

By the Committee on Local Government & Veterans Affairs  
and Representatives Murman, Fiorentino, Bennett, Alexander,  
Carassas and Clarke

1                                   A bill to be entitled  
2           An act relating to coordination between  
3           district school boards and local governments;  
4           amending s. 163.3174, F.S.; requiring that the  
5           membership of all local planning agencies or  
6           equivalent agencies that review comprehensive  
7           plan amendments and rezonings include a  
8           nonvoting representative of the district school  
9           board; creating s. 163.31776, F.S.; requiring  
10          certain local governments and school boards to  
11          enter into a public schools interlocal  
12          agreement; providing a schedule; providing for  
13          the content of the interlocal agreement;  
14          providing a waiver procedure associated with  
15          school districts having decreasing student  
16          population; providing a procedure for adoption  
17          and administrative challenge; providing  
18          sanctions for the failure to enter an  
19          interlocal agreement; amending s. 235.19, F.S.;  
20          revising certain site planning and selection  
21          criteria; amending s. 235.193, F.S.; requiring  
22          school districts to enter certain interlocal  
23          agreements with local governments; providing a  
24          schedule; providing for the content of the  
25          interlocal agreement; providing a waiver  
26          procedure associated with school districts  
27          having decreasing student population; providing  
28          a procedure for adoption and administrative  
29          challenge; providing sanctions for failure to  
30          enter an agreement; providing legislative  
31          intent as to pending litigation and associated

1           appeals; providing a legislative finding that  
2           the act is a matter of great public importance;  
3           providing an effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

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7           Section 1. Subsection (1) of section 163.3174, Florida  
8 Statutes, is amended to read:

9           163.3174 Local planning agency.--

10           (1) The governing body of each local government,  
11 individually or in combination as provided in s. 163.3171,  
12 shall designate and by ordinance establish a "local planning  
13 agency," unless the agency is otherwise established by law.  
14 Notwithstanding any special act to the contrary, all local  
15 planning agencies or equivalent agencies that first review  
16 rezoning and comprehensive plan amendments in each  
17 municipality and county shall include a representative of the  
18 school district appointed by the school board as a nonvoting  
19 member of the local planning agency or equivalent agency to  
20 attend those meetings at which the agency considers  
21 comprehensive plan amendments and rezonings that would, if  
22 approved, increase residential density on the property that is  
23 the subject of the application. However, this subsection does  
24 not prevent the governing body of the local government from  
25 granting voting status to the school board member.The  
26 governing body may designate itself as the local planning  
27 agency pursuant to this subsection with the addition of a  
28 nonvoting school board representative. The governing body  
29 shall notify the state land planning agency of the  
30 establishment of its local planning agency. All local planning  
31 agencies shall provide opportunities for involvement by

1 ~~district school boards and~~ applicable community college  
2 boards, which may be accomplished by formal representation,  
3 membership on technical advisory committees, or other  
4 appropriate means. The local planning agency shall prepare the  
5 comprehensive plan or plan amendment after hearings to be held  
6 after public notice and shall make recommendations to the  
7 governing body regarding the adoption or amendment of the  
8 plan. The agency may be a local planning commission, the  
9 planning department of the local government, or other  
10 instrumentality, including a countywide planning entity  
11 established by special act or a council of local government  
12 officials created pursuant to s. 163.02, provided the  
13 composition of the council is fairly representative of all the  
14 governing bodies in the county or planning area; however:

15       (a) If a joint planning entity is in existence on the  
16 effective date of this act which authorizes the governing  
17 bodies to adopt and enforce a land use plan effective  
18 throughout the joint planning area, that entity shall be the  
19 agency for those local governments until such time as the  
20 authority of the joint planning entity is modified by law.

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

24       Section 2. Section 163.31776, Florida Statutes, is  
25 created to read:

26       163.31776 Public schools interlocal agreement.--

27       (1)(a) The county and municipalities located within  
28 the geographic area of a school district shall enter into an  
29 interlocal agreement with the district school board which  
30 jointly establishes the specific ways in which the plans and  
31 processes of the district school board and the local

1 governments are to be coordinated. The interlocal agreements  
2 shall be submitted to the state land planning agency and the  
3 Office of Educational Facilities and the SMART Schools  
4 Clearinghouse in accordance with a schedule published by the  
5 state land planning agency.

6 (b) The schedule must establish staggered due dates  
7 for submission of interlocal agreements that are executed by  
8 both the local government and the district school board,  
9 commencing on March 1, 2003, and concluding by December 1,  
10 2004, and must set the same date for all governmental entities  
11 within a school district. The schedule must begin with those  
12 areas where both the number of districtwide capital-outlay  
13 full-time-equivalent students equals 80 percent or more of the  
14 current year's school capacity and the projected 5-year  
15 student growth is 1,000 or greater, or where the projected  
16 5-year student growth rate is 10 percent or greater.

17 (c) If the student population has declined over the  
18 5-year period preceding the due date for submittal of an  
19 interlocal agreement by the local government and the district  
20 school board, the local government and the district school  
21 board may petition the state land planning agency for a waiver  
22 of one or more requirements of subsection (2). The waiver must  
23 be granted if the procedures called for in subsection (2) are  
24 unnecessary because of the school district's declining school  
25 age population, considering the district's 5-year facilities  
26 work program prepared pursuant to s. 235.185. The state land  
27 planning agency may modify or revoke the waiver upon a finding  
28 that the conditions upon which the waiver was granted no  
29 longer exist. The district school board and local governments  
30 must submit an interlocal agreement within 1 year after  
31

1 notification by the state land planning agency that the  
2 conditions for a waiver no longer exist.

3 (d) Interlocal agreements between local governments  
4 and district school boards adopted pursuant to s. 163.3177  
5 before the effective date of this section must be updated and  
6 executed pursuant to the requirements of this section, if  
7 necessary. Amendments to interlocal agreements adopted  
8 pursuant to this section must be submitted to the state land  
9 planning agency within 30 days after execution by the parties  
10 for review consistent with this section. Local governments and  
11 the district school board in each school district are  
12 encouraged to adopt a single interlocal agreement in which all  
13 join as parties. The state land planning agency shall assemble  
14 and make available model interlocal agreements meeting the  
15 requirements of this section and notify local governments and,  
16 jointly with the Department of Education, the district school  
17 boards of the requirements of this section, the dates for  
18 compliance, and the sanctions for noncompliance. The state  
19 land planning agency shall be available to informally review  
20 proposed interlocal agreements. If the state land planning  
21 agency has not received a proposed interlocal agreement for  
22 informal review, the state land planning agency shall, at  
23 least 60 days before the deadline for submission of the  
24 executed agreement, renotify the local government and the  
25 district school board of the upcoming deadline and the  
26 potential for sanctions.

27 (2) At a minimum, the interlocal agreement must  
28 address the following issues:

29 (a) A process by which each local government and the  
30 district school board agree and base their plans on consistent  
31 projections of the amount, type, and distribution of

1 population growth and student enrollment. The geographic  
2 distribution of jurisdictionwide growth forecasts is a major  
3 objective of the process.

4 (b) A process to coordinate and share information  
5 relating to existing and planned public school facilities,  
6 including school renovations and closures, and local  
7 government plans for development and redevelopment.

8 (c) Participation by affected local governments with  
9 the district school board in the process of determining school  
10 closures, significant renovations to existing schools, and new  
11 school site selection before land acquisition. Local  
12 governments shall advise the district school board as to the  
13 consistency of the proposed closure, renovation, or new site  
14 with the local comprehensive plan, including appropriate  
15 circumstances and criteria under which a district school board  
16 may request an amendment to the comprehensive plan for school  
17 siting.

18 (d) A process for determining the need for and timing  
19 of onsite and offsite improvements to support new  
20 construction, proposed expansion, or redevelopment of existing  
21 schools. The process must address identification of the party  
22 or parties responsible for the improvements.

23 (e) A process for the school board to inform the local  
24 government regarding school capacity. The capacity reporting  
25 must be consistent with laws and rules relating to measurement  
26 of school facility capacity and must also identify how the  
27 district school board will meet the public school demand based  
28 on the facilities work program adopted pursuant to s. 235.185.

29 (f) Participation of the local governments in the  
30 preparation of the annual update to the district school  
31

1 board's 5-year district facilities work program and  
2 educational plant survey prepared pursuant to s. 235.185.

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

6 (h) A procedure for the resolution of disputes between  
7 the district school board and local governments, which may  
8 include the dispute-resolution processes contained in chapters  
9 164 and 186.

10 (i) An oversight process, including an opportunity for  
11 public participation, for the implementation of the interlocal  
12 agreement.

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14 A signatory to the interlocal agreement may elect not to  
15 include a provision meeting the requirements of paragraph (e);  
16 however, such a decision may be made only after a public  
17 hearing on such election, which may include the public hearing  
18 in which a district school board or a local government adopts  
19 the interlocal agreement. An interlocal agreement entered  
20 into pursuant to this section must be consistent with the  
21 adopted comprehensive plan and land development regulations of  
22 any local government that is a signatory.

23 (3)(a) The Office of Educational Facilities and SMART  
24 Schools Clearinghouse shall submit any comments or concerns  
25 regarding the executed interlocal agreement to the state land  
26 planning agency within 30 days after receipt of the executed  
27 interlocal agreement. The state land planning agency shall  
28 review the executed interlocal agreement to determine whether  
29 the agreement is consistent with the requirements of  
30 subsection (2), the adopted local government comprehensive  
31 plan, and other requirements of law. Within 60 days after

1 receipt of an executed interlocal agreement, the state land  
2 planning agency shall publish a notice of intent in the  
3 Florida Administrative Weekly and shall post a copy of the  
4 notice on the agency's Internet site. The notice of intent  
5 must state whether the interlocal agreement is consistent or  
6 inconsistent with the requirements of subsection (2) and this  
7 subsection, as appropriate.  
8       (b) The state land planning agency's notice is subject  
9 to challenge under chapter 120; however, an affected person,  
10 as defined in s. 163.3184(1)(a), has standing to initiate the  
11 administrative proceeding and this proceeding is the sole  
12 means available to challenge the consistency of an interlocal  
13 agreement required by this section with the criteria contained  
14 in subsection (2) and this subsection. In order to have  
15 standing, each person must have submitted oral or written  
16 comments, recommendations, or objections to the local  
17 government or the school board before the adoption of the  
18 interlocal agreement by the school board and local government.  
19 The district school board and local governments are parties to  
20 any such proceeding. In such proceeding, when the state land  
21 planning agency finds the interlocal agreement to be  
22 consistent with the criteria in subsection (2) and this  
23 subsection, the interlocal agreement shall be determined to be  
24 consistent with subsection (2) and this subsection if the  
25 local government's and school board's determination of  
26 consistency is fairly debatable. When the state planning  
27 agency finds the interlocal agreement to be inconsistent with  
28 the requirements of subsection (2) and this subsection, the  
29 local government's and school board's determination of  
30 consistency shall be sustained unless it is shown by a  
31

1 preponderance of the evidence that the interlocal agreement is  
2 inconsistent.

3 (c) If the state land planning agency enters a final  
4 order that finds that the interlocal agreement is inconsistent  
5 with the requirements of subsection (2) or this subsection,  
6 the state land planning agency shall forward the agreement to  
7 the Administration Commission, which may impose sanctions  
8 against the local government pursuant to s. 163.3184(11) and  
9 may impose sanctions against the district school board by  
10 directing the Department of Education to withhold from the  
11 district school board an equivalent amount of funds for school  
12 construction available pursuant to s. 235.187, s. 235.216, s.  
13 235.2195, or s. 235.42.

14 (4) If an executed interlocal agreement is not timely  
15 submitted to the state land planning agency for review, the  
16 state land planning agency shall, within 15 working days after  
17 the deadline for submittal, issue to the local government and  
18 the district school board a notice to show cause why sanctions  
19 should not be imposed for failure to submit an executed  
20 interlocal agreement by the deadline established by the  
21 agency. The agency shall forward the notice and the responses  
22 to the Administration Commission, which may enter a final  
23 order citing the failure to comply and imposing sanctions  
24 against the local government and district school board by  
25 directing the appropriate agencies to withhold at least 5  
26 percent of state funds pursuant to s. 163.3184(11) and by  
27 directing the Department of Education to withhold from the  
28 district school board at least 5 percent of funds for school  
29 construction available pursuant to s. 235.187, s. 235.216, s.  
30 235.2195, or s. 235.42.

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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.

8       (6) Except as provided in subsection (7),  
9 municipalities having no established need for a new school  
10 facility and meeting the following criteria are exempt from  
11 the requirements of subsections (1), (2), and (3):

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

14       (b) The district school board's 5-year facilities work  
15 program and the long-term 10-year and 20-year work programs,  
16 as provided in s. 235.185, demonstrate that no new school  
17 facility is needed in the municipality. In addition, the  
18 district school board must verify in writing that no new  
19 school facility will be needed in the municipality within the  
20 5-year and 10-year timeframes.

21       (7) At the time of the evaluation and appraisal  
22 report, each exempt municipality shall assess the extent to  
23 which it continues to meet the criteria for exemption under  
24 subsection (6). If the municipality continues to meet these  
25 criteria and the district school board verifies in writing  
26 that no new school facilities will be needed within the 5-year  
27 and 10-year timeframes, the municipality shall continue to be  
28 exempt from the interlocal-agreement requirement. Each  
29 municipality exempt under subsection (6) must comply with the  
30 provisions of this section within 1 year after the district  
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1 school board proposes, in its 5-year district facilities work  
2 program, a new school within the municipality's jurisdiction.

3 Section 3. Subsections (1), (2), and (3) of section  
4 235.19, Florida Statutes, are amended to read:

5 235.19 Site planning and selection.--

6 (1) Before acquiring property for sites, each board  
7 shall determine the location of proposed educational centers  
8 or campuses for the board. In making this determination, the  
9 board shall consider existing and anticipated site needs and  
10 the most economical and practicable locations of sites. The  
11 board shall coordinate with the long-range or comprehensive  
12 plans of local, regional, and state governmental agencies to  
13 assure the consistency ~~compatibility~~ of such plans ~~with site~~  
14 ~~planning~~. Boards are encouraged to locate district educational  
15 facilities ~~schools~~ proximate to urban residential areas to the  
16 extent possible, and shall seek to collocate district  
17 educational facilities ~~schools~~ with other public facilities,  
18 such as parks, libraries, and community centers, to the extent  
19 possible, and to encourage using elementary schools as focal  
20 points for neighborhoods.

21 (2) Each new site selected must be adequate in size to  
22 meet the educational needs of the students to be served on  
23 that site by the original educational facility or future  
24 expansions of the facility through renovation or the addition  
25 of relocatables. ~~The Commissioner of Education shall prescribe~~  
26 ~~by rule recommended sizes for new sites according to~~  
27 ~~categories of students to be housed and other appropriate~~  
28 ~~factors determined by the commissioner. Less than recommended~~  
29 ~~site sizes are allowed if the board, by a two-thirds majority,~~  
30 ~~recommends such a site and finds that it can provide an~~  
31 ~~appropriate and equitable educational program on the site.~~

1           (3) Sites recommended for purchase, or purchased, in  
2 accordance with chapter 230 or chapter 240 must meet standards  
3 prescribed therein and such supplementary standards as the  
4 commissioner prescribes to promote the educational interests  
5 of the students. Each site must be well drained and suitable  
6 for outdoor educational purposes as appropriate for the  
7 educational program or collocated with facilities to serve  
8 this purpose. As provided in s. 333.03, the site must not be  
9 located within any path of flight approach of any airport.  
10 Insofar as is practicable, the site must not adjoin a  
11 right-of-way of any railroad or through highway and must not  
12 be adjacent to any factory or other property from which noise,  
13 odors, or other disturbances, or at which conditions, would be  
14 likely to interfere with the educational program. To the  
15 extent practicable, sites must be chosen which will provide  
16 safe access from neighborhoods to schools.

17           Section 4. Section 235.193, Florida Statutes, is  
18 amended to read:

19           235.193 Coordination of planning with local governing  
20 bodies.--

21           (1) It is the policy of this state to require the  
22 coordination of planning between boards and local governing  
23 bodies to ensure that plans for the construction and opening  
24 of public educational facilities are facilitated and  
25 coordinated in time and place with plans for residential  
26 development, concurrently with other necessary services. Such  
27 planning shall include the integration of the educational  
28 plant survey and applicable policies and procedures of a board  
29 with the local comprehensive plan and land development  
30 regulations of local governing bodies. The planning must  
31 include the consideration of allowing students to attend the

1 school located nearest their homes when a new housing  
2 development is constructed near a county boundary and it is  
3 more feasible to transport the students a short distance to an  
4 existing facility in an adjacent county than to construct a  
5 new facility or transport students longer distances in their  
6 county of residence. The planning must also consider the  
7 effects of the location of public education facilities,  
8 including the feasibility of keeping central city facilities  
9 viable, in order to encourage central city redevelopment and  
10 the efficient use of infrastructure and to discourage  
11 uncontrolled urban sprawl. In addition, all parties to the  
12 planning process must consult with state and local road  
13 departments to assist in implementing the Safe Paths to  
14 Schools program administered by the Department of  
15 Transportation.

16 (2)(a) The school board, county, and nonexempt  
17 municipalities located within the geographic area of a school  
18 district shall enter into an interlocal agreement that jointly  
19 establishes the specific ways in which the plans and processes  
20 of the district school board and the local governments are to  
21 be coordinated. The interlocal agreements shall be submitted  
22 to the state land planning agency and the Office of  
23 Educational Facilities and the SMART Schools Clearinghouse in  
24 accordance with a schedule published by the state land  
25 planning agency.

26 (b) The schedule must establish staggered due dates  
27 for submission of interlocal agreements that are executed by  
28 both the local government and the district school board,  
29 commencing on March 1, 2003, and concluding by December 1,  
30 2004, and must set the same date for all governmental entities  
31 within a school district. The schedule must begin with those

1 areas where both the number of districtwide capital-outlay  
2 full-time-equivalent students equals 80 percent or more of the  
3 current year's school capacity and the projected 5-year  
4 student growth is 1,000 or greater, or where the projected  
5 5-year student growth rate is 10 percent or greater.

6 (c) If the student population has declined over the  
7 5-year period preceding the due date for submittal of an  
8 interlocal agreement by the local government and the district  
9 school board, the local government and the district school  
10 board may petition the state land planning agency for a waiver  
11 of one or more of the requirements of subsection (3). The  
12 waiver must be granted if the procedures called for in  
13 subsection (3) are unnecessary because of the school  
14 district's declining school-age population, considering the  
15 district's 5-year facilities work program prepared pursuant to  
16 s. 235.185. The state land planning agency may modify or  
17 revoke the waiver upon a finding that the conditions upon  
18 which the waiver was granted no longer exist. The district  
19 school board and local governments must submit an interlocal  
20 agreement within 1 year after notification by the state land  
21 planning agency that the conditions for a waiver no longer  
22 exist.

23 (d) Interlocal agreements between local governments  
24 and district school boards adopted pursuant to s. 163.3177  
25 before the effective date of this subsection and subsections  
26 (3)-(8) must be updated and executed pursuant to the  
27 requirements of this subsection and subsections (3)-(8), if  
28 necessary. Amendments to interlocal agreements adopted  
29 pursuant to this subsection and subsections (3)-(8) must be  
30 submitted to the state land planning agency within 30 days  
31 after execution by the parties for review consistent with

1 subsections (3) and (4). Local governments and the district  
2 school board in each school district are encouraged to adopt a  
3 single interlocal agreement in which all join as parties. The  
4 state land planning agency shall assemble and make available  
5 model interlocal agreements meeting the requirements of this  
6 subsection and subsections (3)-(8) and shall notify local  
7 governments and, jointly with the Department of Education, the  
8 district school boards of the requirements of this subsection  
9 and subsections (3)-(8), the dates for compliance, and the  
10 sanctions for noncompliance. The state land planning agency  
11 shall be available to informally review proposed interlocal  
12 agreements. If the state land planning agency has not received  
13 a proposed interlocal agreement for informal review, the state  
14 land planning agency shall, at least 60 days before the  
15 deadline for submission of the executed agreement, renotify  
16 the local government and the district school board of the  
17 upcoming deadline and the potential for sanctions.

18 (3) At a minimum, the interlocal agreement must  
19 address the following issues:

20 (a) A process by which each local government and the  
21 district school board agree and base their plans on consistent  
22 projections of the amount, type, and distribution of  
23 population growth and student enrollment. The geographic  
24 distribution of jurisdictionwide growth forecasts is a major  
25 objective of the process.

26 (b) A process to coordinate and share information  
27 relating to existing and planned public school facilities,  
28 including school renovations and closures, and local  
29 government plans for development and redevelopment.

30 (c) Participation by affected local governments with  
31 the district school board in the process of determining school

1 closures, significant renovations to existing schools, and new  
2 school site selection before land acquisition. Local  
3 governments shall advise the district school board as to the  
4 consistency of the proposed closure, renovation, or new site  
5 with the local comprehensive plan, including appropriate  
6 circumstances and criteria under which a district school board  
7 may request an amendment to the comprehensive plan for school  
8 siting.

9 (d) A process for determining the need for and timing  
10 of onsite and offsite improvements to support new  
11 construction, proposed expansion, or redevelopment of existing  
12 schools. The process shall address identification of the party  
13 or parties responsible for the improvements.

14 (e) A process for the school board to inform the local  
15 government regarding school capacity. The capacity reporting  
16 must be consistent with laws and rules regarding measurement  
17 of school facility capacity and must also identify how the  
18 district school board will meet the public school demand based  
19 on the facilities work program adopted pursuant to s. 235.185.

20 (f) Participation of the local governments in the  
21 preparation of the annual update to the school board's 5-year  
22 district facilities work program and educational plant survey  
23 prepared pursuant to s. 235.185.

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

27 (h) A procedure for the resolution of disputes between  
28 the district school board and local governments, which may  
29 include the dispute-resolution processes contained in chapters  
30 164 and 186.

31

1           (i) An oversight process, including an opportunity for  
2 public participation, for the implementation of the interlocal  
3 agreement.

4  
5 A signatory to the interlocal agreement may elect not to  
6 include a provision meeting the requirements of paragraph (e);  
7 however, such a decision may be made only after a public  
8 hearing on such election, which may include the public hearing  
9 in which a district school board or a local government adopts  
10 the interlocal agreement. An interlocal agreement entered  
11 into pursuant to this section must be consistent with the  
12 adopted comprehensive plan and land development regulations of  
13 any local government that is a signatory.

14           (4)(a) The Office of Educational Facilities and SMART  
15 Schools Clearinghouse shall submit any comments or concerns  
16 regarding the executed interlocal agreement to the state land  
17 planning agency within 30 days after receipt of the executed  
18 interlocal agreement. The state land planning agency shall  
19 review the executed interlocal agreement to determine whether  
20 the agreement is consistent with the requirements of  
21 subsection (3), the adopted local government comprehensive  
22 plan, and other requirements of law. Within 60 days after  
23 receipt of an executed interlocal agreement, the state land  
24 planning agency shall publish a notice of intent in the  
25 Florida Administrative Weekly and shall post a copy of the  
26 notice on the agency's Internet site. The notice of intent  
27 must state that the interlocal agreement is consistent or  
28 inconsistent with the requirements of subsection (3) and this  
29 subsection as appropriate.

30           (b) The state land planning agency's notice is subject  
31 to challenge under chapter 120; however, an affected person,

1 as defined in s. 163.3184(1)(a), has standing to initiate the  
2 administrative proceeding and this proceeding is the sole  
3 means available to challenge the consistency of an interlocal  
4 agreement required by this section with the criteria contained  
5 in subsection (3) and this subsection. In order to have  
6 standing, each person must have submitted oral or written  
7 comments, recommendations, or objections to the local  
8 government or the school board before the adoption of the  
9 interlocal agreement by the district school board and local  
10 government. The district school board and local governments  
11 are parties to any such proceeding. In such proceeding, when  
12 the state land planning agency finds the interlocal agreement  
13 to be consistent with the criteria in subsection (3) and this  
14 subsection, the interlocal agreement must be determined to be  
15 consistent with subsection (3) and this subsection if the  
16 local government's and school board's determination of  
17 consistency is fairly debatable. When the state land planning  
18 agency finds the interlocal agreement to be inconsistent with  
19 the requirements of subsection (3) and this subsection, the  
20 local government's and school board's determination of  
21 consistency shall be sustained unless it is shown by a  
22 preponderance of the evidence that the interlocal agreement is  
23 inconsistent.

24 (c) If the state land planning agency enters a final  
25 order that finds that the interlocal agreement is inconsistent  
26 with the requirements of subsection (3) or this subsection,  
27 the state land planning agency shall forward it to the  
28 Administration Commission, which may impose sanctions against  
29 the local government pursuant to s. 163.3184(11) and may  
30 impose sanctions against the district school board by  
31 directing the Department of Education to withhold an

1 equivalent amount of funds for school construction available  
2 pursuant to s. 235.187, s. 235.216, s. 235.2195, or s. 235.42.

3 (5) If an executed interlocal agreement is not timely  
4 submitted to the state land planning agency for review, the  
5 state land planning agency shall, within 15 working days after  
6 the deadline for submittal, issue to the local government and  
7 the district school board a notice to show cause why sanctions  
8 should not be imposed for failure to submit an executed  
9 interlocal agreement by the deadline established by the  
10 agency. The agency shall forward the notice and the responses  
11 to the Administration Commission, which may enter a final  
12 order citing the failure to comply and imposing sanctions  
13 against the local government and district school board by  
14 directing the appropriate agencies to withhold at least 5  
15 percent of state funds pursuant to s. 163.3184(11) and by  
16 directing the Department of Education to withhold from the  
17 district school board at least 5 percent of funds for school  
18 construction available pursuant to s. 235.187, s. 235.216, s.  
19 235.2195, or s. 235.42.

20 (6) Any local government transmitting a public school  
21 element to implement school concurrency pursuant to the  
22 requirements of s. 163.3180 before the effective date of this  
23 section is not required to amend the element or any interlocal  
24 agreement to conform with the provisions of subsections  
25 (2)-(5), this subsection, and subsections (7) and (8) if the  
26 element is adopted prior to or within 1 year after the  
27 effective date of subsections (2)-(5), this subsection, and  
28 subsections (7) and (8) and remains in effect.

29 (7) Except as provided in subsection (8),  
30 municipalities having no established need for a new facility  
31

1 and meeting the following criteria are exempt from the  
2 requirements of subsections (2), (3), and (4):  
3 (a) The municipality has no public schools located  
4 within its boundaries.  
5 (b) The district school board's 5-year facilities work  
6 program and the long-term 10-year and 20-year work programs,  
7 as provided in s. 235.185, demonstrate that no new school  
8 facility is needed in the municipality. In addition, the  
9 district school board must verify in writing that no new  
10 school facility will be needed in the municipality within the  
11 5-year and 10-year timeframes.  
12 (8) At the time of the evaluation and appraisal  
13 report, each exempt municipality shall assess the extent to  
14 which it continues to meet the criteria for exemption under  
15 subsection (7). If the municipality continues to meet these  
16 criteria and the district school board verifies in writing  
17 that no new school facilities will be needed within the 5-year  
18 and 10-year timeframes, the municipality shall continue to be  
19 exempt from the interlocal-agreement requirement. Each  
20 municipality exempt under subsection (7) must comply with the  
21 provisions of subsections (2)-(7) and this subsection within 1  
22 year after the district school board proposes, in its 5-year  
23 district facilities work program, a new school within the  
24 municipality's jurisdiction.  
25 (9)(2) A school board and the local governing body  
26 must share and coordinate information related to existing and  
27 planned public school facilities; proposals for development,  
28 redevelopment, or additional development; and infrastructure  
29 required to support the public school facilities, concurrent  
30 with proposed development. A school board shall use  
31 information produced by the demographic, revenue, and

1 education estimating conferences pursuant to s. 216.136  
2 ~~Department of Education enrollment projections~~ when preparing  
3 the 5-year district facilities work program pursuant to s.  
4 235.185, as modified and agreed to by the local governments,  
5 when provided by interlocal agreement, and the Office of  
6 Educational Facilities and SMART Schools Clearinghouse, in and  
7 ~~a school board shall affirmatively demonstrate in the~~  
8 ~~educational facilities report~~ consideration of local  
9 governments' population projections, to ensure that the 5-year  
10 work program not only reflects enrollment projections but also  
11 considers applicable municipal and county growth and  
12 development projections. The projections must be apportioned  
13 geographically with assistance from the local governments  
14 using local government trend data and the school district  
15 student enrollment data. A school board is precluded from  
16 siting a new school in a jurisdiction where the school board  
17 has failed to provide the annual educational facilities report  
18 for the prior year required pursuant to s. 235.194 unless the  
19 failure is corrected.

20 ~~(10)(3)~~ The location of public educational facilities  
21 shall be consistent with the comprehensive plan of the  
22 appropriate local governing body developed under part II of  
23 chapter 163 and consistent with the plan's implementing land  
24 development regulations, ~~to the extent that the regulations~~  
25 ~~are not in conflict with or the subject regulated is not~~  
26 ~~specifically addressed by this chapter or the State Uniform~~  
27 ~~Building Code, unless mutually agreed by the local government~~  
28 ~~and the board.~~

29 ~~(11)(4)~~ To improve coordination relative to potential  
30 educational facility sites, a board shall provide written  
31 notice to the local government that has regulatory authority

1 over the use of the land consistent with an interlocal  
2 agreement entered into pursuant to subsections (2)-(8)at  
3 least 60 days prior to acquiring or leasing property that may  
4 be used for a new public educational facility. The local  
5 government, upon receipt of this notice, shall notify the  
6 board within 45 days if the site proposed for acquisition or  
7 lease is consistent with the land use categories and policies  
8 of the local government's comprehensive plan. This  
9 preliminary notice does not constitute the local government's  
10 determination of consistency pursuant to subsection(12)(5).  
11 (12)(5) As early in the design phase as feasible and  
12 consistent with an interlocal agreement entered into pursuant  
13 to subsections (2)-(8), but no later than 90 days before  
14 commencing construction, the district school board shall in  
15 writing request a determination of consistency with the local  
16 government's comprehensive plan.~~but at least before~~  
17 ~~commencing construction of a new public educational facility,~~  
18 The local governing body that regulates the use of land shall  
19 determine, in writing within 45 ~~90~~ days after receiving the  
20 necessary information and a school board's request for a  
21 determination, whether a proposed public educational facility  
22 is consistent with the local comprehensive plan and consistent  
23 with local land development regulations, ~~to the extent that~~  
24 ~~the regulations are not in conflict with or the subject~~  
25 ~~regulated is not specifically addressed by this chapter or the~~  
26 ~~State Uniform Building Code, unless mutually agreed.~~ If the  
27 determination is affirmative, school construction may commence  
28 ~~proceed~~ and further local government approvals are not  
29 required, except as provided in this section. Failure of the  
30 local governing body to make a determination in writing within  
31 90 days after a school board's request for a determination of

1 consistency shall be considered an approval of the school  
2 board's application.

3 (13)~~(6)~~ A local governing body may not deny the site  
4 applicant based on adequacy of the site plan as it relates  
5 solely to the needs of the school. If the site is consistent  
6 with the comprehensive plan's ~~future~~ land use policies and  
7 categories in which public schools are identified as allowable  
8 uses, the local government may not deny the application but it  
9 may impose reasonable development standards and conditions in  
10 accordance with s. 235.34(1) and consider the site plan and  
11 its adequacy as it relates to environmental concerns, health,  
12 safety and welfare, and effects on adjacent property.  
13 Standards and conditions may not be imposed which conflict  
14 with those established in this chapter or the Florida State  
15 ~~Uniform~~ Building Code, unless mutually agreed and consistent  
16 with the interlocal agreement required by subsections (2)-(8).

17 (14)~~(7)~~ This section does not prohibit a local  
18 governing body and district school board from agreeing and  
19 establishing an alternative process for reviewing a proposed  
20 educational facility and site plan, and offsite impacts,  
21 pursuant to an interlocal agreement adopted in accordance with  
22 subsections (2)-(8).

23 (15)~~(8)~~ Existing schools shall be considered  
24 consistent with the applicable local government comprehensive  
25 plan adopted under part II of chapter 163. ~~The collocation of~~  
26 ~~a new proposed public educational facility with an existing~~  
27 ~~public educational facility, or the expansion of an existing~~  
28 ~~public educational facility is not inconsistent with the local~~  
29 ~~comprehensive plan, if the site is consistent with the~~  
30 ~~comprehensive plan's future land use policies and categories~~  
31 ~~in which public schools are identified as allowable uses, and~~

1 ~~levels of service adopted by the local government for any~~  
2 ~~facilities affected by the proposed location for the new~~  
3 ~~facility are maintained.~~ If a board submits an application to  
4 expand an existing school site, the local governing body may  
5 impose reasonable development standards and conditions on the  
6 expansion only, and in a manner consistent with s. 235.34(1).  
7 Standards and conditions may not be imposed which conflict  
8 with those established in this chapter or the Florida State  
9 Uniform Building Code, unless mutually agreed. Local  
10 government review or approval is not required for:

11 (a) The placement of temporary or portable classroom  
12 facilities; or

13 (b) Proposed renovation or construction on existing  
14 school sites, with the exception of construction that changes  
15 the primary use of a facility, includes stadiums, or results  
16 in a greater than 5 percent increase in student capacity, or  
17 as mutually agreed, pursuant to an interlocal agreement  
18 adopted in accordance with subsections (2)-(8).

19 Section 5. Nothing in this act is intended to affect  
20 the outcome of any litigation pending as of the effective date  
21 of the act, including future appeals. It is further the  
22 intent of the Legislature that this act shall not serve as  
23 legal authority in support of any party to such litigation and  
24 appeals.

25 Section 6. The Legislature finds that the integration  
26 of the growth management system and the planning of public  
27 educational facilities is a matter of great public importance.

28 Section 7. This act shall take effect upon becoming a  
29 law.

30  
31