:

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

27 Section 14. Effective July 1, 2007, section 337.107,
28 Florida Statutes, as amended by this act is amended to read:

29 337.107 Contracts for right-of-way services.--The
30 department may enter into contracts pursuant to s. 287.055 for
31 right-of-way services on transportation corridors and

1 transportation facilities, ~~or the department may include~~
2 ~~right of way services as part of design build contracts~~
3 ~~awarded under s. 337.11.~~ Right-of-way services include
4 negotiation and acquisition services, appraisal services,
5 demolition and removal of improvements, and asbestos-abatement
6 services.

7 Section 15. Paragraph (a) of subsection (7) of section
8 337.11, Florida Statutes, is amended to read:

9 337.11 Contracting authority of department; bids;
10 emergency repairs, supplemental agreements, and change orders;
11 combined design and construction contracts; progress payments;
12 records; requirements of vehicle registration.--

13 (7)(a) If the head of the department determines that
14 it is in the best interests of the public, the department may
15 combine the right-of-way services and design and construction
16 phases of any a building, a major bridge, a limited access
17 facility, or a rail corridor project into a single contract,
18 except for a resurfacing or minor bridge project, the
19 right-of-way services and design and construction phases of
20 which may be combined under s. 337.025. Such contract is
21 referred to as a design-build contract. Design-build contracts
22 may be advertised and awarded notwithstanding the requirements
23 of paragraph (3)(c). However, construction activities may not
24 begin on any portion of such projects until title to the
25 necessary rights-of-way and easements for the construction of
26 that portion of the project has vested in the state or a local
27 governmental entity and all railroad crossing and utility
28 agreements have been executed. Title to rights-of-way vests in
29 the state when the title has been dedicated to the public or
30 acquired by prescription.

31

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

4 337.11 Contracting authority of department; bids;
5 emergency repairs, supplemental agreements, and change orders;
6 combined design and construction contracts; progress payments;
7 records; requirements of vehicle registration.--

8 (7)(a) If the head of the department determines that
9 it is in the best interests of the public, the department may
10 combine the ~~right of way services and~~ design and construction
11 phases of a building, a major bridge, a limited access
12 facility, or a rail corridor ~~any~~ project into a single
13 contract, ~~except for a resurfacing or minor bridge project,~~
14 ~~the right of way services and design and construction phase of~~
15 ~~which may be combined under s. 337.025.~~ Such contract is
16 referred to as a design-build contract. Design-build contracts
17 may be advertised and awarded notwithstanding the requirements
18 of paragraph (3)(c). However, construction activities may not
19 begin on any portion of such projects for which the
20 department has not yet obtained title to the necessary
21 rights-of-way and easements for the construction of that
22 portion of the project has vested in the state or a local
23 governmental entity and all railroad crossing and utility
24 agreements have been executed. Title to rights-of-way shall be
25 deemed to have vested in the state when the title has been
26 dedicated to the public or acquired by prescription.

27 Section 17. Paragraphs (l), (m), and (n) are added to
28 subsection (24) of section 380.06, Florida Statutes, to read:

29 380.06 Developments of regional impact.--

30 (24) STATUTORY EXEMPTIONS.--

31

1 (l) Any proposed development within an urban service
2 boundary established under s. 163.3177(14) is exempt from the
3 provisions of this section if the local government having
4 jurisdiction over the area where the development is proposed
5 has adopted the urban service boundary and has entered into a
6 binding agreement with adjacent jurisdictions and the
7 Department of Transportation regarding the mitigation of
8 impacts on state and regional transportation facilities, and
9 has adopted a proportionate share methodology pursuant to s.
10 163.3180(16).

11 (m) Any proposed development within a rural land
12 stewardship area created under s. 163.3177(11)(d) is exempt
13 from the provisions of this section if the local government
14 that has adopted the rural land stewardship area has entered
15 into a binding agreement with jurisdictions that would be
16 impacted and the Department of Transportation regarding the
17 mitigation of impacts on state and regional transportation
18 facilities, and has adopted a proportionate share methodology
19 pursuant to s. 163.3180(16).

20 (n) Any proposed development or redevelopment within
21 an area designated as an urban infill and redevelopment area
22 under s. 163.2517 is exempt from the provisions of this
23 section if the local government has entered into a binding
24 agreement with jurisdictions that would be impacted and the
25 Department of Transportation regarding the mitigation of
26 impacts on state and regional transportation facilities, and
27 has adopted a proportionate share methodology pursuant to s.
28 163.3180(16).

29 Section 18. Subsections (3), (7), and (8) of section
30 1013.33, Florida Statutes, are amended to read:

31

1 1013.33 Coordination of planning with local governing
2 bodies.--

3 (3) At a minimum, the interlocal agreement must
4 address interlocal-agreement requirements in s.
5 163.3180(13)(g), except for exempt local governments as
6 provided in s. 163.3177(12), and must address the following
7 issues:

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

14 (b) A process to coordinate and share information
15 relating to existing and planned public school facilities,
16 including school renovations and closures, and local
17 government plans for development and redevelopment.

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

28 (d) A process for determining the need for and timing
29 of onsite and offsite improvements to support new
30 construction, proposed expansion, or redevelopment of existing
31

1 schools. The process shall address identification of the party
2 or parties responsible for the improvements.

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

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

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

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

21 (i) An oversight process, including an opportunity for
22 public participation, for the implementation of the interlocal
23 agreement.

24
25 ~~A signatory to the interlocal agreement may elect not to~~
26 ~~include a provision meeting the requirements of paragraph (c);~~
27 ~~however, such a decision may be made only after a public~~
28 ~~hearing on such election, which may include the public hearing~~
29 ~~in which a district school board or a local government adopts~~
30 ~~the interlocal agreement. An interlocal agreement entered into~~
31 ~~pursuant to this section must be consistent with the adopted~~

1 ~~comprehensive plan and land development regulations of any~~
2 ~~local government that is a signatory.~~

3 (7) Except as provided in subsection (8),
4 municipalities meeting the exemption criteria in s.
5 163.3177(12) ~~having no established need for a new facility and~~
6 ~~meeting the following criteria~~ are exempt from the
7 requirements of subsections (2), (3), and (4).~~+~~

8 ~~(a) The municipality has no public schools located~~
9 ~~within its boundaries.~~

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

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

30 Section 19. Subsection (2) of section 206.46, Florida
31 Statutes, is amended to read:

1 206.46 State Transportation Trust Fund.--

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

19 Section 20. Subsection (1) of section 339.08, Florida
20 Statutes, is amended to read:

21 339.08 Use of moneys in State Transportation Trust
22 Fund.--

23 (1) The department shall expend moneys in the State
24 Transportation Trust Fund accruing to the department, in
25 accordance with its annual budget. The use of such moneys
26 shall be restricted to the following purposes:

27 (a) To pay administrative expenses of the department,
28 including administrative expenses incurred by the several
29 state transportation districts, but excluding administrative
30 expenses of commuter rail authorities that do not operate rail
31 service.

- 1 (b) To pay the cost of construction of the State
2 Highway System.
- 3 (c) To pay the cost of maintaining the State Highway
4 System.
- 5 (d) To pay the cost of public transportation projects
6 in accordance with chapter 341 and ss. 332.003-332.007.
- 7 (e) To reimburse counties or municipalities for
8 expenditures made on projects in the State Highway System as
9 authorized by s. 339.12(4) upon legislative approval.
- 10 (f) To pay the cost of economic development
11 transportation projects in accordance with s. 288.063.
- 12 (g) To lend or pay a portion of the operating,
13 maintenance, and capital costs of a revenue-producing
14 transportation project that is located on the State Highway
15 System or that is demonstrated to relieve traffic congestion
16 on the State Highway System.
- 17 (h) To match any federal-aid funds allocated for any
18 other transportation purpose, including funds allocated to
19 projects not located in the State Highway System.
- 20 (i) To pay the cost of county road projects selected
21 in accordance with the Small County Road Assistance Program
22 created in s. 339.2816.
- 23 (j) To pay the cost of county or municipal road
24 projects selected in accordance with the County Incentive
25 Grant Program created in s. 339.2817 and the Small County
26 Outreach Program created in s. 339.2818.
- 27 (k) To provide loans and credit enhancements for use
28 in constructing and improving highway transportation
29 facilities selected in accordance with the state-funded
30 infrastructure bank created in s. 339.55.
- 31

1 (1) To pay the cost of projects on the Florida
2 Strategic Intermodal System created in s. 339.61.

3 (m) To pay the cost of transportation projects
4 selected in accordance with the Transportation Regional
5 Incentive Program created in s. 339.2819.

6 ~~(n)(m)~~ To pay other lawful expenditures of the
7 department.

8 Section 21. Paragraphs (c), (d), and (e) are added to
9 subsection (5) of section 339.155, Florida Statutes, to read:

10 339.155 Transportation planning.--

11 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

23 (d) The interlocal agreement must, at a minimum,
24 identify the entity that will coordinate the development of
25 the regional transportation plan; delineate the boundaries of
26 the regional transportation area; provide the duration of the
27 agreement and specify how the agreement may be terminated,
28 modified, or rescinded; describe the process by which the
29 regional transportation plan will be developed; and provide
30 how members of the entity will resolve disagreements regarding
31 interpretation of the interlocal agreement or disputes

1 relating to the development or content of the regional
2 transportation plan. Such interlocal agreement shall become
3 effective upon its recordation in the official public records
4 of each county in the regional transportation area.

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

16 Section 22. Section 339.175, Florida Statutes, is
17 amended to read:

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

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

18 (1) DESIGNATION.--

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

29 2. More than one M.P.O. may be designated within an
30 existing metropolitan planning area only if the Governor and
31 the existing M.P.O. determine that the size and complexity of

1 the existing metropolitan planning area makes the designation
2 of more than one M.P.O. for the area appropriate.

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

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

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

31

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

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

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

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

20 2. The M.P.O. and the charter county determine that
21 the reapportionment plan is needed to fulfill specific goals
22 and policies applicable to that metropolitan planning area;
23 and

24 3. The charter county determines the reapportionment
25 plan otherwise complies with all federal requirements
26 pertaining to M.P.O. membership.

27
28 Any charter county that elects to exercise the provisions of
29 this paragraph shall notify the Governor in writing.

30 (d) Any other provision of this section to the
31 contrary notwithstanding, any county chartered under s. 6(e),

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

14 (3) APPORTIONMENT.--

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

1 prepared by the United States Department of Commerce, Bureau
2 of the Census, and reapportion it as necessary to comply with
3 subsection (2).

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

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

26 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
27 responsibility of an M.P.O. is to manage a continuing,
28 cooperative, and comprehensive transportation planning process
29 that, based upon the prevailing principles provided in s.
30 334.046(1), results in the development of plans and programs
31 which are consistent, to the maximum extent feasible, with the

1 approved local government comprehensive plans of the units of
2 local government the boundaries of which are within the
3 metropolitan area of the M.P.O. An M.P.O. shall be the forum
4 for cooperative decisionmaking by officials of the affected
5 governmental entities in the development of the plans and
6 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

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

31

- 1 1. Support the economic vitality of the metropolitan
2 area, especially by enabling global competitiveness,
3 productivity, and efficiency;
- 4 2. Increase the safety and security of the
5 transportation system for motorized and nonmotorized users;
- 6 3. Increase the accessibility and mobility options
7 available to people and for freight;
- 8 4. Protect and enhance the environment, promote energy
9 conservation, and improve quality of life;
- 10 5. Enhance the integration and connectivity of the
11 transportation system, across and between modes, for people
12 and freight;
- 13 6. Promote efficient system management and operation;
14 and
- 15 7. Emphasize the preservation of the existing
16 transportation system.
- 17 (c) In order to provide recommendations to the
18 department and local governmental entities regarding
19 transportation plans and programs, each M.P.O. shall:
- 20 1. Prepare a congestion management system for the
21 metropolitan area and cooperate with the department in the
22 development of all other transportation management systems
23 required by state or federal law;
- 24 2. Assist the department in mapping transportation
25 planning boundaries required by state or federal law;
- 26 3. Assist the department in performing its duties
27 relating to access management, functional classification of
28 roads, and data collection;
- 29 4. Execute all agreements or certifications necessary
30 to comply with applicable state or federal law;
- 31

1 5. Represent all the jurisdictional areas within the
2 metropolitan area in the formulation of transportation plans
3 and programs required by this section; and

4 6. Perform all other duties required by state or
5 federal law.

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

29 (e)1. Each M.P.O. shall appoint a citizens' advisory
30 committee, the members of which serve at the pleasure of the
31 M.P.O. The membership on the citizens' advisory committee must

1 reflect a broad cross section of local residents with an
2 interest in the development of an efficient, safe, and
3 cost-effective transportation system. Minorities, the elderly,
4 and the handicapped must be adequately represented.

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

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

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

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

23 1. Coordinate transportation projects deemed to be
24 regionally significant by the committee.

25 2. Review the impact of regionally significant land
26 use decisions on the region.

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

31

1 4. Institute a conflict resolution process to address
2 any conflict that may arise in the planning and programming of
3 such regionally significant projects.

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

15 Consequently, it is appropriate to set forth a flexible
16 methodology that can be used by M.P.O.'s to coordinate with
17 other M.P.O.'s and appropriate political subdivisions as
18 circumstances demand.

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

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

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

1 government located within the jurisdiction of the M.P.O. The
2 approved long-range transportation plan must be considered by
3 local governments in the development of the transportation
4 elements in local government comprehensive plans and any
5 amendments thereto. The long-range transportation plan must,
6 at a minimum:

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

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

1 fund needed projects and programs. Such techniques may
2 include the assessment of tolls, the use of value capture
3 financing, or the use of value pricing.

4 (c) Assess capital investment and other measures
5 necessary to:

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

12 2. Make the most efficient use of existing
13 transportation facilities to relieve vehicular congestion and
14 maximize the mobility of people and goods.

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

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

28
29 In the development of its long-range transportation plan, each
30 M.P.O. must provide the public, affected public agencies,
31 representatives of transportation agency employees, freight

1 shippers, providers of freight transportation services,
2 private providers of transportation, representatives of users
3 of public transit, and other interested parties with a
4 reasonable opportunity to comment on the long-range
5 transportation plan. The long-range transportation plan must
6 be approved by the M.P.O.

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

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

1 metropolitan area in accordance with existing and subsequent
2 federal and state laws and rules and regulations related
3 thereto. The transportation improvement program shall be
4 consistent, to the maximum extent feasible, with the approved
5 local government comprehensive plans of the units of local
6 government whose boundaries are within the metropolitan area
7 of the M.P.O. and include those projects programmed pursuant
8 to s. 339.2819(4).

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

23 1. The approved M.P.O. long-range transportation plan;
24 2. The Strategic Intermodal System Plan developed
25 under s. 339.64.

26 3. The priorities developed pursuant to s.
27 339.2819(4).

28 ~~4.3-~~ The results of the transportation management
29 systems; and

30 ~~5.4-~~ The M.P.O.'s public-involvement procedures.
31

1 (c) The transportation improvement program must, at a
2 minimum:

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

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

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

1 available for the project or project phase within the time
2 period contemplated for completion of the project or project
3 phase.

4 4. Group projects and project phases of similar
5 urgency and anticipated staging into appropriate staging
6 periods.

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

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

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

26 (d) Projects included in the transportation
27 improvement program and that have advanced to the design stage
28 of preliminary engineering may be removed from or rescheduled
29 in a subsequent transportation improvement program only by the
30 joint action of the M.P.O. and the department. Except when
31 recommended in writing by the district secretary for good

1 cause, any project removed from or rescheduled in a subsequent
2 transportation improvement program shall not be rescheduled by
3 the M.P.O. in that subsequent program earlier than the 5th
4 year of such program.

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

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

30 (g) The Department of Community Affairs shall review
31 the annual transportation improvement program of each M.P.O.

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

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

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

25 (9) AGREEMENTS.--

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

29 1. An agreement with the department clearly
30 establishing the cooperative relationship essential to
31

1 accomplish the transportation planning requirements of state
2 and federal law.

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

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

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

20 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
21 COUNCIL.--

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

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

1 funds made available to council members for travel and per
2 diem expenses incurred in the performance of their council
3 duties as provided in s. 112.061.

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

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

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

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

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

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

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

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

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

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

14 Section 23. Section 339.55, Florida Statutes, is
15 amended to read:

16 339.55 State-funded infrastructure bank.--

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

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

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

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

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

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

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

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

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

23 (a) The credit worthiness of the project.

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

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

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

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

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

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

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

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

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

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

22 (10) Funds paid into the State Transportation Trust
23 Fund pursuant to s. 201.15(1)(d) for the purposes of the State
24 Infrastructure Bank are hereby annually appropriated for
25 expenditure to support that program.

26 Section 24. Subsection (7) is added to section
27 1013.64, Florida Statutes, to read:

28 1013.64 Funds for comprehensive educational plant
29 needs; construction cost maximums for school district capital
30 projects.--Allocations from the Public Education Capital
31

1 Outlay and Debt Service Trust Fund to the various boards for
2 capital outlay projects shall be determined as follows:

3 (7) Moneys distributed to the Public Education Capital
4 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
5 to fund the Classrooms for Kids Program created in s. 1013.735
6 and the High Growth County District Capital Outlay Assistance
7 Grant Program created in s. 1013.738, shall be distributed as
8 provided by those sections.

9 Section 25. Paragraph (a) of subsection (2) of section
10 1013.65, Florida Statutes, is amended to read:

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

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

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

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

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

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

27 b. The sum of \$41.75 million of such funds shall be
28 appropriated annually for expenditure to fund the Classrooms
29 for Kids Program created in s. 1013.735 and shall be
30 distributed as provided by that section.

31

1 c. Thirty million dollars of such funds are hereby
2 annually appropriated for expenditure to fund the High Growth
3 County District Capital Outlay Assistance Grant Program
4 created in s. 1013.738 and shall be distributed as provided in
5 that section.

6 Section 26. Subsection (1) of section 201.15, Florida
7 Statutes, is amended to read:

8 201.15 Distribution of taxes collected.--All taxes
9 collected under this chapter shall be distributed as follows
10 and shall be subject to the service charge imposed in s.
11 215.20(1), except that such service charge shall not be levied
12 against any portion of taxes pledged to debt service on bonds
13 to the extent that the amount of the service charge is
14 required to pay any amounts relating to the bonds:

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

18 (a) Amounts as shall be necessary to pay the debt
19 service on, or fund debt service reserve funds, rebate
20 obligations, or other amounts payable with respect to
21 Preservation 2000 bonds issued pursuant to s. 375.051 and
22 Florida Forever bonds issued pursuant to s. 215.618, shall be
23 paid into the State Treasury to the credit of the Land
24 Acquisition Trust Fund to be used for such purposes. The
25 amount transferred to the Land Acquisition Trust Fund for such
26 purposes shall not exceed \$300 million in fiscal year
27 1999-2000 and thereafter for Preservation 2000 bonds and bonds
28 issued to refund Preservation 2000 bonds, and \$300 million in
29 fiscal year 2000-2001 and thereafter for Florida Forever
30 bonds. The annual amount transferred to the Land Acquisition
31 Trust Fund for Florida Forever bonds shall not exceed \$30

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

25 (b) The remainder of the moneys distributed under this
26 subsection, after the required payment under paragraph (a),
27 shall be paid into the State Treasury to the credit of the
28 Save Our Everglades Trust Fund in amounts necessary to pay
29 debt service, provide reserves, and pay rebate obligations and
30 other amounts due with respect to bonds issued under s.
31 215.619.

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

18 (d) The remainder of the moneys distributed under this
19 subsection, after the required payments under paragraphs (a),
20 (b), and (c), shall be paid into the State Treasury to the
21 credit of:

22 1. The State Transportation Trust Fund in the
23 Department of Transportation in the amount of \$541.75 million
24 in each fiscal year, to be paid in quarterly installments and
25 used for the following specified purposes notwithstanding any
26 other law to the contrary:

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

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

1 c. For the purposes of the Strategic Intermodal System
2 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
3 percent of these funds after allocating for the New Starts
4 Transit Program described in sub-subparagraph a. and the Small
5 County Outreach Program described in sub-subparagraph b.; and

6 d. For the purposes of the Transportation Regional
7 Incentive Program specified in s. 339.2819, 25 percent of
8 these funds after allocating for the New Starts Transit
9 Program described in sub-subparagraph a. and the Small County
10 Outreach Program described in sub-subparagraph b.

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

15 3. The Public Education Capital Outlay and Debt
16 Service Trust Fund in the Department of Education in the
17 amount of \$105 million in each fiscal year, to be paid in
18 monthly installments with \$75 million used to fund the
19 Classrooms for Kids Program created in s. 1013.735, and \$30
20 million to be used to fund the High Growth County District
21 Capital Outlay Assistance Grant Program created in s.
22 1013.738. If required, new facilities constructed under the
23 Classroom for Kids Program must meet the requirements of s.
24 1013.372.

25 4. The Grants and Donations Trust Fund in the
26 Department of Community Affairs in the amount of \$3.25 million
27 in each fiscal year to be paid in monthly installments, with
28 \$3 million to be used to fund technical assistance to local
29 governments and school boards on the requirements and
30 implementation of this act and \$250,000 to be used to fund the
31 Century Commission established in s. 163.3247.

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

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

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

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

21 (b) To the Water Protection and Sustainability Program
22 Trust Fund in the Department of Environmental Protection, \$100
23 million or if the Water Protection and Sustainability Trust
24 Fund is not created, to the Ecosystem Management and
25 Restoration Trust Fund in the Department of Environmental
26 Protection.

27 (c) To the Public Education Capital Outlay and Debt
28 Service Trust Fund in the Department of Education, \$71.65
29 million.

30 (d) To the Grants and Donations Trust Fund in the
31 Department of Community Affairs, \$3.35 million.

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

3 (a) From the State Transportation Trust Fund in the
4 Department of Transportation:

5 1. Two hundred million dollars for the purposes
6 specified in sections 339.61, 339.62, 339.63, and 339.64,
7 Florida Statutes.

8 2. Two hundred seventy-five million dollars for the
9 purposes specified in section 339.2819, Florida Statutes.

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

12 4. Twenty-five million for the purposes specified in
13 section 339.2817, Florida Statutes.

14 (b) From the Water Protection and Sustainability
15 Program Trust Fund or, if that trust fund is not created, from
16 the Ecosystem Management and Restoration Trust Fund, in the
17 Department of Environmental Protection, \$100 million for the
18 purposes specified in section 403.890, Florida Statutes.

19 (c) From the Public Education Capital Outlay and Debt
20 Service Trust Fund in the Department of Education, the sum of
21 \$71.65 million with \$41.65 million for the purpose of funding
22 the Classrooms for Kids Program created in section 1013.735,
23 Florida Statutes and \$30 million to be used to fund the High
24 Growth County District Capital Outlay Assistance Grant Program
25 created in section 1013.738, Florida Statutes. Notwithstanding
26 the requirements of sections 1013.64 and 1013.65, Florida
27 Statutes, these moneys may not be distributed as part of the
28 comprehensive plan for the Public Education Capital Outlay and
29 Debt Service Trust Fund. If required, new facilities
30 constructed under the Classroom for Kids Program must meet the
31 requirements of section 1013.372, Florida Statutes.

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

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

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

15 3. Fifty thousand dollars to support the School
16 Concurrency Task Force.

17 4. Fifty thousand dollars to support the Impact Fee
18 Task Force.

19 Section 28. Beginning in fiscal year 2005-2006, the
20 Department of Transportation shall allocate sufficient funds
21 to implement the provisions relating to transportation in this
22 act. The department shall amend the tentative work program for
23 2005-2006. Before amending the tentative work program, the
24 department shall submit a budget amendment pursuant to section
25 339.135(7), Florida Statutes. Notwithstanding the provisions
26 of section 216.301(1), Florida Statutes, the funds
27 appropriated from general revenue to the State Transportation
28 Trust Fund in this act shall not revert at the end of fiscal
29 year 2005-2006.

30 Section 29. The Legislature finds that planning for
31 and adequately funding infrastructure is critically important

1 for the safety and welfare of the residents of Florida.

2 Therefore, the Legislature finds that the provisions of this
3 act fulfill an important state interest.

4 Section 30. School Concurrency Task Force.--

5 (1) The School Concurrency Task Force is created to
6 review the requirements for school concurrency in law and make
7 recommendations regarding streamlining the process and
8 procedures for establishing school concurrency. The task force
9 shall also examine the methodology and processes used for the
10 funding of construction of public schools and make
11 recommendations on revisions to provisions of law and rules
12 which will help ensure that schools are built and available
13 when the expected demands of growth produce the need for new
14 school facilities.

15 (2) The task force shall be composed of 11 members.

16 The membership must represent local governments, school
17 boards, developers and homebuilders, the business community,
18 the agriculture community, the environmental community, and
19 other appropriate stakeholders. The task force shall include
20 two members appointed by the Governor, two members appointed
21 by the President of the Senate, two members appointed by the
22 Speaker of the House of Representatives, one member appointed
23 by the Florida School Boards Association, one member appointed
24 by the Florida Association of Counties, and one member
25 appointed by the Florida League of Cities. The Secretary of
26 the Department of Community Affairs, or a senior management
27 designee, and the Commissioner of Education, or a senior
28 management designee, shall also be ex officio nonvoting
29 members on the task force.

30 (3) The task force shall report to the Governor, the
31 President of the Senate, and the Speaker of the House of

1 Representatives no later than December 1, 2005, with specific
2 recommendations for revisions to provisions of law and rules.

3 Section 31. Florida Impact Fee Review Task Force.--

4 (1) The Legislature recognizes that impact fees have
5 been an important source of revenues to local governments to
6 fund new growth. Local governments have assumed this
7 responsibility under their constitutional home rule authority.
8 With the increased use of impact fees, questions have arisen
9 about whether their use should be regulated by law.

10 (2) Effective upon this act becoming law, the Florida
11 Impact Fee Review Task Force is created.

12 (3) The task force is to be composed of 15 members,
13 who shall be appointed within 30 days after the effective date
14 of this section.

15 1. Five voting members selected by the President of
16 the Senate and five voting members selected by the Speaker of
17 the House of Representative, none of whom may be a member of
18 the Legislature at the time of the appointment, as follows:
19 one member of a county commission, one member of a city
20 commission or council, one member of a local school board, one
21 member of the development community, and one member of the
22 homebuilding community. The Governor shall appoint two
23 members, one of whom shall be an affordable housing advocate
24 who shall have no current or past direct relationship to local
25 government, school boards, or the development or homebuilding
26 industries. The Governor shall designate one of his or her
27 appointees as the chair.

28 2. One member of the Senate appointed by the President
29 of the Senate, and one member of the House of Representatives
30 appointed by the Speaker of the House of Representatives, who
31 shall be ex officio, nonvoting members.

1 3. The Secretary of the Department of Community
2 Affairs or his designee is to serve as an ex officio,
3 nonvoting member.
4 (4)(a) The task force shall act as an advisory body to
5 the Governor and the Legislature.
6 (b) The task force shall convene its initial meeting
7 within 60 days after the effective date of this section and
8 thereafter at the call of its chair.
9 (c) Task Force members shall not receive remuneration
10 for their services, but are entitled to reimbursement by the
11 Legislative Committee on Intergovernmental Relations for
12 travel and per diem expenses in accordance with section
13 112.061, Florida Statutes.
14 (5) The Task Force shall survey and review current use
15 of impact fees as a method of financing local infrastructure
16 to accommodate new growth and current case law controlling the
17 use of impact fees. To the extent feasible, the review is to
18 include consideration of the following:
19 (a) Local government criteria and methodology used for
20 the determination of the amount of impact fees.
21 (b) Application and relative burden of impact fees in
22 different areas of the state in relation to other methods of
23 financing new infrastructure.
24 (c) The range of use of impact fees as a percentage of
25 the total capital costs for infrastructure needs created by
26 new development.
27 (d) The methods used by local governments for the
28 accounting and reporting of the collection and expenditure of
29 all impact fees.
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1 (e) Notice provisions prior to adoption and the
2 effective date of local ordinances creating a new impact fee
3 or increasing an existing impact fee.

4 (f) Interlocal agreements between counties and cities
5 to allocate impact fee proceeds between them.

6 (g) Requirements and options related to timing of
7 impact fees payments.

8 (h) The importance of impact fees to the ability of
9 local government to fund infrastructure needed to mitigate the
10 impacts of development and meet statutory requirements for
11 concurrency.

12 (i) Methods used by local governments to ameliorate
13 the effect of impact fee costs on affordable housing.

14 (6) The task force shall report to the Governor, the
15 President of the Senate, and the Speaker of the House of
16 Representatives by February 1, 2006. The report shall include
17 the task force's recommendations regarding:

18 (a) Whether there is a need for statutory direction on
19 the methodology and data used to calculate impact fees.

20 (b) Whether there should be statutory direction on
21 payment, exemption, or waiver of impact fees for affordable
22 housing.

23 (c) Whether there should be statutory direction on the
24 accounting and reporting of the collection and expenditure of
25 all impact fees.

26 (d) Whether there is a need for statutory direction on
27 the notice given in advance of the effective date of a new or
28 amended impact fee ordinance.

29 (e) Whether there is a need for statutory direction on
30 the sharing of impact fees between counties and cities.

31

1 (f) Whether there is a need for statutory direction on
2 the timing of payment of impact fees.

3 (g) Any other recommendation the Task Force deems
4 appropriate.

5
6 If the task force makes a recommendation for statutory
7 direction, the report shall also contain the task force's
8 recommendation for statutory changes.

9 (7) The Legislative Committee on Intergovernmental
10 Relations shall serve as staff to the task force and is
11 authorized to employ technical support and expend funds
12 appropriated to the committee for carrying out the official
13 duties of the task force. All state agencies are directed to
14 cooperate with and assist the task force to the fullest extent
15 possible. All local governments are encouraged to assist and
16 cooperate with the commission as necessary.

17 (8) Effective July 1, 2005, the sum of \$50,000 is
18 appropriated, for fiscal year 2005-2006 only, from the
19 Department of Community Affairs' Grants and Donations Trust
20 Fund to the Legislative Committee on Intergovernmental
21 Relations to fund the per diem and travel expenses of the task
22 force pursuant to section 112.061, Florida Statutes.

23 Section 32. Subsection (4) of section 339.2817,
24 Florida Statutes, is amended to read:

25 339.2817 County Incentive Grant Program.--

26 (4) The department shall provide 50 percent of project
27 costs for eligible projects. ~~percentage of matching funds~~
28 ~~provided from the County Incentive Grant Program to the~~
29 ~~eligible county will be based on the following:~~

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1 ~~(a) For projects on the Florida Intrastate Highway~~
2 ~~System the department shall provide 60 percent of project~~
3 ~~costs.~~

4 ~~(b) For projects on the State Highway System the~~
5 ~~department shall provide 50 percent of project costs.~~

6 ~~(c) For local projects which are demonstrated to~~
7 ~~relieve traffic congestion on the State Highway System the~~
8 ~~department shall provide 35 percent of project costs.~~

9 Section 33. Subsection (6) is added to section
10 339.2818, Florida Statutes, to read:

11 339.2818 Small County Outreach Program.--

12 (6) Funds paid into the State Transportation Trust
13 Fund pursuant to s. 201.15(1)(d) for the purposes of the Small
14 County Outreach Program are hereby annually appropriated for
15 expenditure to support the Small County Outreach Program.

16 Section 34. Subsection (6) is added to section
17 341.051, Florida Statutes, to read:

18 341.051 Administration and financing of public transit
19 and intercity bus service programs and projects.--

20 (6) ANNUAL APPROPRIATION.--Funds paid into the State
21 Transportation Trust Fund pursuant to s. 201.15(1)(d) for the
22 New Starts Transit Program are hereby annually appropriated
23 for expenditure to support the New Starts Transit Program.

24
25 For purposes of this section, the term "net operating costs"
26 means all operating costs of a project less any federal funds,
27 fares, or other sources of income to the project.

28 Section 35. Subsection (3) is added to section 339.61,
29 Florida Statutes, to read:

30 339.61 Florida Strategic Intermodal System;
31 legislative findings, declaration, and intent.--

1 (3) Funds paid into the State Transportation Trust
2 Fund pursuant to s. 201.15(1)(d) for the purposes of the
3 Florida Strategic Intermodal System are hereby annually
4 appropriated for expenditure to support that program.

5 Section 36. Section 403.891, Florida Statutes, is
6 created to read:

7 403.891 Annual appropriation from the Water Protection
8 and Sustainability Trust Fund.--

9 (1) Funds paid into the Water Protection and
10 Sustainability Trust Fund pursuant to s. 201.15(1)(d) are
11 hereby annually appropriated for expenditure for the purposes
12 for which the Water Protection and Sustainability Trust Fund
13 is established.

14 (2) If the Water Protection and Sustainability Trust
15 Fund is not created, such funds are hereby annually
16 appropriated for expenditure from the Ecosystem Management and
17 Restoration Trust Fund solely for the purposes established in
18 s. 403.890.

19 Section 37. Section 1013.738, Florida Statutes, is
20 created to read:

21 1013.738 High Growth District District Capital Outlay
22 Assistance Grant Program.--

23 (1) Subject to funds provided in the General
24 Appropriations Act, the High Growth District Capital Outlay
25 Assistance Grant Program is hereby established. Funds provided
26 pursuant to this section may only be used to construct new
27 student stations.

28 (2) In order to qualify for a grant, a school district
29 must meet the following criteria:

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1 (a) The district must have levied the full 2 mills of
2 nonvoted discretionary capital outlay millage authorized in s.
3 1011.71(2), for each of the past 4 fiscal years.

4 (b) Fifty percent of the revenue derived from the
5 2-mill nonvoted discretionary capital outlay millage for the
6 past 4 fiscal years, when divided by the district's growth in
7 capital outlay FTE students over this period, produces a value
8 that is less than the average cost per student station
9 calculated pursuant to s. 1013.72(2), and weighted by
10 statewide growth in capital outlay FTE students in elementary,
11 middle, and high schools for the past 4 fiscal years.

12 (c) The district must have equaled or exceeded twice
13 the statewide average of growth in capital outlay FTE students
14 over this same 4-year period.

15 (d) The Commissioner of Education must have released
16 all funds allocated to the district from the Classrooms First
17 Program authorized in s. 1013.68, and these funds were fully
18 expended by the district as of February 1 of the current
19 fiscal year.

20 (e) The total capital outlay FTE students of the
21 district is greater than 15,000 students.

22 (3) The funds provided in the General Appropriations
23 Act shall be allocated pursuant to the following methodology:

24 (a) For each eligible district, the Department of
25 Education shall calculate the value of 50 percent of the
26 revenue derived from the 2-mill nonvoted discretionary capital
27 outlay millage for the past 4 fiscal years divided by the
28 increase in capital outlay FTE students for the same period.

29 (b) The Department of Education shall determine, for
30 each eligible district, the amount that must be added to the
31 value calculated pursuant to paragraph (a) to produce the

1 weighted average value per student station calculated pursuant
2 to paragraph (2)(b).

3 (c) The value calculated for each eligible district
4 pursuant to paragraph (b) shall be multiplied by the average
5 increase in capital outlay FTE students for the past 4 fiscal
6 years to determine the maximum amount of a grant that may be
7 awarded to a district pursuant to this section.

8 (d) In the event the funds provided in the General
9 Appropriations Act are insufficient to fully fund the maximum
10 grants calculated pursuant to paragraph (c), the Department of
11 Education shall allocate the funds based on each district's
12 prorated share of the total maximum award amount calculated
13 for all eligible districts.

14 (4) Moneys distributed to the Public Education Capital
15 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
16 for the High Growth District Capital Outlay Assistance Grant
17 Program created in this section shall be distributed as
18 provided by this section.

19 Section 38. Subsection (3) is added to section
20 380.115, Florida Statutes, to read:

21 380.115 Vested rights and duties; effect of chs.
22 2002-20 and 2002-296.--

23 (3) A landowner that has filed an application for a
24 development of regional impact review prior to the adoption of
25 an optional sector plan pursuant to s. 163.3245 may elect to
26 have the application reviewed pursuant to s. 380.06,
27 comprehensive plan provisions in force prior to adoption of
28 the sector plan and any requested comprehensive plan
29 amendments that accompany the application.

30 Section 39. Unless the developer elects otherwise in
31 writing, the provisions of this act amending chapters 163 and

1 380, Florida Statutes, shall not apply to any developments of
2 regional impact for which a development order has been issued
3 prior to the effective date of this act or for which a
4 development of regional impact application has been submitted
5 prior to May 1, 2005.

6 Section 40. From the funds paid into the Grants and
7 Donations Trust Fund of the Department of Community Affairs
8 pursuant to section 201.15(1)(d), Florida Statutes, \$3 million
9 is hereby annually appropriated to provide technical
10 assistance to local governments and school boards concerning
11 the requirements and implementation of this act, and \$250,000
12 is hereby annually appropriated to support the Century
13 Commission, created by section 163.3247, Florida Statutes.

14 Section 41. This act shall take effect July 1, 2005.
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