

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

2

3 **Amendment (with title amendment)**

4 Remove the entire body and insert:

5 Section 1. Popular name.--This act may be cited as the
6 "Sustainable Florida Act of 2005."

7 Section 2. Subsection (32) is added to section 163.3164,
8 Florida Statutes, to read:

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

11 (32) "Financial feasibility" means sufficient revenues are
12 currently available or will be available from committed or
13 planned funding sources available for financing capital
14 improvements, such as ad valorem taxes, bonds, state and federal
15 funds, tax revenues, impact fees, and developer contributions,

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16 which are adequate to fund the projected costs of the capital
17 improvements and as otherwise identified within this act
18 necessary to ensure that adopted level-of-service standards are
19 achieved and maintained within the 5-year schedule of capital
20 improvements.

21 Section 3. Section 163.3172, Florida Statutes, is created
22 to read:

23 163.3172 Urban infill and redevelopment.--In recognition
24 that urban infill and redevelopment is a high state priority,
25 the Legislature determines that local governments should not
26 adopt charter provisions, ordinances, or land development
27 regulations that discourage this state priority. Higher density
28 urban development is appropriate in urban core areas and should
29 be encouraged in such areas. Conversely, it is appropriate to
30 discourage greater height and density as a development form in
31 areas outside the urban core where such development forms are
32 incompatible with existing land uses. Notwithstanding chapters
33 125 and 163, any existing or future charter county charter
34 provision, ordinance, land development regulation, or countywide
35 special act that governs the use, development, or redevelopment
36 of land shall not be effective within any municipality of the
37 county unless the charter provision, ordinance, land development
38 regulation, or countywide special act is approved by a majority
39 vote of the municipality's governing board or is approved by a
40 majority vote of the county's governing board for placement on
41 the ballot as a countywide referendum and:

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42 (1) The ballot form includes a ballot summary of the
43 measure being voted on, which has been agreed to by the
44 municipality, in addition to any other requirements of law. If
45 no agreement on the ballot summary language is reached with the
46 municipality, the ballot form shall also contain an estimate, as
47 created by the municipality, of the fiscal impact of the measure
48 upon the municipality.

49 (2) The referendum is approved by a majority vote of the
50 electors of the county voting in the referendum.

51
52 Existing charter provisions and countywide special acts that
53 have been approved by referendum prior to the effective date of
54 this act must be readopted in accordance with this section in
55 order to apply within a municipality. However, any existing
56 charter county charter provision that has established a rural
57 boundary as delineated on a rural boundary map shall not be
58 required to have the charter provision readopted in accordance
59 with this section and shall continue to apply within
60 municipalities of the charter county. In the event of a conflict
61 between a countywide ordinance and a municipal ordinance within
62 a charter county that regulates expressive conduct, the more
63 restrictive ordinance shall govern. In addition, the
64 requirements of this section restricting charter county charter
65 provisions, ordinances, or land development regulations
66 concerning building height restrictions shall not apply within
67 any areas of critical state concern designated pursuant to s.
68 380.05-380.0555.

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69 Section 4. Subsection (3), paragraphs (a), (b), (c), and
70 (h) of subsection (6), paragraph (d) of subsection (11), and
71 subsection (12) of section 163.3177, Florida Statutes, are
72 amended, and subsection (13) is added to said section, to read:

73 163.3177 Required and optional elements of comprehensive
74 plan; studies and surveys.--

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

79 1. A component which outlines principles for construction,
80 extension, or increase in capacity of public facilities, as well
81 as a component which outlines principles for correcting existing
82 public facility deficiencies, which are necessary to implement
83 the comprehensive plan. The components shall cover at least a 5-
84 year period.

85 2. Estimated public facility costs, including a
86 delineation of when facilities will be needed, the general
87 location of the facilities, and projected revenue sources to
88 fund the facilities.

89 3. Standards to ensure the availability of public
90 facilities and the adequacy of those facilities including
91 acceptable levels of service.

92 4. Standards for the management of debt.

93 5. A schedule of capital improvements which includes
94 publicly funded projects and which may include privately funded
95 projects.

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96 6. The schedule of transportation improvements included in
97 the applicable metropolitan planning organization's
98 transportation improvement program adopted pursuant to s.
99 339.175(7) to the extent that such improvements are relied upon
100 to ensure concurrency and financial feasibility. The schedule
101 must also be coordinated with the applicable metropolitan
102 planning organization's long-range transportation plan adopted
103 pursuant to s. 339.175(6).

104 (b)1. The capital improvements element shall be reviewed
105 on an annual basis and modified as necessary in accordance with
106 s. 163.3187 or s. 163.3189 in order to maintain a financially
107 feasible 5-year schedule of capital improvements.,~~except that~~
108 ~~Corrections, updates, and modifications concerning costs,~~
109 ~~revenue sources, or~~ acceptance of facilities pursuant to
110 dedications which are consistent with the plan; ~~or the date of~~
111 ~~construction~~ of any facility enumerated in the capital
112 improvements schedule element may be accomplished by ordinance
113 and shall not be deemed to be amendments to the local
114 comprehensive plan. A copy of the ordinance shall be transmitted
115 to the state land planning agency. All public facilities shall
116 be consistent with the capital improvements element. Amendments
117 to implement this section must be adopted and transmitted no
118 later than December 1, 2007. Thereafter, a local government may
119 not amend its future land use map, except for plan amendments to
120 meet new requirements under this part and emergency amendments
121 pursuant to s. 163.3187(1)(a), after December 1, 2007, and every
122 year thereafter until the local government has adopted the

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123 annual update and the annual update has been transmitted to the
124 state land planning agency.

125 2. Capital improvements element amendments adopted after
126 the effective date of this act shall require only a single
127 public hearing before the governing board which shall be an
128 adoption hearing as described in s. 163.3184(7). Such amendments
129 are not subject to the requirements of s. 163.3184(3)-(6).
130 Amendments to the 5-year schedule of capital improvements
131 adopted after the effective date of this act shall not be
132 subject to challenge by an affected party. If the department
133 finds an amendment pursuant to this subparagraph not in
134 compliance, the local government may challenge that
135 determination pursuant to s. 163.3184(10).

136 (6) In addition to the requirements of subsections (1)-
137 (5), the comprehensive plan shall include the following
138 elements:

139 (a) A future land use plan element designating proposed
140 future general distribution, location, and extent of the uses of
141 land for residential uses, commercial uses, industry,
142 agriculture, recreation, conservation, education, public
143 buildings and grounds, other public facilities, and other
144 categories of the public and private uses of land. Counties are
145 encouraged to designate rural land stewardship areas, pursuant
146 to the provisions of paragraph (11)(d), as overlays on the
147 future land use map. Each future land use category must be
148 defined in terms of uses included, and must include standards to
149 be followed in the control and distribution of population

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150 densities and building and structure intensities. The proposed
151 distribution, location, and extent of the various categories of
152 land use shall be shown on a land use map or map series which
153 shall be supplemented by goals, policies, and measurable
154 objectives. The future land use plan shall be based upon
155 surveys, studies, and data regarding the area, including the
156 amount of land required to accommodate anticipated growth; the
157 projected population of the area; the character of undeveloped
158 land; the availability of water supplies, public facilities, and
159 services; the need for redevelopment, including the renewal of
160 blighted areas and the elimination of nonconforming uses which
161 are inconsistent with the character of the community; the
162 compatibility of uses on lands adjacent to or closely proximate
163 to military installations; and, in rural communities, the need
164 for job creation, capital investment, and economic development
165 that will strengthen and diversify the community's economy. The
166 future land use plan may designate areas for future planned
167 development use involving combinations of types of uses for
168 which special regulations may be necessary to ensure development
169 in accord with the principles and standards of the comprehensive
170 plan and this act. The future land use plan element shall
171 include criteria to be used to achieve the compatibility of
172 adjacent or closely proximate lands with military installations.
173 In addition, for rural communities, the amount of land
174 designated for future planned industrial use shall be based upon
175 surveys and studies that reflect the need for job creation,
176 capital investment, and the necessity to strengthen and

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177 diversify the local economies, and shall not be limited solely
178 by the projected population of the rural community. The future
179 land use plan of a county may also designate areas for possible
180 future municipal incorporation. The land use maps or map series
181 shall generally identify and depict historic district boundaries
182 and shall designate historically significant properties meriting
183 protection. The future land use element must clearly identify
184 the land use categories in which public schools are an allowable
185 use. When delineating the land use categories in which public
186 schools are an allowable use, a local government shall include
187 in the categories sufficient land proximate to residential
188 development to meet the projected needs for schools in
189 coordination with public school boards and may establish
190 differing criteria for schools of different type or size. Each
191 local government shall include lands contiguous to existing
192 school sites, to the maximum extent possible, within the land
193 use categories in which public schools are an allowable use. ~~All~~
194 ~~comprehensive plans must comply with the school siting~~
195 ~~requirements of this paragraph no later than October 1, 1999.~~
196 ~~The failure by a local government to comply with these school~~
197 ~~siting requirements by October 1, 1999, will result in the~~
198 ~~prohibition of the local government's ability to amend the local~~
199 ~~comprehensive plan, except for plan amendments described in s.~~
200 ~~163.3187(1)(b), until the school siting requirements are met.~~
201 Amendments proposed by a local government for purposes of
202 identifying the land use categories in which public schools are
203 an allowable use ~~or for adopting or amending the school siting~~

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204 ~~maps pursuant to s. 163.31776(3)~~ are exempt from the limitation
205 on the frequency of plan amendments contained in s. 163.3187.
206 The future land use element shall include criteria that
207 encourage the location of schools proximate to urban residential
208 areas to the extent possible and shall require that the local
209 government seek to collocate public facilities, such as parks,
210 libraries, and community centers, with schools to the extent
211 possible and to encourage the use of elementary schools as focal
212 points for neighborhoods. For schools serving predominantly
213 rural counties, defined as a county with a population of 100,000
214 or fewer, an agricultural land use category shall be eligible
215 for the location of public school facilities if the local
216 comprehensive plan contains school siting criteria and the
217 location is consistent with such criteria. Local governments
218 required to update or amend their comprehensive plan to include
219 criteria and address compatibility of adjacent or closely
220 proximate lands with existing military installations in their
221 future land use plan element shall transmit the update or
222 amendment to the department by June 30, 2006.

223 (b) A traffic circulation element consisting of the types,
224 locations, and extent of existing and proposed major
225 thoroughfares and transportation routes, including bicycle and
226 pedestrian ways. Transportation corridors, as defined in s.
227 334.03, may be designated in the traffic circulation element
228 pursuant to s. 337.273. If the transportation corridors are
229 designated, the local government may adopt a transportation
230 corridor management ordinance. By December 1, 2006, each local

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231 government shall adopt by ordinance a transportation concurrency
232 management system which shall include a methodology for
233 assessing proportionate share mitigation options. By December 1,
234 2005, the Department of Transportation shall develop a model
235 transportation concurrency management ordinance with
236 methodologies for assessing proportionate share options. The
237 transportation concurrency management ordinance may assess a
238 concurrency impact area by districts or systemwide.

239 (c) A general sanitary sewer, solid waste, drainage,
240 potable water, and natural groundwater aquifer recharge element
241 correlated to principles and guidelines for future land use,
242 indicating ways to provide for future potable water, drainage,
243 sanitary sewer, solid waste, and aquifer recharge protection
244 requirements for the area. The element may be a detailed
245 engineering plan including a topographic map depicting areas of
246 prime groundwater recharge. The element shall describe the
247 problems and needs and the general facilities that will be
248 required for solution of the problems and needs. The element
249 shall also include a topographic map depicting any areas adopted
250 by a regional water management district as prime groundwater
251 recharge areas for the Floridan or Biscayne aquifers, pursuant
252 to s. 373.0395. These areas shall be given special consideration
253 when the local government is engaged in zoning or considering
254 future land use for said designated areas. For areas served by
255 septic tanks, soil surveys shall be provided which indicate the
256 suitability of soils for septic tanks. Within 18 months after
257 the governing board approves an updated regional water supply

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258 plan, the local government shall submit a comprehensive plan
259 amendment that incorporates the alternative water supply
260 projects selected by the local government from those identified
261 in the regional supply plan pursuant to s. 373.0361(2)(a) or
262 proposed by the local government under s. 373.0361, into the
263 element. If a local government is located within two water
264 management districts, the local government shall adopt its
265 comprehensive plan amendment within 18 months after the later
266 updated ~~By December 1, 2006, The element must consider the~~
267 ~~appropriate water management district's regional water supply~~
268 ~~plan approved pursuant to s. 373.0361. The element must identify~~
269 such alternative water supply projects and traditional water
270 supply projects and conservation and reuse necessary to meet the
271 water needs identified in s. 373.0361(2)(a) within the local
272 government's jurisdiction and include a work plan, covering at
273 least a 10-year planning period, for building public water
274 supply facilities, including development of alternative water
275 supplies that are necessary to meet existing and projected water
276 use demand over the work planning period. The work plan shall
277 also describe how the water supply needs will be met over the
278 course of the planning period from any other providers of water,
279 if applicable ~~that are identified in the element as necessary to~~
280 ~~serve existing and new development and for which the local~~
281 ~~government is responsible. The work plan shall be updated, at a~~
282 minimum, every 5 years within 18 ~~12~~ months after the governing
283 board of a water management district approves an updated
284 regional water supply plan. Local governments, public and

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285 private utilities, regional water supply authorities, special
286 districts, and water management districts are encouraged to
287 cooperatively plan for the development of multijurisdictional
288 water supply facilities that are sufficient to meet projected
289 demands for established planning periods, including the
290 development of alternative water sources to supplement
291 traditional sources of ground and surface water supplies.

292 Amendments to incorporate the work plan do not count toward the
293 limitation on the frequency of adoption of amendments to the
294 comprehensive plan.

295 (h)1. An intergovernmental coordination element showing
296 relationships and stating principles and guidelines to be used
297 in the accomplishment of coordination of the adopted
298 comprehensive plan with the plans of school boards, regional
299 water supply authorities, and other units of local government
300 providing services but not having regulatory authority over the
301 use of land, with the comprehensive plans of adjacent
302 municipalities, the county, adjacent counties, or the region,
303 with the state comprehensive plan and with the applicable
304 regional water supply plan approved pursuant to s. 373.0361, as
305 the case may require and as such adopted plans or plans in
306 preparation may exist. This element of the local comprehensive
307 plan shall demonstrate consideration of the particular effects
308 of the local plan, when adopted, upon the development of
309 adjacent municipalities, the county, adjacent counties, or the
310 region, or upon the state comprehensive plan, as the case may
311 require.

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312 a. The intergovernmental coordination element shall
313 provide for procedures to identify and implement joint planning
314 areas, especially for the purpose of annexation, municipal
315 incorporation, and joint infrastructure service areas.

316 b. The intergovernmental coordination element shall
317 provide for recognition of campus master plans prepared pursuant
318 to s. 1013.30.

319 c. The intergovernmental coordination element may provide
320 for a voluntary dispute resolution process as established
321 pursuant to s. 186.509 for bringing to closure in a timely
322 manner intergovernmental disputes. A local government may
323 develop and use an alternative local dispute resolution process
324 for this purpose.

325 2. The intergovernmental coordination element shall
326 further state principles and guidelines to be used in the
327 accomplishment of coordination of the adopted comprehensive plan
328 with the plans of school boards and other units of local
329 government providing facilities and services but not having
330 regulatory authority over the use of land. In addition, the
331 intergovernmental coordination element shall describe joint
332 processes for collaborative planning and decisionmaking on
333 population projections and public school siting, the location
334 and extension of public facilities subject to concurrency, and
335 siting facilities with countywide significance, including
336 locally unwanted land uses whose nature and identity are
337 established in an agreement. Within 1 year of adopting their
338 intergovernmental coordination elements, each county, all the

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339 municipalities within that county, the district school board,
340 and any unit of local government service providers in that
341 county shall establish by interlocal or other formal agreement
342 executed by all affected entities, the joint processes described
343 in this subparagraph consistent with their adopted
344 intergovernmental coordination elements.

345 3. To foster coordination between special districts and
346 local general-purpose governments as local general-purpose
347 governments implement local comprehensive plans, each
348 independent special district must submit a public facilities
349 report to the appropriate local government as required by s.
350 189.415.

351 4.a. Local governments ~~adopting a public educational~~
352 ~~facilities element pursuant to s. 163.31776~~ must execute an
353 interlocal agreement with the district school board, the county,
354 and nonexempt municipalities pursuant to s. 163.31777, ~~as~~
355 ~~defined by s. 163.31776(1), which includes the items listed in~~
356 ~~s. 163.31777(2)~~. The local government shall amend the
357 intergovernmental coordination element to provide that
358 coordination between the local government and school board is
359 pursuant to the agreement and shall state the obligations of the
360 local government under the agreement.

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

363 5. The state land planning agency shall establish a
364 schedule for phased completion and transmittal of plan
365 amendments to implement subparagraphs 1., 2., and 3. from all

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366 jurisdictions so as to accomplish their adoption by December 31,
367 1999. A local government may complete and transmit its plan
368 amendments to carry out these provisions prior to the scheduled
369 date established by the state land planning agency. The plan
370 amendments are exempt from the provisions of s. 163.3187(1).

371 6. ~~By January 1, 2004,~~ Any county having a population
372 greater than 100,000, and the municipalities and special
373 districts within that county, shall submit a report to the
374 Department of Community Affairs which:

375 a. Identifies all existing or proposed interlocal service-
376 delivery agreements regarding the following: education; sanitary
377 sewer; public safety; solid waste; drainage; potable water;
378 parks and recreation; and transportation facilities.

379 b. Identifies any deficits or duplication in the provision
380 of services within its jurisdiction, whether capital or
381 operational. Upon request, the Department of Community Affairs
382 shall provide technical assistance to the local governments in
383 identifying deficits or duplication.

384 7. Within 6 months after submission of the report, the
385 Department of Community Affairs shall, through the appropriate
386 regional planning council, coordinate a meeting of all local
387 governments within the regional planning area to discuss the
388 reports and potential strategies to remedy any identified
389 deficiencies or duplications.

390 8. Each local government shall update its
391 intergovernmental coordination element based upon the findings
392 in the report submitted pursuant to subparagraph 6. The report

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393 | may be used as supporting data and analysis for the
394 | intergovernmental coordination element.

395 | 9. By February 1, 2003, representatives of municipalities,
396 | counties, and special districts shall provide to the Legislature
397 | recommended statutory changes for annexation, including any
398 | changes that address the delivery of local government services
399 | in areas planned for annexation.

400 | (11)

401 | (d)1. The department, in cooperation with the Department
402 | of Agriculture and Consumer Services, the Department of
403 | Environmental Protection, water management districts, and
404 | regional planning councils, shall provide assistance to local
405 | governments in the implementation of this paragraph and rule 9J-
406 | 5.006(5)(1), Florida Administrative Code. Implementation of
407 | those provisions shall include a process by which the department
408 | may authorize local governments to designate all or portions of
409 | lands classified in the future land use element as predominantly
410 | agricultural, rural, open, open-rural, or a substantively
411 | equivalent land use, as a rural land stewardship area within
412 | which planning and economic incentives are applied to encourage
413 | the implementation of innovative and flexible planning and
414 | development strategies and creative land use planning
415 | techniques, including those contained herein and in rule 9J-
416 | 5.006(5)(1), Florida Administrative Code. Assistance may
417 | include, but is not limited to:

418 | a. Assistance from the Department of Environmental
419 | Protection and water management districts in creating the

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420 geographic information systems land cover database and aerial
421 photogrammetry needed to prepare for a rural land stewardship
422 area;

423 b. Support for local government implementation of rural
424 land stewardship concepts by providing information and
425 assistance to local governments regarding land acquisition
426 programs that may be used by the local government or landowners
427 to leverage the protection of greater acreage and maximize the
428 effectiveness of rural land stewardship areas; and

429 c. Expansion of the role of the Department of Community
430 Affairs as a resource agency to facilitate establishment of
431 rural land stewardship areas in smaller rural counties that do
432 not have the staff or planning budgets to create a rural land
433 stewardship area.

434 2. The state land planning agency ~~department~~ shall
435 encourage participation by local governments of different sizes
436 and rural characteristics in establishing and implementing rural
437 land stewardship areas. It is the intent of the Legislature that
438 rural land stewardship areas be used to further the following
439 broad principles of rural sustainability: restoration and
440 maintenance of the economic value of rural land; control of
441 urban sprawl; identification and protection of ecosystems,
442 habitats, and natural resources; promotion of rural economic
443 activity; maintenance of the viability of Florida's agricultural
444 economy; and protection of the character of rural areas of
445 Florida. Rural land stewardship areas may be multicounty in
446 order to encourage coordinated regional stewardship planning.

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447 3. A local government, in conjunction with a regional
448 planning council, a stakeholder organization of private land
449 owners, or another local government, shall notify the department
450 in writing of its intent to designate a rural land stewardship
451 area. The written notification shall describe the basis for the
452 designation, including the extent to which the rural land
453 stewardship area enhances rural land values, controls urban
454 sprawl, provides necessary open space for agriculture and
455 protection of the natural environment, promotes rural economic
456 activity, and maintains rural character and the economic
457 viability of agriculture.

458 4. A rural land stewardship area shall be not less than
459 10,000 acres and shall be located outside of municipalities and
460 established urban growth boundaries, and shall be designated by
461 plan amendment. The plan amendment designating a rural land
462 stewardship area shall be subject to review by the Department of
463 Community Affairs pursuant to s. 163.3184 and shall provide for
464 the following:

465 a. Criteria for the designation of receiving areas within
466 rural land stewardship areas in which innovative planning and
467 development strategies may be applied. Criteria shall at a
468 minimum provide for the following: adequacy of suitable land to
469 accommodate development so as to avoid conflict with
470 environmentally sensitive areas, resources, and habitats;
471 compatibility between and transition from higher density uses to
472 lower intensity rural uses; the establishment of receiving area
473 service boundaries which provide for a separation between

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474 receiving areas and other land uses within the rural land
475 stewardship area through limitations on the extension of
476 services; and connection of receiving areas with the rest of the
477 rural land stewardship area using rural design and rural road
478 corridors.

479 b. Goals, objectives, and policies setting forth the
480 innovative planning and development strategies to be applied
481 within rural land stewardship areas pursuant to the provisions
482 of this section.

483 c. A process for the implementation of innovative planning
484 and development strategies within the rural land stewardship
485 area, including those described in this subsection and rule 9J-
486 5.006(5)(1), Florida Administrative Code, which provide for a
487 functional mix of land uses and which are applied through the
488 adoption by the local government of zoning and land development
489 regulations applicable to the rural land stewardship area.

490 d. A process which encourages visioning pursuant to s.
491 163.3167(11) to ensure that innovative planning and development
492 strategies comply with the provisions of this section.

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

497 5. A receiving area shall be designated by the adoption of
498 a land development regulation. Prior to the designation of a
499 receiving area, the local government shall provide the
500 Department of Community Affairs a period of 30 days in which to

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501 review a proposed receiving area for consistency with the rural
502 land stewardship area plan amendment and to provide comments to
503 the local government.

504 6. Upon the adoption of a plan amendment creating a rural
505 land stewardship area, the local government shall, by ordinance,
506 establish the methodology for the creation, conveyance, and use
507 of transferable rural land use credits, otherwise referred to as
508 stewardship credits, the application of assign to the area a
509 ~~ertain number of credits, to be known as "transferable rural~~
510 ~~land use credits,"~~ which shall not constitute a right to develop
511 land, nor increase density of land, except as provided by this
512 section. The total amount of transferable rural land use credits
513 within assigned to the rural land stewardship area must enable
514 the realization of the long-term vision and goals for correspond
515 ~~to the 25-year or greater projected population of the rural land~~
516 stewardship area. Transferable rural land use credits are
517 subject to the following limitations:

518 a. Transferable rural land use credits may only exist
519 within a rural land stewardship area.

520 b. Transferable rural land use credits may only be used on
521 lands designated as receiving areas and then solely for the
522 purpose of implementing innovative planning and development
523 strategies and creative land use planning techniques adopted by
524 the local government pursuant to this section.

525 c. Transferable rural land use credits assigned to a
526 parcel of land within a rural land stewardship area shall cease

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527 to exist if the parcel of land is removed from the rural land
528 stewardship area by plan amendment.

529 d. Neither the creation of the rural land stewardship area
530 by plan amendment nor the assignment of transferable rural land
531 use credits by the local government shall operate to displace
532 the underlying density of land uses assigned to a parcel of land
533 within the rural land stewardship area; however, if transferable
534 rural land use credits are transferred from a parcel for use
535 within a designated receiving area, the underlying density
536 assigned to the parcel of land shall cease to exist.

537 e. The underlying density on each parcel of land located
538 within a rural land stewardship area shall not be increased or
539 decreased by the local government, except as a result of the
540 conveyance or use of transferable rural land use credits, as
541 long as the parcel remains within the rural land stewardship
542 area.

543 f. Transferable rural land use credits shall cease to
544 exist on a parcel of land where the underlying density assigned
545 to the parcel of land is utilized.

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

550 h. A change in the density of land use on parcels located
551 within receiving areas shall be specified in a development order
552 which reflects the total number of transferable rural land use
553 credits assigned to the parcel of land and the infrastructure

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554 and support services necessary to provide for a functional mix
555 of land uses corresponding to the plan of development.

556 i. Land within a rural land stewardship area may be
557 removed from the rural land stewardship area through a plan
558 amendment.

559 j. Transferable rural land use credits may be assigned at
560 different ratios of credits per acre according to the natural
561 resource or other beneficial use characteristics of the land and
562 according to the land use remaining following the transfer of
563 credits, with the highest number of credits per acre assigned to
564 the most environmentally valuable land, or in locations where
565 the retention of and a lesser number of credits to be assigned
566 to open space and agricultural land is a priority, to such
567 lands.

568 k. The use or conveyance of transferable rural land use
569 credits must be recorded in the public records of the county in
570 which the property is located as a covenant or restrictive
571 easement running with the land in favor of the county and either
572 the Department of Environmental Protection, Department of
573 Agriculture and Consumer Services, a water management district,
574 or a recognized statewide land trust.

575 7. Owners of land within rural land stewardship areas
576 should be provided incentives to enter into rural land
577 stewardship agreements, pursuant to existing law and rules
578 adopted thereto, with state agencies, water management
579 districts, and local governments to achieve mutually agreed upon

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580 conservation objectives. Such incentives may include, but not be
581 limited to, the following:

582 a. Opportunity to accumulate transferable mitigation
583 credits.

584 b. Extended permit agreements.

585 c. Opportunities for recreational leases and ecotourism.

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

589 e. Option agreements for sale to public entities or
590 private land conservation entities, in either fee or easement,
591 upon achievement of conservation objectives.

592 8. The department shall report to the Legislature on an
593 annual basis on the results of implementation of rural land
594 stewardship areas authorized by the department, including
595 successes and failures in achieving the intent of the
596 Legislature as expressed in this paragraph.

597 9. In recognition of the benefits of conceptual long-range
598 planning, restoration and maintenance of the economic value of
599 rural land; control of urban sprawl; identification and
600 protection of ecosystems, habitats, and natural resources;
601 promotion of rural economic activity; maintenance of the
602 viability of the agricultural economy of this state; and
603 protection of the character of rural areas of this state that
604 will result from a rural land stewardship area, and to further
605 encourage the innovative planning and development strategies in

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606 a rural land stewardship area, development within a rural land
607 stewardship area is exempt from the requirements of s. 380.06.

608 (12) A public school facilities element adopted to
609 implement a school concurrency program shall meet the
610 requirements of this subsection.

611 (a) Each county and each municipality within the county
612 must adopt a consistent public school facilities element and
613 enter an interlocal agreement pursuant to s. 163.31777. The
614 state land planning agency may provide a waiver to a county and
615 to the municipalities within the county if the utilization rate
616 for all schools within the district is less than 100 percent and
617 the projected 5-year capital outlay full-time equivalent student
618 growth rate is less than 10 percent. At its discretion, the
619 state land planning agency may grant a waiver to a county or
620 municipality for a single school to exceed the 100 percent
621 limitation if it can be demonstrated that the capacity for that
622 single school is not greater than 105 percent. A municipality in
623 a nonexempt county is exempt if the municipality meets all of
624 the following criteria for having no significant impact on
625 school attendance:

626 1. The municipality has issued development orders for
627 fewer than 50 residential dwelling units during the preceding 5
628 years or the municipality has generated fewer than 25 additional
629 public school students during the preceding 5 years.

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

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633 3. The municipality has no public schools located within
634 its boundaries.

635 4. At least 80 percent of the developable land within the
636 boundaries of the municipality has been developed.

637 (b)(a) A public school facilities element shall be based
638 upon data and analyses that address, among other items, how
639 level-of-service standards will be achieved and maintained. Such
640 data and analyses must include, at a minimum, such items as: the
641 interlocal agreement adopted pursuant to s. 163.31777 and the 5-
642 year school district facilities work program adopted pursuant to
643 s. 1013.35; the educational plant survey prepared pursuant to s.
644 1013.31 and an existing educational and ancillary plant map or
645 map series; information on existing development and development
646 anticipated for the next 5 years and the long-term planning
647 period; an analysis of problems and opportunities for existing
648 schools and schools anticipated in the future; an analysis of
649 opportunities to collocate future schools with other public
650 facilities such as parks, libraries, and community centers; an
651 analysis of the need for supporting public facilities for
652 existing and future schools; an analysis of opportunities to
653 locate schools to serve as community focal points; projected
654 future population and associated demographics, including
655 development patterns year by year for the upcoming 5-year and
656 long-term planning periods; and anticipated educational and
657 ancillary plants with land area requirements.

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658 ~~(c)(b)~~ The element shall contain one or more goals which
659 establish the long-term end toward which public school programs
660 and activities are ultimately directed.

661 ~~(d)(e)~~ The element shall contain one or more objectives
662 for each goal, setting specific, measurable, intermediate ends
663 that are achievable and mark progress toward the goal.

664 ~~(e)(d)~~ The element shall contain one or more policies for
665 each objective which establish the way in which programs and
666 activities will be conducted to achieve an identified goal.

667 ~~(f)(e)~~ The objectives and policies shall address items
668 such as:

669 1. The procedure for an annual update process;

670 2. The procedure for school site selection;

671 3. The procedure for school permitting;

672 4. Provision of ~~supporting~~ infrastructure necessary to
673 support proposed schools, including potable water, wastewater,
674 drainage, solid waste, transportation, and means by which to
675 ensure safe access to schools, including sidewalks, bicycle
676 paths, turn lanes, and signalization;

677 5. Provision of colocation of other public facilities,
678 such as parks, libraries, and community centers, in proximity to
679 public schools;

680 6. Provision of location of schools proximate to
681 residential areas and to complement patterns of development,
682 including the location of future school sites so they serve as
683 community focal points;

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684 7. Measures to ensure compatibility of school sites and
685 surrounding land uses;

686 8. Coordination with adjacent local governments and the
687 school district on emergency preparedness issues, including the
688 use of public schools to serve as emergency shelters; and

689 9. Coordination with the future land use element.

690 (g)(f) The element shall include one or more future
691 conditions maps which depict the anticipated location of
692 educational and ancillary plants, including the general location
693 of improvements to existing schools or new schools anticipated
694 over the 5-year or long-term planning period. The maps will of
695 necessity be general for the long-term planning period and more
696 specific for the 5-year period. Maps indicating general
697 locations of future schools or school improvements may not
698 prescribe a land use on a particular parcel of land.

699 (h) The state land planning agency shall establish phased
700 schedules for adoption of the public school facilities element
701 and the required updates to the public schools interlocal
702 agreement pursuant to s. 163.31777. The schedule for the updated
703 public schools interlocal agreement shall provide for each
704 county and municipality within the county to submit the
705 agreement no later than December 1, 2006. The schedule for the
706 public schools facilities element must provide for each county
707 and municipality to submit the adopted element to the state land
708 planning agency by December 1, 2008. The state land planning
709 agency may grant a 1-year extension for the adoption of the
710 element if a request is justified by good and sufficient cause

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711 as determined by the agency. The state land planning agency
712 shall set the same date for all governmental entities within a
713 school district. However, if the county where the school
714 district is located contains more than 20 municipalities, the
715 state land planning agency may establish staggered due dates for
716 the submission of interlocal agreements by these municipalities.
717 Plan amendments to adopt a public school facilities element are
718 exempt from the provisions of s. 163.3187(1).

719 (i) Failure to timely adopt updating amendments to the
720 comprehensive plan that are necessary to implement school
721 concurrency prior to December 1, 2008, unless a one-year
722 extension has been granted, shall result in a local government
723 being prohibited from adopting amendments to the comprehensive
724 plan that increase residential density until the necessary
725 amendments have been adopted and the adopted amendments have
726 been transmitted to the state land planning agency.

727 (j) The state land planning agency may issue the school
728 board a notice to show cause why sanctions should not be
729 enforced for failure to enter into an approved interlocal
730 agreement as required by s. 163.31777 or for failure to
731 implement the provisions of this act relating to public school
732 concurrency. The school board may be subject to sanctions
733 imposed by the Administration Commission directing the
734 Department of Education to withhold from the district school
735 board an equivalent amount of funds for school construction
736 available to s. 1013.65, 1013.68, 1013.70, and 1013.72.

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737 (13) Local governments are encouraged to develop a
738 community vision that provides for sustainable growth,
739 recognizes the local government's fiscal constraints, and
740 protects the local government's natural resources pursuant to s.
741 163.167(11). At the request of a local government, the
742 applicable regional planning council shall provide assistance in
743 the development of a community vision.

744 Section 5. Section 163.31777, Florida Statutes, is amended
745 to read:

746 163.31777 Public schools interlocal agreement.--

747 (1)(a) The school board, county, and nonexempt
748 municipalities located within the geographic area of a school
749 district shall enter into an interlocal agreement ~~with the~~
750 ~~district school board~~ which jointly establishes the specific
751 ways in which the plans and processes of the district school
752 board and the local governments are to be coordinated. ~~The~~
753 ~~interlocal agreements shall be submitted to the state land~~
754 ~~planning agency and the Office of Educational Facilities and the~~
755 ~~SMART Schools Clearinghouse in accordance with a schedule~~
756 ~~published by the state land planning agency.~~

757 ~~(b) The schedule must establish staggered due dates for~~
758 ~~submission of interlocal agreements that are executed by both~~
759 ~~the local government and the district school board, commencing~~
760 ~~on March 1, 2003, and concluding by December 1, 2004, and must~~
761 ~~set the same date for all governmental entities within a school~~
762 ~~district. However, if the county where the school district is~~
763 ~~located contains more than 20 municipalities, the state land~~

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764 ~~planning agency may establish staggered due dates for the~~
765 ~~submission of interlocal agreements by these municipalities. The~~
766 ~~schedule must begin with those areas where both the number of~~
767 ~~districtwide capital outlay full-time equivalent students equals~~
768 ~~80 percent or more of the current year's school capacity and the~~
769 ~~projected 5-year student growth is 1,000 or greater, or where~~
770 ~~the projected 5-year student growth rate is 10 percent or~~
771 ~~greater.~~

772 **(b)(e)** If the student population has declined over the 5-
773 year period preceding the due date for submittal of an
774 interlocal agreement by the local government and the district
775 school board, the local government and the district school board
776 may petition the state land planning agency for a waiver of one
777 or more requirements of subsection (2). The waiver must be
778 granted if the procedures called for in subsection (2) are
779 unnecessary because of the school district's declining school
780 age population, considering the district's 5-year facilities
781 work program prepared pursuant to s. 1013.35. The state land
782 planning agency may modify or revoke the waiver upon a finding
783 that the conditions upon which the waiver was granted no longer
784 exist. The district school board and local governments must
785 submit an interlocal agreement within 1 year after notification
786 by the state land planning agency that the conditions for a
787 waiver no longer exist.

788 **(c)(d)** ~~Interlocal agreements between local governments and~~
789 ~~district school boards adopted pursuant to s. 163.3177 before~~
790 ~~the effective date of this section must be updated and executed~~

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791 ~~pursuant to the requirements of this section, if necessary.~~
792 ~~Amendments to interlocal agreements adopted pursuant to this~~
793 ~~section must be submitted to the state land planning agency~~
794 ~~within 30 days after execution by the parties for review~~
795 ~~consistent with this section.~~ Local governments and the district
796 school board in each school district are encouraged to adopt a
797 single updated interlocal agreement to which all join as
798 parties. The state land planning agency shall assemble and make
799 available model interlocal agreements meeting the requirements
800 of this section and notify local governments and, jointly with
801 the Department of Education, the district school boards of the
802 requirements of this section, the dates for compliance, and the
803 sanctions for noncompliance. The state land planning agency
804 shall be available to informally review proposed interlocal
805 agreements. If the state land planning agency has not received a
806 proposed interlocal agreement for informal review, the state
807 land planning agency shall, at least 60 days before the deadline
808 for submission of the executed agreement, renotify the local
809 government and the district school board of the upcoming
810 deadline and the potential for sanctions.

811 (2) ~~At a minimum,~~ The interlocal agreement shall
812 acknowledge the school board's constitutional and statutory
813 obligations to provide a uniform system of free public schools
814 on a countywide basis and the land use authority of local
815 governments, including their authority to approve or deny
816 comprehensive plan amendments and development orders. The
817 interlocal agreement must address the following issues:

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818 (a) Establish the mechanisms for coordinating the
819 development, adoption, and amendment of each local government's
820 public school facilities element with each other and the plans
821 of the school board to ensure a uniform districtwide school
822 concurrency system.

823 (b) Establish a process for the development of siting
824 criteria which encourages the location of public schools
825 proximate to urban residential areas to the extent possible and
826 seeks to collocate schools with other public facilities such as
827 parks, libraries, and community centers to the extent possible.

828 (c) Specify uniform, districtwide level-of-service
829 standards for public schools of the same type and the process
830 for modifying the adopted levels-of-service standards.

831 (d) A process for establishing a financially feasible
832 public school capital facilities program and a process and
833 schedule for incorporation of the public school capital
834 facilities program into the local government comprehensive plans
835 on an annual basis.

836 (e) If school concurrency is to be applied on a less than
837 districtwide basis in the form of concurrency service areas, the
838 agreement shall establish criteria and standards for the
839 establishment and modification of school concurrency service
840 areas. The agreement shall also establish a process and schedule
841 for the mandatory incorporation of the school concurrency
842 service areas and the criteria and standards for establishment
843 of the service areas into the local government comprehensive
844 plans. The agreement shall ensure maximum utilization of school

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845 capacity, taking into account transportation costs and court-
846 approved desegregation plans, as well as other applicable
847 factors.

848 (f) Establish a uniform districtwide procedure for
849 implementing school concurrency which provides for:

850 1. The evaluation of development applications for
851 compliance with school concurrency requirements, including
852 information provided by the school board on affected schools.

853 2. The monitoring and evaluation of the school concurrency
854 system.

855 (g) A process and uniform methodology for determining
856 proportionate-share mitigation pursuant to s. 380.06.

857 (h)(a) A process by which each local government and the
858 district school board agree and base their plans on consistent
859 projections of the amount, type, and distribution of population
860 growth and student enrollment. The geographic distribution of
861 jurisdiction-wide growth forecasts is a major objective of the
862 process.

863 (i)(b) A process to coordinate and share information
864 relating to existing and planned public school facilities,
865 including school renovations and closures, and local government
866 plans for development and redevelopment.

867 (j)(e) Participation by affected local governments with
868 the district school board in the process of evaluating potential
869 school closures, significant renovations to existing schools,
870 and new school site selection before land acquisition. Local
871 governments shall advise the district school board as to the

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872 consistency of the proposed closure, renovation, or new site
873 with the local comprehensive plan, including appropriate
874 circumstances and criteria under which a district school board
875 may request an amendment to the comprehensive plan for school
876 siting.

877 (k)~~(d)~~ A process for determining the need for and timing
878 of onsite and offsite improvements to support new, proposed
879 expansion, or redevelopment of existing schools. The process
880 must address identification of the party or parties responsible
881 for the improvements.

882 ~~(e) A process for the school board to inform the local~~
883 ~~government regarding school capacity. The capacity reporting~~
884 ~~must be consistent with laws and rules relating to measurement~~
885 ~~of school facility capacity and must also identify how the~~
886 ~~district school board will meet the public school demand based~~
887 ~~on the facilities work program adopted pursuant to s. 1013.35.~~

888 (l)~~(f)~~ Participation of the local governments in the
889 preparation of the annual update to the district school board's
890 5-year district facilities work program and educational plant
891 survey prepared pursuant to s. 1013.35.

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

895 (n)~~(h)~~ A procedure for the resolution of disputes between
896 the district school board and local governments, which may
897 include the dispute resolution processes contained in chapters
898 164 and 186.

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899 (o)(i) An oversight process, including an opportunity for
900 public participation, for the implementation of the interlocal
901 agreement.

902 (p) A process for development of a public school
903 facilities element pursuant to 163.3177(12).

904 (q) Provisions for siting and modification or enhancements
905 to existing school facilities so as to encourage urban infill
906 and redevelopment.

907 (r) A process for the use and conversion of historic
908 school facilities that are no longer suitable for educational
909 purposes as determined by the district school board.

910 (s) A process for informing the local government regarding
911 the effect of comprehensive plan amendments and rezonings on
912 school capacity. The capacity reporting must be consistent with
913 laws and rules relating to measurement of school facility
914 capacity and must also identify how the district school board
915 will meet the public school demand based on the facilities work
916 program adopted pursuant to s. 1013.35.

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

920
921 For those local governments that receive a waiver pursuant to s.
922 163.3177(2)(a), the interlocal agreement shall not include the
923 issues provided for in paragraphs (a), (c), (d), (e), (f), (g),
924 and (p). For counties or municipalities that do not have a
925 public schools interlocal agreement or public school facility

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926 element, the assessment shall determine whether the local
927 government continues to meet the criteria of s. 163.3177(12). If
928 the county or municipality determines that it no longer meets
929 the criteria, the county or municipality must adopt appropriate
930 school concurrency goals, objectives, and policies in its plan
931 amendments pursuant to the requirements of the public school
932 facility element and enter into the existing interlocal
933 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
934 order to fully participate in the school concurrency system. A
935 ~~signatory to the interlocal agreement may elect not to include a~~
936 ~~provision meeting the requirements of paragraph (e); however,~~
937 ~~such a decision may be made only after a public hearing on such~~
938 ~~election, which may include the public hearing in which a~~
939 ~~district school board or a local government adopts the~~
940 ~~interlocal agreement. An interlocal agreement entered into~~
941 ~~pursuant to this section must be consistent with the adopted~~
942 ~~comprehensive plan and land development regulations of any local~~
943 ~~government that is a signatory.~~

944 (3)(a) The updated interlocal agreement, adopted pursuant
945 to the schedule adopted in accordance with s. 163.3177(12)(h),
946 and any subsequent amendments must be submitted to the state
947 land planning agency and the Office of Educational Facilities
948 within 30 days after execution by the parties for review
949 consistent with this section. The office and SMART Schools
950 Clearinghouse shall submit any comments or concerns regarding
951 the executed interlocal agreement or amendments to the state
952 land planning agency within 30 days after receipt of the

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953 | executed interlocal agreement or amendments. The state land
954 | planning agency shall review the updated executed interlocal
955 | agreement to determine whether it is consistent with the
956 | requirements of subsection (2), the adopted local government
957 | comprehensive plan, and other requirements of law. Within 60
958 | days after receipt of an updated executed interlocal agreement
959 | or amendment, the state land planning agency shall publish a
960 | notice on the agency's Internet website that states of intent in
961 | the Florida Administrative Weekly and shall post a copy of the
962 | notice on the agency's Internet site. The notice of intent must
963 | state whether the interlocal agreement is consistent or
964 | inconsistent with the requirements of subsection (2) and this
965 | subsection, as appropriate.

966 | ~~(b) The state land planning agency's notice is subject to~~
967 | ~~challenge under chapter 120; however, an affected person, as~~
968 | ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
969 | ~~administrative proceeding, and this proceeding is the sole means~~
970 | ~~available to challenge the consistency of an interlocal~~
971 | ~~agreement required by this section with the criteria contained~~
972 | ~~in subsection (2) and this subsection. In order to have~~
973 | ~~standing, each person must have submitted oral or written~~
974 | ~~comments, recommendations, or objections to the local government~~
975 | ~~or the school board before the adoption of the interlocal~~
976 | ~~agreement by the school board and local government. The district~~
977 | ~~school board and local governments are parties to any such~~
978 | ~~proceeding. In this proceeding, when the state land planning~~
979 | ~~agency finds the interlocal agreement to be consistent with the~~

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980 ~~criteria in subsection (2) and this subsection, the interlocal~~
981 ~~agreement shall be determined to be consistent with subsection~~
982 ~~(2) and this subsection if the local government's and school~~
983 ~~board's determination of consistency is fairly debatable. When~~
984 ~~the state planning agency finds the interlocal agreement to be~~
985 ~~inconsistent with the requirements of subsection (2) and this~~
986 ~~subsection, the local government's and school board's~~
987 ~~determination of consistency shall be sustained unless it is~~
988 ~~shown by a preponderance of the evidence that the interlocal~~
989 ~~agreement is inconsistent.~~

990 ~~(c) If the state land planning agency enters a final order~~
991 ~~that finds that the interlocal agreement is inconsistent with~~
992 ~~the requirements of subsection (2) or this subsection, it shall~~
993 ~~forward it to the Administration Commission, which may impose~~
994 ~~sanctions against the local government pursuant to s.~~
995 ~~163.3184(11) and may impose sanctions against the district~~
996 ~~school board by directing the Department of Education to~~
997 ~~withhold from the district school board an equivalent amount of~~
998 ~~funds for school construction available pursuant to ss. 1013.65,~~
999 ~~1013.68, 1013.70, and 1013.72.~~

1000 (4) If an updated executed interlocal agreement is not
1001 timely submitted to the state land planning agency for review,
1002 the state land planning agency shall, within 15 working days
1003 after the deadline for submittal, issue to the local government
1004 and the district school board a Notice to Show Cause why
1005 sanctions should not be imposed for failure to submit an
1006 executed interlocal agreement by the deadline established by the

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1007 agency. The agency shall forward the notice and the responses to
1008 the Administration Commission, which may enter a final order
1009 citing the failure to comply and imposing sanctions against the
1010 local government and district school board by directing the
1011 appropriate agencies to withhold at least 5 percent of state
1012 funds pursuant to s. 163.3184(11) and by directing the
1013 Department of Education to withhold from the district school
1014 board at least 5 percent of funds for school construction
1015 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
1016 1013.72.

1017 (5) Any local government transmitting a public school
1018 element to implement school concurrency pursuant to the
1019 requirements of s. 163.3180 before July 1, 2005 ~~the effective~~
1020 ~~date of this section~~ is not required to amend the element or any
1021 interlocal agreement to conform with the provisions of this
1022 section ~~if the element is adopted prior to or within 1 year~~
1023 ~~after the effective date of this section and remains in effect.~~

1024 (6) Except as provided in subsection (7), municipalities
1025 meeting the exemption criteria in s. 163.3177(12) ~~having no~~
1026 ~~established need for a new school facility and meeting the~~
1027 ~~following criteria~~ are exempt from the requirements of
1028 subsections (1), (2), and (3).~~+~~

1029 ~~(a) The municipality has no public schools located within~~
1030 ~~its boundaries.~~

1031 ~~(b) The district school board's 5-year facilities work~~
1032 ~~program and the long-term 10-year and 20-year work programs, as~~
1033 ~~provided in s. 1013.35, demonstrate that no new school facility~~

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1034 ~~is needed in the municipality. In addition, the district school~~
1035 ~~board must verify in writing that no new school facility will be~~
1036 ~~needed in the municipality within the 5-year and 10-year~~
1037 ~~timeframes.~~

1038 (7) At the time of the evaluation and appraisal report,
1039 each exempt municipality shall assess the extent to which it
1040 continues to meet the criteria for exemption under s.
1041 163.3177(12) ~~subsection (6)~~. If the municipality continues to
1042 meet these criteria ~~and the district school board verifies in~~
1043 ~~writing that no new school facilities will be needed within the~~
1044 ~~5-year and 10-year timeframes~~, the municipality shall continue
1045 to be exempt from the interlocal-agreement requirement. Each
1046 municipality exempt under s. 163.3177(12) ~~subsection (6)~~ must
1047 comply with the provisions of this section within 1 year after
1048 the district school board proposes, in its 5-year district
1049 facilities work program, a new school within the municipality's
1050 jurisdiction.

1051 Section 6. Paragraph (a) of subsection (1), paragraphs (a)
1052 and (c) of subsection (2), paragraph (c) of subsection (4),
1053 subsections (5), (6), (7), (9), (10), and (13), and paragraph
1054 (a) of subsection (15) of section 163.3180, Florida Statutes,
1055 are amended, and subsections (16) and (17) are added to said
1056 section, to read:

1057 163.3180 Concurrency.--

1058 (1)(a) Sanitary sewer, solid waste, drainage, potable
1059 water, parks and recreation, schools, and transportation
1060 facilities, including mass transit, where applicable, are the

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1061 only public facilities and services subject to the concurrency
1062 requirement on a statewide basis. Additional public facilities
1063 and services may not be made subject to concurrency on a
1064 statewide basis without appropriate study and approval by the
1065 Legislature; however, any local government may extend the
1066 concurrency requirement so that it applies to additional public
1067 facilities within its jurisdiction.

1068 (2)(a) Consistent with public health and safety, sanitary
1069 sewer, solid waste, drainage, adequate water supplies, and
1070 potable water facilities shall be in place and available to
1071 serve new development no later than the issuance by the local
1072 government of a certificate of occupancy or its functional
1073 equivalent.

1074 (c) Consistent with the public welfare, and except as
1075 otherwise provided in this section, transportation facilities
1076 ~~designated as part of the Florida Intrastate Highway System~~
1077 needed to serve new development shall be in place or under
1078 actual construction within 3 ~~not more than 5~~ years after
1079 issuance by the local government of a building permit
1080 ~~certificate of occupancy~~ or its functional equivalent for
1081 construction of a facility that results in actual traffic
1082 generation. ~~Other transportation facilities needed to serve new~~
1083 ~~development shall be in place or under actual construction no~~
1084 ~~more than 3 years after issuance by the local government of a~~
1085 ~~certificate of occupancy or its functional equivalent.~~

1086 (4)

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1087 (c) The concurrency requirement, except as it relates to
1088 transportation and public school facilities, as implemented in
1089 local government comprehensive plans, may be waived by a local
1090 government for urban infill and redevelopment areas designated
1091 pursuant to s. 163.2517 if such a waiver does not endanger
1092 public health or safety as defined by the local government in
1093 its local government comprehensive plan. The waiver shall be
1094 adopted as a plan amendment pursuant to the process set forth in
1095 s. 163.3187(3)(a). A local government may grant a concurrency
1096 exception pursuant to subsection (5) for transportation
1097 facilities located within these urban infill and redevelopment
1098 areas. Within designated urban infill and redevelopment areas,
1099 the local government and Department of Transportation shall
1100 cooperatively establish a plan for maintaining the adopted
1101 level-of-service standards established by the Department of
1102 Transportation for Strategic Intermodal System facilities, as
1103 defined in s. 339.64.

1104 (5)(a) The Legislature finds that under limited
1105 circumstances dealing with transportation facilities,
1106 countervailing planning and public policy goals may come into
1107 conflict with the requirement that adequate public facilities
1108 and services be available concurrent with the impacts of such
1109 development. The Legislature further finds that often the
1110 unintended result of the concurrency requirement for
1111 transportation facilities is the discouragement of urban infill
1112 development and redevelopment. Such unintended results directly
1113 conflict with the goals and policies of the ~~state comprehensive~~

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1114 ~~plan and~~ the intent of this part. Therefore, exceptions from the
1115 concurrency requirement for transportation facilities may be
1116 granted as provided by this subsection.

1117 (b) A local government may grant an exception from the
1118 concurrency requirement for transportation facilities if the
1119 proposed development is otherwise consistent with the adopted
1120 local government comprehensive plan and is a project that
1121 promotes public transportation or is located within an area
1122 designated in the comprehensive plan for:

- 1123 1. Urban infill development,
- 1124 2. Urban redevelopment,
- 1125 3. Downtown revitalization, or
- 1126 4. Urban infill and redevelopment under s. 163.2517.

1127 (c) The Legislature also finds that developments located
1128 within urban infill, urban redevelopment, existing urban
1129 service, or downtown revitalization areas or areas designated as
1130 urban infill and redevelopment areas under s. 163.2517 which
1131 pose only special part-time demands on the transportation system
1132 should be excepted from the concurrency requirement for
1133 transportation facilities. A special part-time demand is one
1134 that does not have more than 200 scheduled events during any
1135 calendar year and does not affect the 100 highest traffic volume
1136 hours.

1137 (d) A local government shall establish guidelines for
1138 granting the exceptions authorized in paragraphs (b) and (c) in
1139 the comprehensive plan. These guidelines must include
1140 consideration of the Strategic Intermodal System ~~impacts on the~~

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1141 ~~Florida Intrastate Highway System, as defined in s. 338.001.~~ The
1142 exceptions may be available only within the specific geographic
1143 area of the jurisdiction designated in the plan. Pursuant to s.
1144 163.3184, any affected person may challenge a plan amendment
1145 establishing these guidelines and the areas within which an
1146 exception could be granted. Prior to the designation of a
1147 concurrency management area, the Department of Transportation
1148 shall be consulted by the local government to assess the impact
1149 that the proposed concurrency management area is expected to
1150 have on the adopted level-of-service standards established for
1151 Strategic Intermodal System facilities, as defined in s. 339.64.
1152 Within designated urban infill and redevelopment areas, the
1153 local government and Department of Transportation shall
1154 cooperatively establish a plan for maintaining the adopted
1155 level-of-service standards established by the Department of
1156 Transportation for Strategic Intermodal System facilities
1157 pursuant to s. 339.64.

1158 (e) It is a high state priority that urban infill and
1159 redevelopment be promoted and provide incentives. By promoting
1160 the revitalization of existing communities of this state, a more
1161 efficient maximization of space and facilities may be achieved
1162 and urban sprawl will be discouraged. If a local government
1163 creates a long-term vision for its community that includes
1164 adequate funding and services and multimodal transportation
1165 options, the transportation facilities concurrency requirements
1166 of paragraph (2)(c) are waived for:

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1167 1.a. Urban infill development as designated in the
1168 comprehensive plan;

1169 b. Urban redevelopment as designated in the comprehensive
1170 plan;

1171 c. Downtown revitalization as designated in the
1172 comprehensive plan; or

1173 d. Urban infill and redevelopment under s. 163.2517 as
1174 designated in the comprehensive plan.

1175
1176 The local government and Department of Transportation shall
1177 cooperatively establish a plan for maintaining the adopted
1178 level-of-service standards established by the Department of
1179 Transportation for Strategic Intermodal System facilities, as
1180 defined in s. 339.64.

1181 2. Municipalities that are at least 90 percent built-out.
1182 For purposes of this exemption:

1183 a. The term "built-out" means that 90 percent of the
1184 property within the municipality's boundaries, excluding lands
1185 that are designated as conservation, preservation, recreation,
1186 or public facilities categories, have been developed, or are the
1187 subject of an approved development order that has received a
1188 building permit and the municipality has an average density of 5
1189 units per acre for residential developments.

1190 b. The municipality must have adopted an ordinance that
1191 provides the methodology for determining its built-out
1192 percentage, declares that transportation concurrency
1193 requirements are waived within its municipal boundary or within

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1194 a designated area of the municipality, and addresses multimodal
1195 options and strategies, including alternative modes of
1196 transportation within the municipality. Prior to the adoption of
1197 the ordinance, the Department of Transportation shall be
1198 consulted by the local government to assess the impact that the
1199 waiver of the transportation concurrency requirements is
1200 expected to have on the adopted level-of-service standards
1201 established for Strategic Intermodal System facilities, as
1202 defined in s. 339.64. Further, the local government shall
1203 cooperatively establish a plan for maintaining the adopted
1204 level-of-service standards established by the department for
1205 Strategic Intermodal System facilities, as defined in s. 339.64.

1206 c. If a municipality annexes any property, the
1207 municipality must recalculate its built-out percentage pursuant
1208 to the methodology set forth in its ordinance to verify whether
1209 the annexed property may be included within this exemption.

1210 d. If transportation concurrency requirements are waived
1211 under this subparagraph, the municipality must adopt a
1212 comprehensive plan amendment pursuant to s. 163.3187(1)(c) which
1213 updates its transportation element to reflect the transportation
1214 concurrency requirements waiver and must submit a copy of its
1215 ordinance adopted in subparagraph b. to the state land planning
1216 agency.

1217 (6) The Legislature finds that a de minimis impact is
1218 consistent with this part. A de minimis impact is an impact that
1219 would not affect more than 1 percent of the maximum volume at
1220 the adopted level of service of the affected transportation

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1221 facility as determined by the local government. No impact will
1222 be de minimis if the sum of existing roadway volumes and the
1223 projected volumes from approved projects on a transportation
1224 facility would exceed 110 percent of the maximum volume at the
1225 adopted level of service of the affected transportation
1226 facility; provided however, that an impact of a single family
1227 home on an existing lot will constitute a de minimis impact on
1228 all roadways regardless of the level of the deficiency of the
1229 roadway. ~~Local governments are encouraged to adopt methodologies~~
1230 ~~to encourage de minimis impacts on transportation facilities~~
1231 ~~within an existing urban service area.~~ Further, no impact will
1232 be de minimis if it would exceed the adopted level-of-service
1233 standard of any affected designated hurricane evacuation routes.
1234 Each local government shall annually adjust its concurrency
1235 management system calculation of existing background traffic to
1236 reflect projects permitted under the de minimis exemption.

1237 (7) In order to promote infill development and
1238 redevelopment, one or more transportation concurrency management
1239 areas may be designated in a local government comprehensive
1240 plan. A transportation concurrency management area must be a
1241 compact geographic area with an existing network of roads where
1242 multiple, viable alternative travel paths or modes are available
1243 for common trips. A local government may establish an areawide
1244 level-of-service standard for such a transportation concurrency
1245 management area based upon an analysis that provides for a
1246 justification for the areawide level of service, how urban
1247 infill development or redevelopment will be promoted, and how

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1248 mobility will be accomplished within the transportation
1249 concurrency management area. The state land planning agency
1250 shall amend chapter 9J-5, Florida Administrative Code, to be
1251 consistent with this subsection.

1252 (9)(a) Each local government may adopt as a part of its
1253 plan a long-term transportation and school concurrency
1254 management systems ~~system~~ with a planning period of up to 10
1255 years for specially designated districts or areas where
1256 significant backlogs exist. The plan may include interim level-
1257 of-service standards on certain facilities and shall ~~may~~ rely on
1258 the local government's schedule of capital improvements for up
1259 to 10 years as a basis for issuing development orders that
1260 authorize commencement of construction ~~permits~~ in these
1261 designated districts or areas. The concurrency management
1262 system. ~~It~~ must be designed to correct existing deficiencies and
1263 set priorities for addressing backlogged facilities. The
1264 concurrency management system ~~It~~ must be financially feasible
1265 and consistent with other portions of the adopted local plan,
1266 including the future land use map.

1267 (b) If a local government has a transportation or school
1268 facility backlog for existing development which cannot be
1269 adequately addressed in a 10-year plan, the state land planning
1270 agency may allow it to develop a plan and long-term schedule of
1271 capital improvements covering ~~of~~ up to 15 years for good and
1272 sufficient cause, based on a general comparison between that
1273 local government and all other similarly situated local
1274 jurisdictions, using the following factors:

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- 1275 1. The extent of the backlog.
- 1276 2. For roads, whether the backlog is on local or state
- 1277 roads.
- 1278 3. The cost of eliminating the backlog.
- 1279 4. The local government's tax and other revenue-raising
- 1280 efforts.

1281 (c) The local government may issue approvals to commence
1282 construction, notwithstanding s. 163.3180, consistent with and
1283 in areas that are subject to a long-term concurrency management
1284 system.

1285 (d) If the local government adopts a long-term concurrency
1286 management system, the government must evaluate the system
1287 periodically. At a minimum, the local government must assess its
1288 progress toward improving levels of service within the long-term
1289 concurrency management district or area in the evaluation and
1290 appraisal report and determine any changes that are necessary to
1291 accelerate progress in meeting acceptable levels of service or
1292 providing other methods of transportation.

1293 (10) With regard to roadway facilities on the Strategic
1294 Intermodal System designated in accordance with ss. 339.61,
1295 339.62, 339.63, and 339.64 ~~Florida Intrastate Highway System as~~
1296 ~~defined in s. 338.001, with concurrence from the Department of~~
1297 ~~Transportation, the level of service standard for general lanes~~
1298 ~~in urbanized areas, as defined in s. 334.03(36), may be~~
1299 ~~established by the local government in the comprehensive plan.~~
1300 ~~For all other facilities on the Florida Intrastate Highway~~
1301 ~~System, local governments shall adopt the level-of-service~~

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1302 standard established by the Department of Transportation by
1303 rule. For all other roads on the State Highway System, local
1304 governments shall establish an adequate level-of-service
1305 standard that need not be consistent with any level-of-service
1306 standard established by the Department of Transportation.

1307 (13) In accordance with the schedule adopted in accordance
1308 with s. 163.3177(12)(h), school concurrency, ~~if imposed by local~~
1309 ~~option,~~ shall be established on a districtwide basis and shall
1310 include all public schools in the district and all portions of
1311 the district, whether located in a municipality or an
1312 unincorporated area unless exempt from the public school
1313 facilities element pursuant to s. 163.3177(12), except that this
1314 subsection shall not apply to the Florida School for the Deaf
1315 and the Blind. The development of school concurrency shall be
1316 accomplished through a coordinated process including the local
1317 school district, the county, and all nonexempt municipalities
1318 within the county and shall be reflected in the public school
1319 facilities element adopted pursuant to the schedule provided for
1320 in s. 163.3177(12)(h). The school concurrency requirement shall
1321 not be effective until the adoption of the public school
1322 facilities element. The application of school concurrency to
1323 development shall be based upon the adopted comprehensive plan,
1324 as amended. All local governments within a county, except as
1325 provided in paragraph (f), shall adopt and transmit to the state
1326 land planning agency the necessary plan amendments, along with
1327 the interlocal agreement, for a compliance review pursuant to s.
1328 163.3184(7) and (8). ~~School concurrency shall not become~~

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1329 ~~effective in a county until all local governments, except as~~
1330 ~~provided in paragraph (f), have adopted the necessary plan~~
1331 ~~amendments, which together with the interlocal agreement, are~~
1332 ~~determined to be in compliance with the requirements of this~~
1333 ~~part.~~ The minimum requirements for school concurrency are the
1334 following:

1335 (a) Public school facilities element.--A local government
1336 shall adopt and transmit to the state land planning agency a
1337 plan or plan amendment which includes a public school facilities
1338 element which is consistent with the requirements of s.
1339 163.3177(12) and which is determined to be in compliance as
1340 defined in s. 163.3184(1)(b). All local government public school
1341 facilities plan elements within a county must be consistent with
1342 each other as well as the requirements of this part.

1343 (b) Level-of-service standards.--The Legislature
1344 recognizes that an essential requirement for a concurrency
1345 management system is the level of service at which a public
1346 facility is expected to operate.

1347 1. Local governments and school boards imposing school
1348 concurrency shall exercise authority in conjunction with each
1349 other to establish jointly adequate level-of-service standards,
1350 as defined in chapter 9J-5, Florida Administrative Code,
1351 necessary to implement the adopted local government
1352 comprehensive plan, based on data and analysis.

1353 2. Public school level-of-service standards shall be
1354 included and adopted into the capital improvements element of
1355 the local comprehensive plan and shall apply districtwide to all

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1356 schools of the same type. Types of schools may include charter,
1357 elementary, middle, and high schools as well as special purpose
1358 facilities such as magnet schools.

1359 3. Local governments and school boards shall have the
1360 option to utilize tiered level-of-service standards to allow
1361 time to achieve an adequate and desirable level of service as
1362 circumstances warrant.

1363 (c) Service areas.--The Legislature recognizes that an
1364 essential requirement for a concurrency system is a designation
1365 of the area within which the level of service will be measured
1366 when an application for a residential development permit is
1367 reviewed for school concurrency purposes. This delineation is
1368 also important for purposes of determining whether the local
1369 government has a financially feasible public school capital
1370 facilities program that will provide schools which will achieve
1371 and maintain the adopted level-of-service standards.

1372 1. In order to balance competing interests, preserve the
1373 constitutional concept of uniformity, and avoid disruption of
1374 existing educational and growth management processes, local
1375 governments are encouraged to initially apply school concurrency
1376 to development only on a districtwide basis so that a
1377 concurrency determination for a specific development will be
1378 based upon the availability of school capacity districtwide. To
1379 ensure that development is coordinated with schools having
1380 available capacity, within 5 years after adoption of school
1381 concurrency local governments shall apply school concurrency on
1382 a less than districtwide basis, such as using school attendance

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1383 zones or concurrency service areas, as provided in subparagraph
1384 2.

1385 2. For local governments applying school concurrency on a
1386 less than districtwide basis, such as utilizing school
1387 attendance zones or larger school concurrency service areas,
1388 local governments and school boards shall have the burden to
1389 demonstrate that the utilization of school capacity is maximized
1390 to the greatest extent possible in the comprehensive plan and
1391 amendment, taking into account transportation costs and court-
1392 approved desegregation plans, as well as other factors. In
1393 addition, in order to achieve concurrency within the service
1394 area boundaries selected by local governments and school boards,
1395 the service area boundaries, together with the standards for
1396 establishing those boundaries, shall be identified and, included
1397 as supporting data and analysis for, ~~and adopted as part of the~~
1398 ~~comprehensive plan. Any subsequent change to the service area~~
1399 ~~boundaries for purposes of a school concurrency system shall be~~
1400 ~~by plan amendment and shall be exempt from the limitation on the~~
1401 ~~frequency of plan amendments in s. 163.3187(1).~~

1402 3. Where school capacity is available on a districtwide
1403 basis but school concurrency is applied on a less than
1404 districtwide basis in the form of concurrency service areas, if
1405 the adopted level-of-service standard cannot be met in a
1406 particular service area as applied to an application for a
1407 development permit through mitigation or other measures and if
1408 the needed capacity for the particular service area is available
1409 in one or more contiguous service areas, as adopted by the local

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1410 government, ~~then~~ the development order may not shall be denied
1411 on the basis of school concurrency, and if issued, development
1412 impacts shall be shifted to contiguous service areas with
1413 schools having available capacity and mitigation measures shall
1414 ~~not be exacted.~~

1415 (d) Financial feasibility.--The Legislature recognizes
1416 that financial feasibility is an important issue because the
1417 premise of concurrency is that the public facilities will be
1418 provided in order to achieve and maintain the adopted level-of-
1419 service standard. This part and chapter 9J-5, Florida
1420 Administrative Code, contain specific standards to determine the
1421 financial feasibility of capital programs. These standards were
1422 adopted to make concurrency more predictable and local
1423 governments more accountable.

1424 1. A comprehensive plan amendment seeking to impose school
1425 concurrency shall contain appropriate amendments to the capital
1426 improvements element of the comprehensive plan, consistent with
1427 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida
1428 Administrative Code. The capital improvements element shall set
1429 forth a financially feasible public school capital facilities
1430 program, established in conjunction with the school board, that
1431 demonstrates that the adopted level-of-service standards will be
1432 achieved and maintained.

1433 2. Such amendments shall demonstrate that the public
1434 school capital facilities program meets all of the financial
1435 feasibility standards of this part and chapter 9J-5, Florida
1436 Administrative Code, that apply to capital programs which

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1437 provide the basis for mandatory concurrency on other public
1438 facilities and services.

1439 3. When the financial feasibility of a public school
1440 capital facilities program is evaluated by the state land
1441 planning agency for purposes of a compliance determination, the
1442 evaluation shall be based upon the service areas selected by the
1443 local governments and school board.

1444 (e) Availability standard.--Consistent with the public
1445 welfare, a local government may not deny an application for site
1446 plan or final subdivision approval, or a functional equivalent
1447 for a development or phase of a development, ~~permit~~ authorizing
1448 residential development for failure to achieve and maintain the
1449 level-of-service standard for public school capacity in a local
1450 ~~option~~ school concurrency management system where adequate
1451 school facilities will be in place or under actual construction
1452 within 3 years after the ~~permit~~ issuance by the local government
1453 of site plan or final subdivision approval or its functional
1454 equivalent. School concurrency shall be satisfied if the
1455 developer executes a legally binding commitment to provide
1456 mitigation proportionate to the demand for public school
1457 facilities to be created by actual development of the property,
1458 including, but not limited to, the options described in
1459 subparagraph 1. Approval of a funding agreement shall not be
1460 unreasonably withheld. Any dispute shall be mediated pursuant to
1461 s. 120.573. Options for proportionate-share mitigation of
1462 impacts on public school facilities shall be established in the
1463 interlocal agreement pursuant to s. 163.31777.

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1464 1. Appropriate mitigation options include the contribution
1465 of land; the construction, expansion, or payment for land
1466 acquisition or construction of a public school facility; or the
1467 creation of mitigation banking based on the construction of a
1468 public school facility in exchange for the right to sell
1469 capacity credits. Such options must include execution by the
1470 applicant and the local government of a binding development
1471 agreement that constitutes a legally binding commitment to pay
1472 proportionate-share mitigation for the additional residential
1473 units approved by the local government in a development order
1474 and actually developed on the property, taking into account
1475 residential density allowed on the property prior to the plan
1476 amendment that increased overall residential density. Mitigation
1477 for development impacts to public schools requires the
1478 concurrence of the local school board. As a condition of its
1479 entry into such a development agreement, the local government
1480 may require the landowner to agree to continuing renewal of the
1481 agreement upon its expiration.

1482 2. If the education facilities plan and the public
1483 educational facilities element authorize a contribution of land;
1484 the construction, expansion, or payment for land acquisition; or
1485 the construction or expansion of a public school facility, or a
1486 portion of such facility, as proportionate-share mitigation, the
1487 local government shall credit such a contribution, construction,
1488 expansion, or payment toward any other impact fee or exaction
1489 imposed by local ordinance for the same need, on a dollar-for-
1490 dollar basis at fair market value.

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1491 3. Any proportionate-share mitigation must be directed by
1492 the school board toward a school capacity improvement that is
1493 identified in the financially feasible 5-year district work plan
1494 and that will be provided in accordance with a legally binding
1495 agreement.

1496 (f) Intergovernmental coordination.--

1497 1. When establishing concurrency requirements for public
1498 schools, a local government shall satisfy the requirements for
1499 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
1500 and 2., except that a municipality is not required to be a
1501 signatory to the interlocal agreement required by ss. s-
1502 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
1503 imposition of school concurrency, and as a nonsignatory, shall
1504 not participate in the adopted local school concurrency system,
1505 if the municipality meets all of the following criteria for
1506 having no significant impact on school attendance:

1507 a. The municipality has issued development orders for
1508 fewer than 50 residential dwelling units during the preceding 5
1509 years, or the municipality has generated fewer than 25
1510 additional public school students during the preceding 5 years.

1511 b. The municipality has not annexed new land during the
1512 preceding 5 years in land use categories which permit
1513 residential uses that will affect school attendance rates.

1514 c. The municipality has no public schools located within
1515 its boundaries.

1516 d. At least 80 percent of the developable land within the
1517 boundaries of the municipality has been built upon.

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1518 2. A municipality which qualifies as having no significant
1519 impact on school attendance pursuant to the criteria of
1520 subparagraph 1. must review and determine at the time of its
1521 evaluation and appraisal report pursuant to s. 163.3191 whether
1522 it continues to meet the criteria pursuant to s. 163.3177(6).
1523 If the municipality determines that it no longer meets the
1524 criteria, it must adopt appropriate school concurrency goals,
1525 objectives, and policies in its plan amendments based on the
1526 evaluation and appraisal report, and enter into the existing
1527 interlocal agreement required by ss. s. 163.3177(6)(h)2. and
1528 163.31777, in order to fully participate in the school
1529 concurrency system. If such a municipality fails to do so, it
1530 will be subject to the enforcement provisions of s. 163.3191.

1531 ~~(g) Interlocal agreement for school concurrency. When~~
1532 ~~establishing concurrency requirements for public schools, a~~
1533 ~~local government must enter into an interlocal agreement which~~
1534 ~~satisfies the requirements in s. 163.3177(6)(h)1. and 2. and the~~
1535 ~~requirements of this subsection. The interlocal agreement shall~~
1536 ~~acknowledge both the school board's constitutional and statutory~~
1537 ~~obligations to provide a uniform system of free public schools~~
1538 ~~on a countywide basis, and the land use authority of local~~
1539 ~~governments, including their authority to approve or deny~~
1540 ~~comprehensive plan amendments and development orders. The~~
1541 ~~interlocal agreement shall be submitted to the state land~~
1542 ~~planning agency by the local government as a part of the~~
1543 ~~compliance review, along with the other necessary amendments to~~
1544 ~~the comprehensive plan required by this part. In addition to the~~

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1545 ~~requirements of s. 163.3177(6)(h), the interlocal agreement~~
1546 ~~shall meet the following requirements:~~

1547 ~~1. Establish the mechanisms for coordinating the~~
1548 ~~development, adoption, and amendment of each local government's~~
1549 ~~public school facilities element with each other and the plans~~
1550 ~~of the school board to ensure a uniform districtwide school~~
1551 ~~concurrency system.~~

1552 ~~2. Establish a process by which each local government and~~
1553 ~~the school board shall agree and base their plans on consistent~~
1554 ~~projections of the amount, type, and distribution of population~~
1555 ~~growth and coordinate and share information relating to existing~~
1556 ~~and planned public school facilities projections and proposals~~
1557 ~~for development and redevelopment, and infrastructure required~~
1558 ~~to support public school facilities.~~

1559 ~~3. Establish a process for the development of siting~~
1560 ~~criteria which encourages the location of public schools~~
1561 ~~proximate to urban residential areas to the extent possible and~~
1562 ~~seeks to collocate schools with other public facilities such as~~
1563 ~~parks, libraries, and community centers to the extent possible.~~

1564 ~~4. Specify uniform, districtwide level of service~~
1565 ~~standards for public schools of the same type and the process~~
1566 ~~for modifying the adopted levels of service standards.~~

1567 ~~5. Establish a process for the preparation, amendment, and~~
1568 ~~joint approval by each local government and the school board of~~
1569 ~~a public school capital facilities program which is financially~~
1570 ~~feasible, and a process and schedule for incorporation of the~~

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1571 ~~public school capital facilities program into the local~~
1572 ~~government comprehensive plans on an annual basis.~~

1573 ~~6. Define the geographic application of school~~
1574 ~~concurrency. If school concurrency is to be applied on a less~~
1575 ~~than districtwide basis in the form of concurrency service~~
1576 ~~areas, the agreement shall establish criteria and standards for~~
1577 ~~the establishment and modification of school concurrency service~~
1578 ~~areas. The agreement shall also establish a process and schedule~~
1579 ~~for the mandatory incorporation of the school concurrency~~
1580 ~~service areas and the criteria and standards for establishment~~
1581 ~~of the service areas into the local government comprehensive~~
1582 ~~plans. The agreement shall ensure maximum utilization of school~~
1583 ~~capacity, taking into account transportation costs and court-~~
1584 ~~approved desegregation plans, as well as other factors. The~~
1585 ~~agreement shall also ensure the achievement and maintenance of~~
1586 ~~the adopted level of service standards for the geographic area~~
1587 ~~of application throughout the 5 years covered by the public~~
1588 ~~school capital facilities plan and thereafter by adding a new~~
1589 ~~fifth year during the annual update.~~

1590 ~~7. Establish a uniform districtwide procedure for~~
1591 ~~implementing school concurrency which provides for:~~

1592 ~~a. The evaluation of development applications for~~
1593 ~~compliance with school concurrency requirements;~~

1594 ~~b. An opportunity for the school board to review and~~
1595 ~~comment on the effect of comprehensive plan amendments and~~
1596 ~~rezonings on the public school facilities plan; and~~

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1597 ~~e. The monitoring and evaluation of the school concurrency~~
1598 ~~system.~~

1599 ~~8. Include provisions relating to termination, suspension,~~
1600 ~~and amendment of the agreement. The agreement shall provide that~~
1601 ~~if the agreement is terminated or suspended, the application of~~
1602 ~~school concurrency shall be terminated or suspended.~~

1603 (15)

1604 (a) Multimodal transportation districts may be established
1605 under a local government comprehensive plan in areas delineated
1606 on the future land use map for which the local comprehensive
1607 plan assigns secondary priority to vehicle mobility and primary
1608 priority to assuring a safe, comfortable, and attractive
1609 pedestrian environment, with convenient interconnection to
1610 transit. Such districts must incorporate community design
1611 features that will reduce the number of automobile trips or
1612 vehicle miles of travel and will support an integrated,
1613 multimodal transportation system. Prior to the designation of
1614 multimodal transportation districts, the local government shall
1615 consult with the Department of Transportation to assess the
1616 impact that the proposed multimodal district area is expected to
1617 have on the adopted level-of-service standards established for
1618 Strategic Intermodal System facilities, as defined in s. 339.64.
1619 Within designated urban infill and redevelopment areas, the
1620 local government and Department of Transportation shall
1621 cooperatively establish a plan for maintaining the adopted
1622 level-of-service standards established by the Department of
1623 Transportation for Strategic Intermodal System facilities, as

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1624 defined in s. 339.64. Multimodal transportation districts
1625 existing prior to July 1, 2005, shall meet at a minimum, the
1626 provision of this section by July 1, 2006, or at the time of the
1627 comprehensive plan update pursuant to the evaluation and
1628 appraisal report, whichever occurs last.

1629 (16)(a) It is the intent of the Legislature to provide a
1630 method by which the impacts of development on transportation
1631 facilities can be mitigated by the cooperative efforts of the
1632 public and private sectors.

1633 (b) When authorized in a local government comprehensive
1634 plan, local governments may create mitigation banks for
1635 transportation facilities to satisfy the concurrency provisions
1636 of this section, using the process and methodology developed in
1637 accordance with s. 163.3177(6)(b). The Department of
1638 Transportation, in consultation with local governments, shall
1639 develop a process and uniform methodology for determining
1640 proportionate-share mitigation for development impacts on
1641 transportation corridors that traverse one or more political
1642 subdivisions.

1643 (c) Mitigation contributions shall be used to satisfy the
1644 transportation concurrency requirements of this section and may
1645 be applied as a credit against impact fees. Mitigation for
1646 development impacts to facilities on the Strategic Intermodal
1647 System made pursuant to this subsection requires the concurrence
1648 of the Department of Transportation. However, this does not
1649 authorize the Department of Transportation to arbitrarily charge

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1650 a fee or require additional mitigation. Concurrence by the
1651 Department of Transportation may not be withheld unduly.

1652 (d) Transportation facilities concurrency shall be
1653 satisfied if the developer executes a legally binding commitment
1654 to provide mitigation proportionate to the demand for
1655 transportation facilities to be created by actual development of
1656 the property, including, but not limited to, the options for
1657 mitigation established in the transportation element or traffic
1658 circulation element. Approval of a funding agreement shall not
1659 be unreasonably withheld. Any dispute shall be mediated pursuant
1660 to s. 120.573. Appropriate transportation mitigation
1661 contributions may include public or private funds; the
1662 contribution of right-of-way; the construction of a
1663 transportation facility or payment for the right-of-way or
1664 construction of a transportation facility or service; or the
1665 provision of transit service. Such options shall include
1666 execution of an enforceable development agreement for projects
1667 to be funded by a developer.

1668 (17) A development may satisfy the concurrency
1669 requirements of the local comprehensive plan, the local
1670 government's land development regulations, and s. 380.06 by
1671 entering into a legally binding commitment to provide mitigation
1672 proportionate to the direct impact of the development. A local
1673 government may not require a development to pay more than its
1674 proportionate-share contribution regardless of the method
1675 mitigation.

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1676 Section 7. Paragraph (b) of subsection (1), subsection
1677 (4), and paragraph (a) of subsection (6) of section 163.3184,
1678 Florida Statutes, are amended to read:

1679 163.3184 Process for adoption of comprehensive plan or
1680 plan amendment.--

1681 (1) DEFINITIONS.--As used in this section, the term:

1682 (b) "In compliance" means consistent with the requirements
1683 of s. ss. 163.3177, ~~163.31776~~, when a local government adopts an
1684 educational facilities element, 163.3178, 163.3180, 163.3191,
1685 and 163.3245, with the state comprehensive plan, with the
1686 appropriate strategic regional policy plan, and with chapter 9J-
1687 5, Florida Administrative Code, where such rule is not
1688 inconsistent with this part and with the principles for guiding
1689 development in designated areas of critical state concern and
1690 with part III of chapter 369, where applicable.

1691 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
1692 specified in paragraph (3)(a) shall provide comments to the
1693 state land planning agency within 30 days after receipt by the
1694 state land planning agency of the complete proposed plan
1695 amendment. If the plan or plan amendment includes or relates to
1696 the public school facilities element pursuant to s. 163.3177
1697 ~~163.31776~~, the state land planning agency shall submit a copy to
1698 the Office of Educational Facilities of the Commissioner of
1699 Education for review and comment. The appropriate regional
1700 planning council shall also provide its written comments to the
1701 state land planning agency within 30 days after receipt by the
1702 state land planning agency of the complete proposed plan

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1703 amendment and shall specify any objections, recommendations for
1704 modifications, and comments of any other regional agencies to
1705 which the regional planning council may have referred the
1706 proposed plan amendment. Written comments submitted by the
1707 public within 30 days after notice of transmittal by the local
1708 government of the proposed plan amendment will be considered as
1709 if submitted by governmental agencies. All written agency and
1710 public comments must be made part of the file maintained under
1711 subsection (2).

1712 (6) STATE LAND PLANNING AGENCY REVIEW.--

1713 (a) The state land planning agency may ~~shall~~ review a
1714 proposed plan amendment upon request of a regional planning
1715 council, affected person, or local government transmitting the
1716 plan amendment. The request from the regional planning council
1717 or affected person must be received within 30 days after
1718 transmittal of the proposed plan amendment pursuant to
1719 subsection (3). A regional planning council or affected person
1720 requesting a review shall do so by submitting a written request
1721 to the agency with a notice of the request to the local
1722 government and any other person who has requested notice.

1723 Section 8. Paragraphs (c) and (l) of subsection (1) of
1724 section 163.3187, Florida Statutes, are amended, and paragraph
1725 (o) is added to said subsection, to read:

1726 163.3187 Amendment of adopted comprehensive plan.--

1727 (1) Amendments to comprehensive plans adopted pursuant to
1728 this part may be made not more than two times during any
1729 calendar year, except:

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1730 (c) Any local government comprehensive plan amendments
1731 directly related to proposed small scale development activities
1732 may be approved without regard to statutory limits on the
1733 frequency of consideration of amendments to the local
1734 comprehensive plan. A small scale development amendment may be
1735 adopted only under the following conditions:

1736 1. The proposed amendment involves a use of 10 acres or
1737 fewer and:

1738 a. The cumulative annual effect of the acreage for all
1739 small scale development amendments adopted by the local
1740 government shall not exceed:

1741 (I) A maximum of 120 acres in a local government that
1742 contains areas specifically designated in the local
1743 comprehensive plan for urban infill, urban redevelopment, or
1744 downtown revitalization as defined in s. 163.3164, urban infill
1745 and redevelopment areas designated under s. 163.2517,
1746 transportation concurrency exception areas approved pursuant to
1747 s. 163.3180(5), or regional activity centers and urban central
1748 business districts approved pursuant to s. 380.06(2)(e);
1749 however, amendments under this paragraph may be applied to no
1750 more than 60 acres annually of property outside the designated
1751 areas listed in this sub-sub-subparagraph. Amendments adopted
1752 pursuant to paragraph (k) shall not be counted toward the
1753 acreage limitations for small scale amendments under this
1754 paragraph.

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1755 (II) A maximum of 80 acres in a local government that does
1756 not contain any of the designated areas set forth in sub-sub-
1757 subparagraph (I).

1758 (III) A maximum of 120 acres in a county established
1759 pursuant to s. 9, Art. VIII of the State Constitution.

1760 b. The proposed amendment does not involve the same
1761 property granted a change within the prior 12 months.

1762 c. The proposed amendment does not involve the same
1763 owner's property within 200 feet of property granted a change
1764 within the prior 12 months.

1765 d. The proposed amendment does not involve a text change
1766 to the goals, policies, and objectives of the local government's
1767 comprehensive plan, but only proposes a land use change to the
1768 future land use map for a site-specific small scale development
1769 activity.

1770 e. The property that is the subject of the proposed
1771 amendment is not located within an area of critical state
1772 concern, unless the project subject to the proposed amendment
1773 involves the construction of affordable housing units meeting
1774 the criteria of s. 420.0004(3), and is located within an area of
1775 critical state concern designated by s. 380.0552 or by the
1776 Administration Commission pursuant to s. 380.05(1). Such
1777 amendment is not subject to the density limitations of sub-
1778 subparagraph f., and shall be reviewed by the state land
1779 planning agency for consistency with the principles for guiding
1780 development applicable to the area of critical state concern

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1781 where the amendment is located and shall not become effective
1782 until a final order is issued under s. 380.05(6).

1783 f. If the proposed amendment involves a residential land
1784 use, the residential land use has a density of 10 units or less
1785 per acre, except that this limitation does not apply to small
1786 scale amendments involving the construction of affordable
1787 housing units meeting the criteria of s. 420.0004(3) on property
1788 which will be the subject of a land use restriction agreement or
1789 extended use agreement recorded in conjunction with the issuance
1790 of tax exempt bond financing or an allocation of federal tax
1791 credits issued through the Florida Housing Finance Corporation
1792 or a local housing finance authority authorized by the Division
1793 of Bond Finance of the State Board of Administration, or small
1794 scale amendments described in sub-sub-subparagraph a.(I) that
1795 are designated in the local comprehensive plan for urban infill,
1796 urban redevelopment, or downtown revitalization as defined in s.
1797 163.3164, urban infill and redevelopment areas designated under
1798 s. 163.2517, transportation concurrency exception areas approved
1799 pursuant to s. 163.3180(5), or regional activity centers and
1800 urban central business districts approved pursuant to s.
1801 380.06(2)(e).

1802 2.a. A local government that proposes to consider a plan
1803 amendment pursuant to this paragraph is not required to comply
1804 with the procedures and public notice requirements of s.
1805 163.3184(15)(c) for such plan amendments if the local government
1806 complies with the provisions in s. 125.66(4)(a) for a county or
1807 in s. 166.041(3)(c) for a municipality. If a request for a plan

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1808 amendment under this paragraph is initiated by other than the
1809 local government, public notice is required.

1810 b. The local government shall send copies of the notice
1811 and amendment to the state land planning agency, the regional
1812 planning council, and any other person or entity requesting a
1813 copy. This information shall also include a statement
1814 identifying any property subject to the amendment that is
1815 located within a coastal high hazard area as identified in the
1816 local comprehensive plan.

1817 3. Small scale development amendments adopted pursuant to
1818 this paragraph require only one public hearing before the
1819 governing board, which shall be an adoption hearing as described
1820 in s. 163.3184(7), and are not subject to the requirements of s.
1821 163.3184(3)-(6) unless the local government elects to have them
1822 subject to those requirements.

1823 (1) A comprehensive plan amendment to adopt a public
1824 educational facilities element pursuant to s. 163.3177 ~~163.31776~~
1825 and future land-use-map amendments for school siting may be
1826 approved notwithstanding statutory limits on the frequency of
1827 adopting plan amendments.

1828 (o)1. For municipalities that are more than 90 percent
1829 built-out, any municipality's comprehensive plan amendments may
1830 be approved without regard to statutory limits on the frequency
1831 of consideration of amendments to the local comprehensive plan
1832 only if the proposed amendment involves a use of 100 acres or
1833 fewer and:

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1834 a. The cumulative annual effect of the acreage for all
1835 amendments adopted pursuant to this paragraph does not exceed
1836 500 acres.

1837 b. The proposed amendment does not involve the same
1838 property granted a change within the prior 12 months.

1839 c. The proposed amendment does not involve the same
1840 owner's property within 200 feet of property granted a change
1841 within the prior 12 months.

1842 d. The proposed amendment does not involve a text change
1843 to the goals, policies, and objectives of the local government's
1844 comprehensive plan but only proposes a land use change to the
1845 future land use map for a site-specific small scale development
1846 activity.

1847 e. The property that is the subject of the proposed
1848 amendment is not located within an area of critical state
1849 concern.

1850 2. For purposes of this paragraph, the term "built-out"
1851 means 90 percent of the property within the municipality's
1852 boundaries, excluding lands that are designated as conservation,
1853 preservation, recreation, or public facilities categories, have
1854 been developed, or are the subject of an approved development
1855 order that has received a building permit, and the municipality
1856 has an average density of 5 units per acre for residential
1857 development,

1858 3.a. A local government that proposes to consider a plan
1859 amendment pursuant to this paragraph is not required to comply
1860 with the procedures and public notice requirements of s.

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1861 163.3184(15)(c) for such plan amendments if the local government
1862 complies with the provisions of s. 166.041(3)(c). If a request
1863 for a plan amendment under this paragraph is initiated by other
1864 than the local government, public notice is required.

1865 b. The local government shall send copies of the notice
1866 and amendment to the state land planning agency, the regional
1867 planning council, and any other person or entity requesting a
1868 copy. This information shall also include a statement
1869 identifying any property subject to the amendment that is
1870 located within a coastal high hazard area as identified in the
1871 local comprehensive plan.

1872 4. Amendments adopted pursuant to this paragraph require
1873 only one public hearing before the governing board, which shall
1874 be an adoption hearing as described in s. 163.3184(7), and are
1875 not subject to the requirements of s. 163.3184(3)-(6) unless the
1876 local government elects to have them subject to those
1877 requirements.

1878 5. This paragraph shall not apply if a municipality
1879 annexes unincorporated property that decreases the percentage of
1880 build-out to an amount below 90 percent.

1881 6. A municipality shall notify the state land planning
1882 agency in writing of its built-out percentage prior to the
1883 submission of any comprehensive plan amendments under this
1884 subsection.

1885 Section 9. Paragraphs (k) and (l) of subsection (2) and
1886 subsection (10) of section 163.3191, Florida Statutes, are

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1887 amended, and paragraph (o) is added to subsection (2) of said
1888 section, to read:

1889 163.3191 Evaluation and appraisal of comprehensive plan.--

1890 (2) The report shall present an evaluation and assessment
1891 of the comprehensive plan and shall contain appropriate
1892 statements to update the comprehensive plan, including, but not
1893 limited to, words, maps, illustrations, or other media, related
1894 to:

1895 (k) The coordination of the comprehensive plan with
1896 existing public schools and those identified in the applicable
1897 educational facilities plan adopted pursuant to s. 1013.35. The
1898 assessment shall address, where relevant, the success or failure
1899 of the coordination of the future land use map and associated
1900 planned residential development with public schools and their
1901 capacities, as well as the joint decisionmaking processes
1902 engaged in by the local government and the school board in
1903 regard to establishing appropriate population projections and
1904 the planning and siting of public school facilities. For
1905 counties or municipalities that do not have a public schools
1906 interlocal agreement or public school facility element, the
1907 assessment shall determine whether the local government
1908 continues to meet the criteria of s. 163.3177(12). If the county
1909 or municipality determines that it no longer meets the criteria,
1910 the county or municipality must adopt appropriate school
1911 concurrency goals, objectives, and policies in its plan
1912 amendments pursuant to the requirements of the public school
1913 facility element and enter into the existing interlocal

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1914 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
1915 order to fully participate in the school concurrency system ~~if~~
1916 ~~the issues are not relevant, the local government shall~~
1917 ~~demonstrate that they are not relevant.~~

1918 (1) The extent to which the local government has been
1919 successful in identifying water supply sources, including
1920 conservation and reuse, necessary to meet existing and projected
1921 water use demand for the comprehensive plan's water supply work
1922 plan. The water supply sources evaluated in the report must be
1923 consistent with ~~evaluation must consider~~ the appropriate water
1924 management district's regional water supply plan approved
1925 pursuant to s. 373.0361. The report must evaluate the degree to
1926 which the local government has implemented the work plan for
1927 water supply facilities included in the potable water element.
1928 ~~The potable water element must be revised to include a work~~
1929 ~~plan, covering at least a 10-year planning period, for building~~
1930 ~~any water supply facilities that are identified in the element~~
1931 ~~as necessary to serve existing and new development and for which~~
1932 ~~the local government is responsible.~~

1933 (o) The extent to which a concurrency exception area
1934 designated pursuant to s. 163.3180(5), a concurrency management
1935 area designated pursuant to s. 163.3180(7), or a multimodal
1936 district designated pursuant to s. 163.3180(15) has achieved the
1937 purposes for which it was created and otherwise complies with
1938 the provisions of s. 163.3180.

1939 (10) The governing body shall amend its comprehensive plan
1940 based on the recommendations in the report and shall update the

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1941 comprehensive plan based on the components of subsection (2),
1942 pursuant to the provisions of ss. 163.3184, 163.3187, and
1943 163.3189. Amendments to update a comprehensive plan based on the
1944 evaluation and appraisal report shall be adopted within 18
1945 months after the report is determined to be sufficient by the
1946 state land planning agency, except the state land planning
1947 agency may grant an extension for adoption of a portion of such
1948 amendments. The state land planning agency may grant a 6-month
1949 extension for the adoption of such amendments if the request is
1950 justified by good and sufficient cause as determined by the
1951 agency. An additional extension may also be granted if the
1952 request will result in greater coordination between
1953 transportation and land use, for the purposes of improving
1954 Florida's transportation system, as determined by the agency in
1955 coordination with the Metropolitan Planning Organization
1956 program. Beginning July 1, 2006, failure to timely adopt
1957 updating amendments to the comprehensive plan based on the
1958 evaluation and appraisal report shall result in a local
1959 government being prohibited from adopting amendments to the
1960 comprehensive plan until the evaluation and appraisal report
1961 updating amendments have been adopted and the adopted amendment
1962 has been transmitted to the state land planning agency. The
1963 prohibition on plan amendments shall commence when the updating
1964 amendments to the comprehensive plan are past due. The
1965 comprehensive plan as amended shall be in compliance as defined
1966 in s. 163.3184(1)(b). Within 6 months after the effective date
1967 of the updating amendments to the comprehensive plan, the local

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1968 | government shall provide to the state land planning agency and
1969 | to all agencies designated by rule a complete copy of the
1970 | updated comprehensive plan.

1971 | Section 10. Section 163.3247, Florida Statutes, is created
1972 | to read:

1973 | 163.3247 Century Commission for a Sustainable Florida.--

1974 | (1) POPULAR NAME.--This section may be cited as the
1975 | "Century Commission for a Sustainable Florida Act."

1976 | (2) FINDINGS AND INTENT.--The Legislature finds and
1977 | declares that the population of this state is expected to more
1978 | than double over the next 100 years, with commensurate impacts
1979 | to the state's natural resources and public infrastructure.
1980 | Consequently, it is in the best interests of the people of the
1981 | state to ensure sound planning for the proper placement of this
1982 | growth and protection of the state's land, water, and other
1983 | natural resources since such resources are essential to our
1984 | collective quality of life and a strong economy. The state's
1985 | growth management system should foster economic stability
1986 | through regional solutions and strategies, urban renewal and
1987 | infill, and the continued viability of agricultural economies,
1988 | while allowing for rural economic development and protecting the
1989 | unique characteristics of rural areas, and should reduce the
1990 | complexity of the regulatory process while carrying out the
1991 | intent of the laws and encouraging greater citizen
1992 | participation.

1993 | (3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA;
1994 | CREATION; ORGANIZATION.--The Century Commission for a

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1995 Sustainable Florida is created as a standing body to help the
1996 citizens of this state envision and plan their collective future
1997 with an eye towards both 20-year and 50-year horizons.

1998 (a) The commission shall consist of nine members, three
1999 appointed by the Governor, three appointed by the President of
2000 the Senate, and three appointed by the Speaker of the House of
2001 Representatives. Appointments shall be made no later than
2002 October 1, 2005. One member shall be designated by the Governor
2003 as chair of the commission. Any vacancy that occurs on the
2004 commission must be filled in the same manner as the original
2005 appointment and shall be for the unexpired term of that
2006 commission seat. Members shall serve 4-year terms, except that,
2007 initially, to provide for staggered terms, three of the
2008 appointees, one each by the Governor, the President of the
2009 Senate, and the Speaker of the House of Representatives, shall
2010 serve 2-year terms, three shall serve 3-year terms, and three
2011 shall serve 4-year terms. All subsequent appointments shall be
2012 for 4-year terms. An appointee may not serve more than 6 years.

2013 (b) The first meeting of the commission shall be held no
2014 later than December 1, 2005, and shall meet at the call of the
2015 chair but not less frequently than three times per year in
2016 different regions of the state to solicit input from the public
2017 or any other individuals offering testimony relevant to the
2018 issues to be considered.

2019 (c) Each member of the commission is entitled to one vote
2020 and actions of the commission are not binding unless taken by a
2021 three-fifths vote of the members present. A majority of the

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2022 members is required to constitute a quorum, and the affirmative
2023 vote of a quorum is required for a binding vote.

2024 (d) Members of the commission shall serve without
2025 compensation but shall be entitled to receive per diem and
2026 travel expenses in accordance with s. 112.061 while in
2027 performance of their duties.

2028 (4) POWERS AND DUTIES.--The commission shall:

2029 (a) Annually conduct a process through which the
2030 commission envisions the future for the state and then develops
2031 and recommends policies, plans, action steps, or strategies to
2032 assist in achieving the vision.

2033 (b) Continuously review and consider statutory and
2034 regulatory provisions, governmental processes, and societal and
2035 economic trends in its inquiry of how state, regional, and local
2036 governments and entities and citizens of this state can best
2037 accommodate projected increased populations while maintaining
2038 the natural, historical, cultural, and manmade life qualities
2039 that best represent the state.

2040 (c) Bring together people representing varied interests to
2041 develop a shared image of the state and its developed and
2042 natural areas. The process should involve exploring the impact
2043 of the estimated population increase and other emerging trends
2044 and issues; creating a vision for the future; and developing a
2045 strategic action plan to achieve that vision using 20-year and
2046 50-year intermediate planning timeframes.

2047 (d) Focus on essential state interests, defined as those
2048 interests that transcend local or regional boundaries and are

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2049 most appropriately conserved, protected, and promoted at the
2050 state level.

2051 (e) Serve as an objective, nonpartisan repository of
2052 exemplary community-building ideas and as a source to recommend
2053 strategies and practices to assist others in working
2054 collaboratively to problem solve on issues relating to growth
2055 management.

2056 (f) Annually, beginning January 16, 2007, and every year
2057 thereafter on the same date, provide to the Governor, the
2058 President of the Senate, and the Speaker of the House of
2059 Representatives a written report containing specific
2060 recommendations for addressing growth management in the state,
2061 including executive and legislative recommendations. Further,
2062 the report shall contain discussions regarding the need for
2063 intergovernmental cooperation and the balancing of environmental
2064 protection and future development and recommendations on issues,
2065 including, but not limited to, recommendations regarding
2066 dedicated sources of funding for sewer facilities, water supply
2067 and quality, transportation facilities that are not adequately
2068 addressed by the Strategic Intermodal System, and educational
2069 infrastructure to support existing development and projected
2070 population growth. This report shall be verbally presented to a
2071 joint session of both houses annually as scheduled by the
2072 President of the Senate and the Speaker of the House of
2073 Representatives.

2074 (g) Beginning with the 2007 Regular Session of the
2075 Legislature, the President of the Senate and Speaker of the

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2076 House of Representatives shall create a joint select committee,
2077 the task of which shall be to review the findings and
2078 recommendations of the Century Commission for a Sustainable
2079 Florida for potential action.

2080 (5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

2081 (a) The Secretary of Community Affairs shall select an
2082 executive director of the commission, and the executive director
2083 shall serve at the pleasure of the secretary under the
2084 supervision and control of the commission.

2085 (b) The Department of Community Affairs shall provide
2086 staff and other resources necessary to accomplish the goals of
2087 the commission based upon recommendations of the Governor.

2088 (c) All agencies under the control of the Governor are
2089 directed, and all other agencies are requested, to render
2090 assistance to, and cooperate with, the commission.

2091 Section 11. Section 337.107, Florida Statutes, is amended
2092 to read:

2093 337.107 Contracts for right-of-way services.--The
2094 department may enter into contracts pursuant to s. 287.055 for
2095 right-of-way services on transportation corridors and
2096 transportation facilities or the department may include right-
2097 of-way services as part of design-build contracts awarded
2098 pursuant to s. 337.11. Right-of-way services include negotiation
2099 and acquisition services, appraisal services, demolition and
2100 removal of improvements, and asbestos-abatement services.

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2101 Section 12. Paragraph (a) of subsection (7) of section
2102 337.11, Florida Statutes, as amended by chapter 2002-20, Laws of
2103 Florida, is amended to read:

2104 337.11 Contracting authority of department; bids;
2105 emergency repairs, supplemental agreements, and change orders;
2106 combined design and construction contracts; progress payments;
2107 records; requirements of vehicle registration.--

2108 (7)(a) If the head of the department determines that it is
2109 in the best interests of the public, the department may combine
2110 the right-of-way services and design and construction phases of
2111 any a building, a major bridge, a limited access facility, or a
2112 rail corridor project into a single contract, except for a
2113 resurfacing or minor bridge project the right-of-way services
2114 and design construction phases of which may be combined under s.
2115 337.025. Such contract is referred to as a design-build
2116 contract. Design-build contracts may be advertised and awarded
2117 notwithstanding the requirements of paragraph (3)(c). However,
2118 construction activities may not begin on any portion of such
2119 projects for which the department has not yet obtained title
2120 until title to the necessary rights-of-way and easements for the
2121 construction of that portion of the project has vested in the
2122 state or a local governmental entity and all railroad crossing
2123 and utility agreements have been executed. Title to rights-of-
2124 way shall be deemed to have vested in the state when the title
2125 has been dedicated to the public or acquired by prescription.
2126 Design-build contracts may be advertised and awarded
2127 notwithstanding the requirements of paragraph (3)(c). However,

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2128 construction activities may not begin on any portion of such
2129 projects until title to the necessary rights-of-way and
2130 easements for the construction of that portion of the project
2131 has vested in the state or a local governmental entity and all
2132 railroad crossing and utility agreements have been executed.
2133 Title to rights-of-way vests in the state when the title has
2134 been dedicated to the public or acquired by prescription.

2135 Section 13. Paragraph (m) of subsection (1) of section
2136 339.08, Florida Statutes, is redesignated as paragraph (n) and
2137 new paragraph (m) is added to said subsection, to read:

2138 339.08 Use of moneys in State Transportation Trust Fund.--

2139 (1) The department shall expend moneys in the State
2140 Transportation Trust Fund accruing to the department, in
2141 accordance with its annual budget. The use of such moneys shall
2142 be restricted to the following purposes:

2143 (m) To pay the cost of transportation projects selected in
2144 accordance with the Transportation Incentive Program for a
2145 Sustainable Florida created in s. 339.28171.

2146 Section 14. Paragraph (b) of subsection (4) of section
2147 339.135, Florida Statutes, is amended to read:

2148 339.135 Work program; legislative budget request;
2149 definitions; preparation, adoption, execution, and amendment.--

2150 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

2151 (b)1. A tentative work program, including the ensuing
2152 fiscal year and the successive 4 fiscal years, shall be prepared
2153 for the State Transportation Trust Fund and other funds managed
2154 by the department, unless otherwise provided by law. The

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2155 tentative work program shall be based on the district work
2156 programs and shall set forth all projects by phase to be
2157 undertaken during the ensuing fiscal year and planned for the
2158 successive 4 fiscal years. The total amount of the liabilities
2159 accruing in each fiscal year of the tentative work program may
2160 not exceed the revenues available for expenditure during the
2161 respective fiscal year based on the cash forecast for that
2162 respective fiscal year.

2163 2. The tentative work program shall be developed in
2164 accordance with the Florida Transportation Plan required in s.
2165 339.155 and must comply with the program funding levels
2166 contained in the program and resource plan.

2167 3. The department may include in the tentative work
2168 program proposed changes to the programs contained in the
2169 previous work program adopted pursuant to subsection (5);
2170 however, the department shall minimize changes and adjustments
2171 that affect the scheduling of project phases in the 4 common
2172 fiscal years contained in the previous adopted work program and
2173 the tentative work program. The department, in the development
2174 of the tentative work program, shall advance by 1 fiscal year
2175 all projects included in the second year of the previous year's
2176 adopted work program, unless the secretary specifically
2177 determines that it is necessary, for specific reasons, to
2178 reschedule or delete one or more projects from that year. Such
2179 changes and adjustments shall be clearly identified, and the
2180 effect on the 4 common fiscal years contained in the previous
2181 adopted work program and the tentative work program shall be

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2182 shown. It is the intent of the Legislature that ~~the first 5~~
2183 ~~years of the adopted work program for facilities designated as~~
2184 ~~part of the Florida Intrastate Highway System and the first 3~~
2185 years of the adopted work program stand as the commitment of the
2186 state to undertake transportation projects that local
2187 governments may rely on for planning and concurrency purposes
2188 and in the development and amendment of the capital improvements
2189 elements of their local government comprehensive plans.

2190 4. The tentative work program must include a balanced 36-
2191 month forecast of cash and expenditures and a 5-year finance
2192 plan supporting the tentative work program.

2193 Section 15. Paragraphs (c), (d), and (e) are added to
2194 subsection (5) of section 339.155, Florida Statutes, to read:

2195 339.155 Transportation planning.--

2196 (5) ADDITIONAL TRANSPORTATION PLANS.--

2197 (c) Regional transportation plans may be developed in
2198 regional transportation areas in accordance with an interlocal
2199 agreement entered into pursuant to s. 163.01 by the department
2200 and two or more contiguous metropolitan planning organizations,
2201 one or more metropolitan planning organizations and one or more
2202 contiguous counties that are not members of a metropolitan
2203 planning organization, a multicounty regional transportation
2204 authority created by or pursuant to law, two or more contiguous
2205 counties that are not members of a metropolitan planning
2206 organization, or metropolitan planning organizations comprised
2207 of three or more counties.

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2208 (d) The department shall develop a model draft interlocal
2209 agreement that, at a minimum, shall identify the entity that
2210 will coordinate the development of the regional transportation
2211 plan; delineate the boundaries of the regional transportation
2212 area; provide the duration of the agreement and specify how the
2213 agreement may be terminated, modified, or rescinded; describe
2214 the process by which the regional transportation plan will be
2215 developed; and provide how members of the entity will resolve
2216 disagreements regarding interpretation of the interlocal
2217 agreement or disputes relating to the development or content of
2218 the regional transportation plan. The designated entity shall
2219 coordinate the adoption of the interlocal agreement using as its
2220 framework the department model. Such interlocal agreement shall
2221 become effective upon approval by supermajority vote of the
2222 affected local governments.

2223 (e) The regional transportation plan developed pursuant to
2224 this section shall, at a minimum, identify regionally
2225 significant transportation facilities located within a regional
2226 transportation area, and recommend a list to the department for
2227 prioritization. The project shall be adopted into the capital
2228 improvements schedule of the local government comprehensive plan
2229 pursuant to s. 163. 3177(3).

2230 Section 16. Section 339.175, Florida Statutes, is amended
2231 to read:

2232 339.175 Metropolitan planning organization.--It is the
2233 intent of the Legislature to encourage and promote the safe and
2234 efficient management, operation, and development of surface

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2235 transportation systems that will serve the mobility needs of
2236 people and freight within and through urbanized areas of this
2237 state while minimizing transportation-related fuel consumption
2238 and air pollution. To accomplish these objectives, metropolitan
2239 planning organizations, referred to in this section as M.P.O.'s,
2240 shall develop, in cooperation with the state and public transit
2241 operators, transportation plans and programs for metropolitan
2242 areas. The plans and programs for each metropolitan area must
2243 provide for the development and integrated management and
2244 operation of transportation systems and facilities, including
2245 pedestrian walkways and bicycle transportation facilities that
2246 will function as an intermodal transportation system for the
2247 metropolitan area, based upon the prevailing principles provided
2248 in s. 334.046(1). The process for developing such plans and
2249 programs shall provide for consideration of all modes of
2250 transportation and shall be continuing, cooperative, and
2251 comprehensive, to the degree appropriate, based on the
2252 complexity of the transportation problems to be addressed. To
2253 ensure that the process is integrated with the statewide
2254 planning process, M.P.O.'s shall develop plans and programs that
2255 identify transportation facilities that should function as an
2256 integrated metropolitan transportation system, giving emphasis
2257 to facilities that serve important national, state, and regional
2258 transportation functions. For the purposes of this section,
2259 those facilities include the facilities on the Strategic
2260 Intermodal System designated under s. 339.63 and facilities for
2261 which projects have been identified pursuant to s. 339.28171.

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2262 (1) DESIGNATION.--

2263 (a)1. An M.P.O. shall be designated for each urbanized
2264 area of the state; however, this does not require that an
2265 individual M.P.O. be designated for each such area. Such
2266 designation shall be accomplished by agreement between the
2267 Governor and units of general-purpose local government
2268 representing at least 75 percent of the population of the
2269 urbanized area; however, the unit of general-purpose local
2270 government that represents the central city or cities within the
2271 M.P.O. jurisdiction, as defined by the United States Bureau of
2272 the Census, must be a party to such agreement.

2273 2. More than one M.P.O. may be designated within an
2274 existing metropolitan planning area only if the Governor and the
2275 existing M.P.O. determine that the size and complexity of the
2276 existing metropolitan planning area makes the designation of
2277 more than one M.P.O. for the area appropriate.

2278 (b) Each M.P.O. shall be created and operated under the
2279 provisions of this section pursuant to an interlocal agreement
2280 entered into pursuant to s. 163.01. The signatories to the
2281 interlocal agreement shall be the department and the
2282 governmental entities designated by the Governor for membership
2283 on the M.P.O. If there is a conflict between this section and s.
2284 163.01, this section prevails.

2285 (c) The jurisdictional boundaries of an M.P.O. shall be
2286 determined by agreement between the Governor and the applicable
2287 M.P.O. The boundaries must include at least the metropolitan
2288 planning area, which is the existing urbanized area and the

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2289 contiguous area expected to become urbanized within a 20-year
2290 forecast period, and may encompass the entire metropolitan
2291 statistical area or the consolidated metropolitan statistical
2292 area.

2293 (d) In the case of an urbanized area designated as a
2294 nonattainment area for ozone or carbon monoxide under the Clean
2295 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
2296 metropolitan planning area in existence as of the date of
2297 enactment of this paragraph shall be retained, except that the
2298 boundaries may be adjusted by agreement of the Governor and
2299 affected metropolitan planning organizations in the manner
2300 described in this section. If more than one M.P.O. has authority
2301 within a metropolitan area or an area that is designated as a
2302 nonattainment area, each M.P.O. shall consult with other
2303 M.P.O.'s designated for such area and with the state in the
2304 coordination of plans and programs required by this section.

2305
2306 Each M.P.O. required under this section must be fully operative
2307 no later than 6 months following its designation.

2308 (2) VOTING MEMBERSHIP.--

2309 (a) The voting membership of an M.P.O. shall consist of
2310 not fewer than 5 or more than 19 apportioned members, the exact
2311 number to be determined on an equitable geographic-population
2312 ratio basis by the Governor, based on an agreement among the
2313 affected units of general-purpose local government as required
2314 by federal rules and regulations. The Governor, in accordance
2315 with 23 U.S.C. s. 134, may also provide for M.P.O. members who

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2316 represent municipalities to alternate with representatives from
2317 other municipalities within the metropolitan planning area that
2318 do not have members on the M.P.O. County commission members
2319 shall compose not less than one-third of the M.P.O. membership,
2320 except for an M.P.O. with more than 15 members located in a
2321 county with a five-member county commission or an M.P.O. with 19
2322 members located in a county with no more than 6 county
2323 commissioners, in which case county commission members may
2324 compose less than one-third percent of the M.P.O. membership,
2325 but all county commissioners must be members. All voting members
2326 shall be elected officials of general-purpose governments,
2327 except that an M.P.O. may include, as part of its apportioned
2328 voting members, a member of a statutorily authorized planning
2329 board, an official of an agency that operates or administers a
2330 major mode of transportation, or an official of the Florida
2331 Space Authority. The county commission shall compose not less
2332 than 20 percent of the M.P.O. membership if an official of an
2333 agency that operates or administers a major mode of
2334 transportation has been appointed to an M.P.O.

2335 (b) In metropolitan areas in which authorities or other
2336 agencies have been or may be created by law to perform
2337 transportation functions and are performing transportation
2338 functions that are not under the jurisdiction of a general
2339 purpose local government represented on the M.P.O., they shall
2340 be provided voting membership on the M.P.O. In all other
2341 M.P.O.'s where transportation authorities or agencies are to be
2342 represented by elected officials from general purpose local

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2343 governments, the M.P.O. shall establish a process by which the
2344 collective interests of such authorities or other agencies are
2345 expressed and conveyed.

2346 (c) Any other provision of this section to the contrary
2347 notwithstanding, a chartered county with over 1 million
2348 population may elect to reapportion the membership of an M.P.O.
2349 whose jurisdiction is wholly within the county. The charter
2350 county may exercise the provisions of this paragraph if:

2351 1. The M.P.O. approves the reapportionment plan by a
2352 three-fourths vote of its membership;

2353 2. The M.P.O. and the charter county determine that the
2354 reapportionment plan is needed to fulfill specific goals and
2355 policies applicable to that metropolitan planning area; and

2356 3. The charter county determines the reapportionment plan
2357 otherwise complies with all federal requirements pertaining to
2358 M.P.O. membership.

2359
2360 Any charter county that elects to exercise the provisions of
2361 this paragraph shall notify the Governor in writing.

2362 (d) Any other provision of this section to the contrary
2363 notwithstanding, any county chartered under s. 6(e), Art. VIII
2364 of the State Constitution may elect to have its county
2365 commission serve as the M.P.O., if the M.P.O. jurisdiction is
2366 wholly contained within the county. Any charter county that
2367 elects to exercise the provisions of this paragraph shall so
2368 notify the Governor in writing. Upon receipt of such
2369 notification, the Governor must designate the county commission

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2370 as the M.P.O. The Governor must appoint four additional voting
2371 members to the M.P.O., one of whom must be an elected official
2372 representing a municipality within the county, one of whom must
2373 be an expressway authority member, one of whom must be a person
2374 who does not hold elected public office and who resides in the
2375 unincorporated portion of the county, and one of whom must be a
2376 school board member.

2377 (3) APPORTIONMENT.--

2378 (a) The Governor shall, with the agreement of the affected
2379 units of general-purpose local government as required by federal
2380 rules and regulations, apportion the membership on the
2381 applicable M.P.O. among the various governmental entities within
2382 the area and shall prescribe a method for appointing alternate
2383 members who may vote at any M.P.O. meeting that an alternate
2384 member attends in place of a regular member. An appointed
2385 alternate member must be an elected official serving the same
2386 governmental entity or a general-purpose local government with
2387 jurisdiction within all or part of the area that the regular
2388 member serves. The governmental entity so designated shall
2389 appoint the appropriate number of members to the M.P.O. from
2390 eligible officials. Representatives of the department shall
2391 serve as nonvoting members of the M.P.O. Nonvoting advisers may
2392 be appointed by the M.P.O. as deemed necessary. The Governor
2393 shall review the composition of the M.P.O. membership in
2394 conjunction with the decennial census as prepared by the United
2395 States Department of Commerce, Bureau of the Census, and
2396 reapportion it as necessary to comply with subsection (2).

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2397 (b) Except for members who represent municipalities on the
2398 basis of alternating with representatives from other
2399 municipalities that do not have members on the M.P.O. as
2400 provided in paragraph (2)(a), the members of an M.P.O. shall
2401 serve 4-year terms. Members who represent municipalities on the
2402 basis of alternating with representatives from other
2403 municipalities that do not have members on the M.P.O. as
2404 provided in paragraph (2)(a) may serve terms of up to 4 years as
2405 further provided in the interlocal agreement described in
2406 paragraph (1)(b). The membership of a member who is a public
2407 official automatically terminates upon the member's leaving his
2408 or her elective or appointive office for any reason, or may be
2409 terminated by a majority vote of the total membership of a
2410 county or city governing entity represented by the member. A
2411 vacancy shall be filled by the original appointing entity. A
2412 member may be reappointed for one or more additional 4-year
2413 terms.

2414 (c) If a governmental entity fails to fill an assigned
2415 appointment to an M.P.O. within 60 days after notification by
2416 the Governor of its duty to appoint, that appointment shall be
2417 made by the Governor from the eligible representatives of that
2418 governmental entity.

2419 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
2420 responsibility of an M.P.O. is to manage a continuing,
2421 cooperative, and comprehensive transportation planning process
2422 that, based upon the prevailing principles provided in s.
2423 334.046(1), results in the development of plans and programs

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2424 which are consistent, to the maximum extent feasible, with the
2425 approved local government comprehensive plans of the units of
2426 local government the boundaries of which are within the
2427 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
2428 cooperative decisionmaking by officials of the affected
2429 governmental entities in the development of the plans and
2430 programs required by subsections (5), (6), (7), and (8).

2431 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
2432 privileges, and authority of an M.P.O. are those specified in
2433 this section or incorporated in an interlocal agreement
2434 authorized under s. 163.01. Each M.P.O. shall perform all acts
2435 required by federal or state laws or rules, now and subsequently
2436 applicable, which are necessary to qualify for federal aid. It
2437 is the intent of this section that each M.P.O. shall be involved
2438 in the planning and programming of transportation facilities,
2439 including, but not limited to, airports, intercity and high-
2440 speed rail lines, seaports, and intermodal facilities, to the
2441 extent permitted by state or federal law.

2442 (a) Each M.P.O. shall, in cooperation with the department,
2443 develop:

2444 1. A long-range transportation plan pursuant to the
2445 requirements of subsection (6);

2446 2. An annually updated transportation improvement program
2447 pursuant to the requirements of subsection (7); and

2448 3. An annual unified planning work program pursuant to the
2449 requirements of subsection (8).

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2450 (b) In developing the long-range transportation plan and
2451 the transportation improvement program required under paragraph
2452 (a), each M.P.O. shall provide for consideration of projects and
2453 strategies that will:

2454 1. Support the economic vitality of the metropolitan area,
2455 especially by enabling global competitiveness, productivity, and
2456 efficiency;

2457 2. Increase the safety and security of the transportation
2458 system for motorized and nonmotorized users;

2459 3. Increase the accessibility and mobility options
2460 available to people and for freight;

2461 4. Protect and enhance the environment, promote energy
2462 conservation, and improve quality of life;

2463 5. Enhance the integration and connectivity of the
2464 transportation system, across and between modes, for people and
2465 freight;

2466 6. Promote efficient system management and operation; and

2467 7. Emphasize the preservation of the existing
2468 transportation system.

2469 (c) In order to provide recommendations to the department
2470 and local governmental entities regarding transportation plans
2471 and programs, each M.P.O. shall:

2472 1. Prepare a congestion management system for the
2473 metropolitan area and cooperate with the department in the
2474 development of all other transportation management systems
2475 required by state or federal law;

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- 2476 2. Assist the department in mapping transportation
2477 planning boundaries required by state or federal law;
- 2478 3. Assist the department in performing its duties relating
2479 to access management, functional classification of roads, and
2480 data collection;
- 2481 4. Execute all agreements or certifications necessary to
2482 comply with applicable state or federal law;
- 2483 5. Represent all the jurisdictional areas within the
2484 metropolitan area in the formulation of transportation plans and
2485 programs required by this section; and
- 2486 6. Perform all other duties required by state or federal
2487 law.
- 2488 (d) Each M.P.O. shall appoint a technical advisory
2489 committee that includes planners; engineers; representatives of
2490 local aviation authorities, port authorities, and public transit
2491 authorities or representatives of aviation departments, seaport
2492 departments, and public transit departments of municipal or
2493 county governments, as applicable; the school superintendent of
2494 each county within the jurisdiction of the M.P.O. or the
2495 superintendent's designee; and other appropriate representatives
2496 of affected local governments. In addition to any other duties
2497 assigned to it by the M.P.O. or by state or federal law, the
2498 technical advisory committee is responsible for considering safe
2499 access to schools in its review of transportation project
2500 priorities, long-range transportation plans, and transportation
2501 improvement programs, and shall advise the M.P.O. on such
2502 matters. In addition, the technical advisory committee shall

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2503 coordinate its actions with local school boards and other local
2504 programs and organizations within the metropolitan area which
2505 participate in school safety activities, such as locally
2506 established community traffic safety teams. Local school boards
2507 must provide the appropriate M.P.O. with information concerning
2508 future school sites and in the coordination of transportation
2509 service.

2510 (e)1. Each M.P.O. shall appoint a citizens' advisory
2511 committee, the members of which serve at the pleasure of the
2512 M.P.O. The membership on the citizens' advisory committee must
2513 reflect a broad cross section of local residents with an
2514 interest in the development of an efficient, safe, and cost-
2515 effective transportation system. Minorities, the elderly, and
2516 the handicapped must be adequately represented.

2517 2. Notwithstanding the provisions of subparagraph 1., an
2518 M.P.O. may, with the approval of the department and the
2519 applicable federal governmental agency, adopt an alternative
2520 program or mechanism to ensure citizen involvement in the
2521 transportation planning process.

2522 (f) The department shall allocate to each M.P.O., for the
2523 purpose of accomplishing its transportation planning and
2524 programming duties, an appropriate amount of federal
2525 transportation planning funds.

2526 (g) Each M.P.O. may employ personnel or may enter into
2527 contracts with local or state agencies, private planning firms,
2528 or private engineering firms to accomplish its transportation

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2529 | planning and programming duties required by state or federal
2530 | law.

2531 | (h) A chair's coordinating committee is created, composed
2532 | of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
2533 | Pinellas, Polk, and Sarasota Counties. The committee must, at a
2534 | minimum:

2535 | 1. Coordinate transportation projects deemed to be
2536 | regionally significant by the committee.

2537 | 2. Review the impact of regionally significant land use
2538 | decisions on the region.

2539 | 3. Review all proposed regionally significant
2540 | transportation projects in the respective transportation
2541 | improvement programs which affect more than one of the M.P.O.'s
2542 | represented on the committee.

2543 | 4. Institute a conflict resolution process to address any
2544 | conflict that may arise in the planning and programming of such
2545 | regionally significant projects.

2546 | (i)1. The Legislature finds that the state's rapid growth
2547 | in recent decades has caused many urbanized areas subject to
2548 | M.P.O. jurisdiction to become contiguous to each other. As a
2549 | result, various transportation projects may cross from the
2550 | jurisdiction of one M.P.O. into the jurisdiction of another
2551 | M.P.O. To more fully accomplish the purposes for which M.P.O.'s
2552 | have been mandated, M.P.O.'s shall develop coordination
2553 | mechanisms with one another to expand and improve transportation
2554 | within the state. The appropriate method of coordination between
2555 | M.P.O.'s shall vary depending upon the project involved and

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2556 given local and regional needs. Consequently, it is appropriate
2557 to set forth a flexible methodology that can be used by M.P.O.'s
2558 to coordinate with other M.P.O.'s and appropriate political
2559 subdivisions as circumstances demand.

2560 2. Any M.P.O. may join with any other M.P.O. or any
2561 individual political subdivision to coordinate activities or to
2562 achieve any federal or state transportation planning or
2563 development goals or purposes consistent with federal or state
2564 law. When an M.P.O. determines that it is appropriate to join
2565 with another M.P.O. or any political subdivision to coordinate
2566 activities, the M.P.O. or political subdivision shall enter into
2567 an interlocal agreement pursuant to s. 163.01, which, at a
2568 minimum, creates a separate legal or administrative entity to
2569 coordinate the transportation planning or development activities
2570 required to achieve the goal or purpose; provide the purpose for
2571 which the entity is created; provide the duration of the
2572 agreement and the entity, and specify how the agreement may be
2573 terminated, modified, or rescinded; describe the precise
2574 organization of the entity, including who has voting rights on
2575 the governing board, whether alternative voting members are
2576 provided for, how voting members are appointed, and what the
2577 relative voting strength is for each constituent M.P.O. or
2578 political subdivision; provide the manner in which the parties
2579 to the agreement will provide for the financial support of the
2580 entity and payment of costs and expenses of the entity; provide
2581 the manner in which funds may be paid to and disbursed from the
2582 entity; and provide how members of the entity will resolve

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2583 | disagreements regarding interpretation of the interlocal
2584 | agreement or disputes relating to the operation of the entity.
2585 | Such interlocal agreement shall become effective upon its
2586 | recordation in the official public records of each county in
2587 | which a member of the entity created by the interlocal agreement
2588 | has a voting member. This paragraph does not require any
2589 | M.P.O.'s to merge, combine, or otherwise join together as a
2590 | single M.P.O.

2591 | (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
2592 | develop a long-range transportation plan that addresses at least
2593 | a 20-year planning horizon. The plan must include both long-
2594 | range and short-range strategies and must comply with all other
2595 | state and federal requirements. The prevailing principles to be
2596 | considered in the long-range transportation plan are: preserving
2597 | the existing transportation infrastructure; enhancing Florida's
2598 | economic competitiveness; and improving travel choices to ensure
2599 | mobility. The long-range transportation plan must be consistent,
2600 | to the maximum extent feasible, with future land use elements
2601 | and the goals, objectives, and policies of the approved local
2602 | government comprehensive plans of the units of local government
2603 | located within the jurisdiction of the M.P.O. The approved long-
2604 | range transportation plan must be considered by local
2605 | governments in the development of the transportation elements in
2606 | local government comprehensive plans and any amendments thereto.
2607 | The long-range transportation plan must, at a minimum:

2608 | (a) Identify transportation facilities, including, but not
2609 | limited to, major roadways, airports, seaports, spaceports,

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2610 commuter rail systems, transit systems, and intermodal or
2611 multimodal terminals that will function as an integrated
2612 metropolitan transportation system. The long-range
2613 transportation plan must give emphasis to those transportation
2614 facilities that serve national, statewide, or regional
2615 functions, and must consider the goals and objectives identified
2616 in the Florida Transportation Plan as provided in s. 339.155. If
2617 a project is located within the boundaries of more than one
2618 M.P.O., the M.P.O.'s must coordinate plans regarding the project
2619 in the long-range transportation plan.

2620 (b) Include a financial plan that demonstrates how the
2621 plan can be implemented, indicating resources from public and
2622 private sources which are reasonably expected to be available to
2623 carry out the plan, and recommends any additional financing
2624 strategies for needed projects and programs. The financial plan
2625 may include, for illustrative purposes, additional projects that
2626 would be included in the adopted long-range transportation plan
2627 if reasonable additional resources beyond those identified in
2628 the financial plan were available. For the purpose of developing
2629 the long-range transportation plan, the M.P.O. and the
2630 department shall cooperatively develop estimates of funds that
2631 will be available to support the plan implementation. Innovative
2632 financing techniques may be used to fund needed projects and
2633 programs. Such techniques may include the assessment of tolls,
2634 the use of value capture financing, or the use of value pricing.

2635 (c) Assess capital investment and other measures necessary
2636 to:

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2637 1. Ensure the preservation of the existing metropolitan
2638 transportation system including requirements for the operation,
2639 resurfacing, restoration, and rehabilitation of major roadways
2640 and requirements for the operation, maintenance, modernization,
2641 and rehabilitation of public transportation facilities; and

2642 2. Make the most efficient use of existing transportation
2643 facilities to relieve vehicular congestion and maximize the
2644 mobility of people and goods.

2645 (d) Indicate, as appropriate, proposed transportation
2646 enhancement activities, including, but not limited to,
2647 pedestrian and bicycle facilities, scenic easements,
2648 landscaping, historic preservation, mitigation of water
2649 pollution due to highway runoff, and control of outdoor
2650 advertising.

2651 (e) In addition to the requirements of paragraphs (a)-(d),
2652 in metropolitan areas that are classified as nonattainment areas
2653 for ozone or carbon monoxide, the M.P.O. must coordinate the
2654 development of the long-range transportation plan with the State
2655 Implementation Plan developed pursuant to the requirements of
2656 the federal Clean Air Act.

2657
2658 In the development of its long-range transportation plan, each
2659 M.P.O. must provide the public, affected public agencies,
2660 representatives of transportation agency employees, freight
2661 shippers, providers of freight transportation services, private
2662 providers of transportation, representatives of users of public
2663 transit, and other interested parties with a reasonable

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2664 opportunity to comment on the long-range transportation plan.
2665 The long-range transportation plan must be approved by the
2666 M.P.O.

2667 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
2668 shall, in cooperation with the state and affected public
2669 transportation operators, develop a transportation improvement
2670 program for the area within the jurisdiction of the M.P.O. In
2671 the development of the transportation improvement program, each
2672 M.P.O. must provide the public, affected public agencies,
2673 representatives of transportation agency employees, freight
2674 shippers, providers of freight transportation services, private
2675 providers of transportation, representatives of users of public
2676 transit, and other interested parties with a reasonable
2677 opportunity to comment on the proposed transportation
2678 improvement program.

2679 (a) Each M.P.O. is responsible for developing, annually, a
2680 list of project priorities and a transportation improvement
2681 program. The prevailing principles to be considered by each
2682 M.P.O. when developing a list of project priorities and a
2683 transportation improvement program are: preserving the existing
2684 transportation infrastructure; enhancing Florida's economic
2685 competitiveness; and improving travel choices to ensure
2686 mobility. The transportation improvement program will be used to
2687 initiate federally aided transportation facilities and
2688 improvements as well as other transportation facilities and
2689 improvements including transit, rail, aviation, spaceport, and
2690 port facilities to be funded from the State Transportation Trust

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2691 Fund within its metropolitan area in accordance with existing
2692 and subsequent federal and state laws and rules and regulations
2693 related thereto. The transportation improvement program shall be
2694 consistent, to the maximum extent feasible, with the approved
2695 local government comprehensive plans of the units of local
2696 government whose boundaries are within the metropolitan area of
2697 the M.P.O. and include those projects programmed pursuant to s.
2698 339.28171.

2699 (b) Each M.P.O. annually shall prepare a list of project
2700 priorities and shall submit the list to the appropriate district
2701 of the department by October 1 of each year; however, the
2702 department and a metropolitan planning organization may, in
2703 writing, agree to vary this submittal date. The list of project
2704 priorities must be formally reviewed by the technical and
2705 citizens' advisory committees, and approved by the M.P.O.,
2706 before it is transmitted to the district. The approved list of
2707 project priorities must be used by the district in developing
2708 the district work program and must be used by the M.P.O. in
2709 developing its transportation improvement program. The annual
2710 list of project priorities must be based upon project selection
2711 criteria that, at a minimum, consider the following:

- 2712 1. The approved M.P.O. long-range transportation plan;
2713 2. The Strategic Intermodal System Plan developed under s.
2714 339.64;--
2715 3. The priorities developed pursuant to s. 339.28171;
2716 4.3- The results of the transportation management systems;
2717 and

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2718 ~~5.4-~~ The M.P.O.'s public-involvement procedures.

2719 (c) The transportation improvement program must, at a
2720 minimum:

2721 1. Include projects and project phases to be funded with
2722 state or federal funds within the time period of the
2723 transportation improvement program and which are recommended for
2724 advancement during the next fiscal year and 4 subsequent fiscal
2725 years. Such projects and project phases must be consistent, to
2726 the maximum extent feasible, with the approved local government
2727 comprehensive plans of the units of local government located
2728 within the jurisdiction of the M.P.O. For informational
2729 purposes, the transportation improvement program shall also
2730 include a list of projects to be funded from local or private
2731 revenues.

2732 2. Include projects within the metropolitan area which are
2733 proposed for funding under 23 U.S.C. s. 134 of the Federal
2734 Transit Act and which are consistent with the long-range
2735 transportation plan developed under subsection (6).

2736 3. Provide a financial plan that demonstrates how the
2737 transportation improvement program can be implemented; indicates
2738 the resources, both public and private, that are reasonably
2739 expected to be available to accomplish the program; identifies
2740 any innovative financing techniques that may be used to fund
2741 needed projects and programs; and may include, for illustrative
2742 purposes, additional projects that would be included in the
2743 approved transportation improvement program if reasonable
2744 additional resources beyond those identified in the financial

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2745 plan were available. Innovative financing techniques may include
2746 the assessment of tolls, the use of value capture financing, or
2747 the use of value pricing. The transportation improvement program
2748 may include a project or project phase only if full funding can
2749 reasonably be anticipated to be available for the project or
2750 project phase within the time period contemplated for completion
2751 of the project or project phase.

2752 4. Group projects and project phases of similar urgency
2753 and anticipated staging into appropriate staging periods.

2754 5. Indicate how the transportation improvement program
2755 relates to the long-range transportation plan developed under
2756 subsection (6), including providing examples of specific
2757 projects or project phases that further the goals and policies
2758 of the long-range transportation plan.

2759 6. Indicate whether any project or project phase is
2760 inconsistent with an approved comprehensive plan of a unit of
2761 local government located within the jurisdiction of the M.P.O.
2762 If a project is inconsistent with an affected comprehensive
2763 plan, the M.P.O. must provide justification for including the
2764 project in the transportation improvement program.

2765 7. Indicate how the improvements are consistent, to the
2766 maximum extent feasible, with affected seaport, airport, and
2767 spaceport master plans and with public transit development plans
2768 of the units of local government located within the jurisdiction
2769 of the M.P.O. If a project is located within the boundaries of
2770 more than one M.P.O., the M.P.O.'s must coordinate plans
2771 regarding the project in the transportation improvement program.

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2772 (d) Projects included in the transportation improvement
2773 program and that have advanced to the design stage of
2774 preliminary engineering may be removed from or rescheduled in a
2775 subsequent transportation improvement program only by the joint
2776 action of the M.P.O. and the department. Except when recommended
2777 in writing by the district secretary for good cause, any project
2778 removed from or rescheduled in a subsequent transportation
2779 improvement program shall not be rescheduled by the M.P.O. in
2780 that subsequent program earlier than the 5th year of such
2781 program.

2782 (e) During the development of the transportation
2783 improvement program, the M.P.O. shall, in cooperation with the
2784 department and any affected public transit operation, provide
2785 citizens, affected public agencies, representatives of
2786 transportation agency employees, freight shippers, providers of
2787 freight transportation services, private providers of
2788 transportation, representatives of users of public transit, and
2789 other interested parties with reasonable notice of and an
2790 opportunity to comment on the proposed program.

2791 (f) The adopted annual transportation improvement program
2792 for M.P.O.'s in nonattainment or maintenance areas must be
2793 submitted to the district secretary and the Department of
2794 Community Affairs at least 90 days before the submission of the
2795 state transportation improvement program by the department to
2796 the appropriate federal agencies. The annual transportation
2797 improvement program for M.P.O.'s in attainment areas must be
2798 submitted to the district secretary and the Department of

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2799 Community Affairs at least 45 days before the department submits
2800 the state transportation improvement program to the appropriate
2801 federal agencies; however, the department, the Department of
2802 Community Affairs, and a metropolitan planning organization may,
2803 in writing, agree to vary this submittal date. The Governor or
2804 the Governor's designee shall review and approve each
2805 transportation improvement program and any amendments thereto.

2806 (g) The Department of Community Affairs shall review the
2807 annual transportation improvement program of each M.P.O. for
2808 consistency with the approved local government comprehensive
2809 plans of the units of local government whose boundaries are
2810 within the metropolitan area of each M.P.O. and shall identify
2811 those projects that are inconsistent with such comprehensive
2812 plans. The Department of Community Affairs shall notify an
2813 M.P.O. of any transportation projects contained in its
2814 transportation improvement program which are inconsistent with
2815 the approved local government comprehensive plans of the units
2816 of local government whose boundaries are within the metropolitan
2817 area of the M.P.O.

2818 (h) The M.P.O. shall annually publish or otherwise make
2819 available for public review the annual listing of projects for
2820 which federal funds have been obligated in the preceding year.
2821 Project monitoring systems must be maintained by those agencies
2822 responsible for obligating federal funds and made accessible to
2823 the M.P.O.'s.

2824 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
2825 develop, in cooperation with the department and public

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2826 transportation providers, a unified planning work program that
2827 lists all planning tasks to be undertaken during the program
2828 year. The unified planning work program must provide a complete
2829 description of each planning task and an estimated budget
2830 therefor and must comply with applicable state and federal law.

2831 (9) AGREEMENTS.--

2832 (a) Each M.P.O. shall execute the following written
2833 agreements, which shall be reviewed, and updated as necessary,
2834 every 5 years:

2835 1. An agreement with the department clearly establishing
2836 the cooperative relationship essential to accomplish the
2837 transportation planning requirements of state and federal law.

2838 2. An agreement with the metropolitan and regional
2839 intergovernmental coordination and review agencies serving the
2840 metropolitan areas, specifying the means by which activities
2841 will be coordinated and how transportation planning and
2842 programming will be part of the comprehensive planned
2843 development of the area.

2844 3. An agreement with operators of public transportation
2845 systems, including transit systems, commuter rail systems,
2846 airports, seaports, and spaceports, describing the means by
2847 which activities will be coordinated and specifying how public
2848 transit, commuter rail, aviation, seaport, and aerospace
2849 planning and programming will be part of the comprehensive
2850 planned development of the metropolitan area.

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2851 (b) An M.P.O. may execute other agreements required by
2852 state or federal law or as necessary to properly accomplish its
2853 functions.

2854 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.-
2855 -

2856 (a) A Metropolitan Planning Organization Advisory Council
2857 is created to augment, and not supplant, the role of the
2858 individual M.P.O.'s in the cooperative transportation planning
2859 process described in this section.

2860 (b) The council shall consist of one representative from
2861 each M.P.O. and shall elect a chairperson annually from its
2862 number. Each M.P.O. shall also elect an alternate representative
2863 from each M.P.O. to vote in the absence of the representative.
2864 Members of the council do not receive any compensation for their
2865 services, but may be reimbursed from funds made available to
2866 council members for travel and per diem expenses incurred in the
2867 performance of their council duties as provided in s. 112.061.

2868 (c) The powers and duties of the Metropolitan Planning
2869 Organization Advisory Council are to:

2870 1. Enter into contracts with individuals, private
2871 corporations, and public agencies.

2872 2. Acquire, own, operate, maintain, sell, or lease
2873 personal property essential for the conduct of business.

2874 3. Accept funds, grants, assistance, gifts, or bequests
2875 from private, local, state, or federal sources.

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2876 4. Establish bylaws and adopt rules pursuant to ss.
2877 120.536(1) and 120.54 to implement provisions of law conferring
2878 powers or duties upon it.

2879 5. Assist M.P.O.'s in carrying out the urbanized area
2880 transportation planning process by serving as the principal
2881 forum for collective policy discussion pursuant to law.

2882 6. Serve as a clearinghouse for review and comment by
2883 M.P.O.'s on the Florida Transportation Plan and on other issues
2884 required to comply with federal or state law in carrying out the
2885 urbanized area transportation and systematic planning processes
2886 instituted pursuant to s. 339.155.

2887 7. Employ an executive director and such other staff as
2888 necessary to perform adequately the functions of the council,
2889 within budgetary limitations. The executive director and staff
2890 are exempt from part II of chapter 110 and serve at the
2891 direction and control of the council. The council is assigned to
2892 the Office of the Secretary of the Department of Transportation
2893 for fiscal and accountability purposes, but it shall otherwise
2894 function independently of the control and direction of the
2895 department.

2896 8. Adopt an agency strategic plan that provides the
2897 priority directions the agency will take to carry out its
2898 mission within the context of the state comprehensive plan and
2899 any other statutory mandates and directions given to the agency.

2900 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
2901 agency of the Federal Government that any provision of this
2902 section conflicts with federal laws or regulations, such federal

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2903 laws or regulations will take precedence to the extent of the
2904 conflict until such conflict is resolved. The department or an
2905 M.P.O. may take any necessary action to comply with such federal
2906 laws and regulations or to continue to remain eligible to
2907 receive federal funds.

2908 Section 17. Section 339.28171, Florida Statutes, is
2909 created to read:

2910 339.28171 Transportation Incentive Program for a
2911 Sustainable Florida.--

2912 (1) There is created within the Department of
2913 Transportation a Transportation Incentive Program for a
2914 Sustainable Florida, which may be cited as TRIP for a
2915 Sustainable Florida, for the purpose of providing grants to
2916 local governments to improve a transportation facility or system
2917 which addresses an identified concurrency management system
2918 backlog or relieve traffic congestion in urban infill and
2919 redevelopment areas. Bridge projects off of the State Highway
2920 System are eligible to receive funding from this program.

2921 (2) To be eligible for consideration, projects must be
2922 consistent with local government comprehensive plans, the
2923 transportation improvement program of the applicable
2924 metropolitan organization, and the Strategic Intermodal System
2925 plan developed in accordance with s. 339.64.

2926 (3) The funds shall be distributed by the department to
2927 each district in accordance with the statutory formula pursuant
2928 to s. 339.135(4). The district secretary shall use the following
2929 criteria to evaluate the project applications:

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- 2930 (a) The level of local government funding efforts.
- 2931 (b) The level of local, regional, or private financial
- 2932 matching funds as a percentage of the overall project cost.
- 2933 (c) The ability of local government to rapidly address
- 2934 project construction.
- 2935 (d) The level of municipal and county agreement on the
- 2936 scope of the proposed project.
- 2937 (e) Whether the project is located within and supports the
- 2938 objectives of an urban infill area, a community redevelopment
- 2939 area, an urban redevelopment area, or a concurrency management
- 2940 area.
- 2941 (f) The extent to which the project would foster public-
- 2942 private partnerships and investment.
- 2943 (g) The extent to which the project protects
- 2944 environmentally sensitive areas.
- 2945 (h) The extent to which the project would support urban
- 2946 mobility, including public transit systems, the use of new
- 2947 technologies, and the provision of bicycle facilities or
- 2948 pedestrian pathways.
- 2949 (i) The extent to which the project implements a regional
- 2950 transportation plan developed in accordance with s.
- 2951 339.155(2)(c), (d), and (e).
- 2952 (j) Whether the project is subject to a local ordinance
- 2953 that establishes corridor management techniques, including
- 2954 access management strategies, right-of-way acquisition and
- 2955 protection measures, appropriate land use strategies, zoning,
- 2956 and setback requirements for adjacent land uses.

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2957 (k) Whether or not the local government has adopted a
2958 vision pursuant to s. 163.3167(11).

2959 (4) As part of the project application, the local
2960 government shall demonstrate how the proposed project implements
2961 a capital improvement element and a long-term transportation
2962 concurrency system, if applicable, to address the existing
2963 capital improvement element backlogs.

2964 (5) The percentage of matching funds available to
2965 applicants shall be based on the following:

2966 (a) For projects that provide capacity on the Strategic
2967 Intermodal System, the percentage shall be 35 percent.

2968 (b) For projects that provide capacity on regionally
2969 significant transportation facilities identified in s.
2970 339.155(2)(c), (d), and (e), the percentage shall be 50 percent
2971 or up to 50 percent of the nonfederal share of the eligible
2972 project costs for a public transportation facility project. For
2973 off-system bridges, the percentage shall be 50 percent. Projects
2974 to be funded pursuant to this paragraph shall, at a minimum meet
2975 the following additional criteria:

2976 1. Support those transportation facilities that serve
2977 national, statewide, or regional functions and function as an
2978 integrated regional transportation system.

2979 2. Be identified in the capital improvements element of a
2980 comprehensive plan that has been determined to be in compliance
2981 with part II of chapter 163, after the effective date of this
2982 act, or to implement a long-term concurrency management system
2983 adopted a local government in accordance with s. 163.3177(9).

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2984 3. Provide connectivity to the Strategic Intermodal System
2985 designated pursuant to s. 339.64.

2986 4. Support economic development and the movement of goods
2987 in areas of critical economic concern designated pursuant to s.
2988 288.0656(7).

2989 5. Improve connectivity between military installations and
2990 the Strategic Highway Network or the Strategic Rail Corridor
2991 Network.

2992 6. For off-system bridge projects to replaced,
2993 rehabilitate, paint, or install scour countermeasures to highway
2994 bridges located on public roads, other than those on a federal-
2995 aid highway, such projects shall, at a minimum:

2996 (a) Be classified as a structurally deficient bridge with
2997 a poor condition rating for either the deck, superstructure, or
2998 substructure component, or culvert.

2999 (b) Have a sufficiency rating of 35 or below.

3000 (c) Have average daily traffic of at least 500 vehicles.

3001
3002 Special consideration shall be given to bridges that are closed
3003 to all traffic or that have a load restriction of less than 10
3004 tons.

3005 (c) For local projects that demonstrate capacity
3006 improvements in the urban service boundary, urban infill, or
3007 urban redevelopment area or provide such capacity replacement to
3008 the State Intrastate Highway System, the percentage shall be 65
3009 percent.

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3010 (6) The department may administer contracts at the request
3011 of a local government selected to receive funding for a project
3012 under this section. All projects funded under this section shall
3013 be included in the department's work program developed pursuant
3014 to s. 339.135.

3015 Section 18. Subsection (1) and paragraph (c) of subsection
3016 (4) of section 339.2818, Florida Statutes, are amended to read:

3017 339.2818 Small County Outreach Program.--

3018 (1) There is created within the Department of
3019 Transportation the Small County Outreach Program. The purpose of
3020 this program is to assist small county governments to improve a
3021 transportation facility or system which addresses identified
3022 concurrency management system backlog and relieves traffic
3023 congestion, or to assist in resurfacing or reconstructing county
3024 roads or in constructing capacity or safety improvements to
3025 county roads.

3026 (4)

3027 (c) The following criteria shall be used to prioritize
3028 road projects for funding under the program:

3029 ~~1. The primary criterion is the physical condition of the~~
3030 ~~road as measured by the department.~~

3031 ~~1.2. As secondary criteria~~ The department may consider:

- 3032 a. Whether a road is used as an evacuation route.
- 3033 b. Whether a road has high levels of agricultural travel.
- 3034 c. Whether a road is considered a major arterial route.
- 3035 d. Whether a road is considered a feeder road.

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3036 e. Other criteria related to the impact of a project on
3037 the public road system or on the state or local economy as
3038 determined by the department.

3039 2. As secondary criteria, the department may consider the
3040 physical condition of the road as measured by the department.

3041 Section 19. Section 339.55, Florida Statutes, is amended
3042 to read:

3043 339.55 State-funded infrastructure bank.--

3044 (1) There is created within the Department of
3045 Transportation a state-funded infrastructure bank for the
3046 purpose of providing loans and credit enhancements to government
3047 units and private entities for use in constructing and improving
3048 transportation facilities.

3049 (2) The bank may lend capital costs or provide credit
3050 enhancements for:

3051 (a) A transportation facility project that is on the State
3052 Highway System or that provides for increased mobility on the
3053 state's transportation system or provides intermodal
3054 connectivity with airports, seaports, rail facilities, and other
3055 transportation terminals, pursuant to s. 341.053, for the
3056 movement of people and goods.

3057 (b) Transportation Incentive Program for a Sustainable
3058 Florida projects identified pursuant to s. 339.28171.

3059 (3) Loans from the bank may be subordinated to senior
3060 project debt that has an investment grade rating of "BBB" or
3061 higher.

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3062 (4)~~(3)~~ Loans from the bank may bear interest at or below
3063 market interest rates, as determined by the department.
3064 Repayment of any loan from the bank shall commence not later
3065 than 5 years after the project has been completed or, in the
3066 case of a highway project, the facility has opened to traffic,
3067 whichever is later, and shall be repaid in no more than 30
3068 years.

3069 (5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible
3070 for consideration, projects must be consistent, to the maximum
3071 extent feasible, with local metropolitan planning organization
3072 plans and local government comprehensive plans and must provide
3073 a dedicated repayment source to ensure the loan is repaid to the
3074 bank.

3075 (6) Funding awarded for projects under paragraph (2)(b)
3076 must be matched by a minimum of 25 percent from funds other than
3077 the state-funded infrastructure bank loan.

3078 (7)~~(5)~~ The department may consider, but is not limited to,
3079 the following criteria for evaluation of projects for assistance
3080 from the bank:

3081 (a) The credit worthiness of the project.

3082 (b) A demonstration that the project will encourage,
3083 enhance, or create economic benefits.

3084 (c) The likelihood that assistance would enable the
3085 project to proceed at an earlier date than would otherwise be
3086 possible.

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3087 (d) The extent to which assistance would foster innovative
3088 public-private partnerships and attract private debt or equity
3089 investment.

3090 (e) The extent to which the project would use new
3091 technologies, including intelligent transportation systems, that
3092 would enhance the efficient operation of the project.

3093 (f) The extent to which the project would maintain or
3094 protect the environment.

3095 (g) A demonstration that the project includes
3096 transportation benefits for improving intermodalism, cargo and
3097 freight movement, and safety.

3098 (h) The amount of the proposed assistance as a percentage
3099 of the overall project costs with emphasis on local and private
3100 participation.

3101 (i) The extent to which the project will provide for
3102 connectivity between the State Highway System and airports,
3103 seaports, rail facilities, and other transportation terminals
3104 and intermodal options pursuant to s. 341.053 for the increased
3105 accessibility and movement of people and goods.

3106 ~~(8)(6)~~ Loan assistance provided by the bank shall be
3107 included in the department's work program developed in
3108 accordance with s. 339.135.

3109 ~~(9)(7)~~ The department is authorized to adopt rules to
3110 implement the state-funded infrastructure bank.

3111 Section 20. Section 373.19615, Florida Statutes, is
3112 created to read:

3113 373.19615 Florida's Sustainable Water Supplies Program.--

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3114 (1) There is hereby created "Florida's Sustainable Water
3115 Supplies Program." The Legislature recognizes that alternative
3116 water supply projects are more expensive to develop compared to
3117 traditional water supply projects. As Florida's population
3118 continues to grow, the need for alternative water supplies is
3119 also growing as our groundwater supplies in portions of the
3120 state are decreasing. Beginning in fiscal year 2005-2006, the
3121 state shall annually appropriate \$100 million for the purpose of
3122 providing funding assistance to local governments for the
3123 development of alternative water supply projects. At the
3124 beginning of each fiscal year, beginning with fiscal year 2005-
3125 2006, such revenues shall be distributed to the Department of
3126 Environmental Protection. The department shall then distribute
3127 the revenues into alternative water supply accounts created by
3128 the department for each district for the purpose of alternative
3129 water supply development under the following funding formula:
3130 1. Forty percent to the South Florida Water Management
3131 District.
3132 2. Twenty-five percent to the Southwest Florida Water
3133 Management District.
3134 3. Twenty-five percent to the St. Johns River Water
3135 Management District.
3136 4. Five percent to the Suwannee River Water Management
3137 District.
3138 5. Five percent to the Northwest Florida Water Management
3139 District.

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3140 (2) For the purposes of this section, the following
3141 definitions shall apply:

3142 (a) "Alternative water supplies" includes saltwater;
3143 brackish surface and groundwater; surface water captured
3144 predominantly during wet-weather flows; sources made available
3145 through the addition of new storage capacity for surface or
3146 groundwater; water that has been reclaimed after one or more
3147 public supply, municipal, industrial, commercial, or
3148 agricultural uses; stormwater; and any other water supply source
3149 that is designated as non-traditional for a water supply
3150 planning region in the applicable regional water supply plan
3151 developed under s. 373.0361.

3152 (b) "Capital costs" means planning, design, engineering,
3153 and project construction costs.

3154 (c) "Local government" means any municipality, county,
3155 special district, regional water supply authority, or
3156 multijurisdictional entity, or an agency thereof, or a
3157 combination of two or more of the foregoing acting jointly with
3158 an alternative water supply project.

3159 (3) To be eligible for assistance in funding capital costs
3160 of alternative water supply projects under this program, the
3161 water management district governing board must select those
3162 alternative water supply projects that will receive financial
3163 assistance. The water management district governing board shall
3164 establish factors to determine project funding.

3165 (a) Significant weight shall be given to the following
3166 factors:

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3167 1. Whether the project provides substantial environmental
3168 benefits by preventing or limiting adverse water resource
3169 impacts.

3170 2. Whether the project reduces competition for water
3171 supplies.

3172 3. Whether the project brings about replacement of
3173 traditional sources in order to help implement a minimum flow or
3174 level or a reservation.

3175 4. Whether the project will be implemented by a
3176 consumptive use permittee that has achieved the targets
3177 contained in a goal-based water conservation program approved
3178 pursuant to s. 373.227.

3179 5. The quantity of water supplied by the project as
3180 compared to its cost.

3181 6. Projects in which the construction and delivery to end
3182 users of reuse water are major components.

3183 7. Whether the project will be implemented by a
3184 multijurisdictional water supply entity or regional water supply
3185 authority.

3186 (b) Additional factors to be considered in determining
3187 project funding shall include:

3188 1. Whether the project is part of a plan to implement two
3189 or more alternative water supply projects, all of which will be
3190 operated to produce water at a uniform rate for the participants
3191 in a multijurisdictional water supply entity or regional water
3192 supply authority.

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3193 2. The percentage of project costs to be funded by the
3194 water supplier or water user.

3195 3. Whether the project proposal includes sufficient
3196 preliminary planning and engineering to demonstrate that the
3197 project can reasonably be implemented within the timeframes
3198 provided in the regional water supply plan.

3199 4. Whether the project is a subsequent phase of an
3200 alternative water supply project underway.

3201 5. Whether and in what percentage a local government or
3202 local government utility is transferring water supply system
3203 revenues to the local government general fund in excess of
3204 reimbursements for services received from the general fund
3205 including direct and indirect costs and legitimate payments in
3206 lieu of taxes.

3207 (4)(a) All projects submitted to the governing board for
3208 consideration shall reflect the total cost for implementation.
3209 The costs shall be segregated pursuant to the categories
3210 described in the definition of capital costs.

3211 (b) Applicants for projects that receive funding
3212 assistance pursuant to this section shall be required to pay 33
3213 1/3 percent of the project's total capital costs.

3214 (c) The water management district shall be required to pay
3215 33 1/3 percent of the project's total capital costs.

3216 (5) After conducting one or more meetings to solicit
3217 public input on eligible projects for implementation of
3218 alternative water supply projects, the governing board of each
3219 water management district shall select projects for funding

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3220 assistance based upon the above criteria. The governing board
3221 may select a project identified or listed as an alternative
3222 water supply development project in the regional water supply
3223 plan, or may select an alternative water supply projects not
3224 identified or listed in the regional water supply plan but which
3225 are consistent with the goals of the plans.

3226 (6) Once an alternative water supply project is selected
3227 by the governing board, the applicant and the water management
3228 district must, in writing, each commit to a financial
3229 contribution of 33 1/3 percent of the project's total capital
3230 costs. The water management district shall then submit a request
3231 for distribution of revenues held by the department in the
3232 district's alternative water supply account. The request must
3233 include the amount of current and projected water demands within
3234 the water management district, the additional water made
3235 available by the project, the date the water will be made
3236 available, and the applicant's and water management district's
3237 financial commitment for the alternative water supply project.
3238 The department shall establish factors to determine whether
3239 state financial assistance for an alternative water supply
3240 project shall be granted. Upon receipt of a request from a water
3241 management district, the department shall determine whether the
3242 alternative water supply project meets the department's criteria
3243 for financial assistance. The department shall establish factors
3244 to determine whether state financial assistance for an
3245 alternative water supply project shall be granted.

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3246 (a) Significant weight shall be given to the following
3247 factors:

3248 1. Whether the project provides substantial environmental
3249 benefits by preventing or limiting adverse water resource
3250 impacts.

3251 2. Whether the project reduces competition for water
3252 supplies.

3253 3. Whether the project brings about replacement of
3254 traditional sources in order to help implement a minimum flow or
3255 level or a reservation.

3256 4. Whether the project will be implemented by a
3257 consumptive use permittee that has achieved the targets
3258 contained in a goal-based water conservation program approved
3259 pursuant to s. 373.227.

3260 5. The quantity of water supplied by the project as
3261 compared to its cost.

3262 6. Projects in which the construction and delivery to end
3263 users of reuse water are major components.

3264 7. Whether the project will be implemented by a
3265 multijurisdictional water supply entity or regional water supply
3266 authority.

3267 (b) Additional factors to be considered in determining
3268 project funding shall include:

3269 1. Whether the project is part of a plan to implement two
3270 or more alternative water supply projects, all of which will be
3271 operated to produce water at a uniform rate for the participants

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3272 in a multijurisdictional water supply entity or regional water
3273 supply authority.

3274 2. The percentage of project costs to be funded by the
3275 water supplier or water user.

3276 3. Whether the project proposal includes sufficient
3277 preliminary planning and engineering to demonstrate that the
3278 project can reasonably be implemented within the timeframes
3279 provided in the regional water supply plan.

3280 4. Whether the project is a subsequent phase of an
3281 alternative water supply project underway.

3282 5. Whether and in what percentage a local government or
3283 local government utility is transferring water supply system
3284 revenues to the local government general fund in excess of
3285 reimbursements for services received from the general fund
3286 including direct and indirect costs and legitimate payments in
3287 lieu of taxes.

3288
3289 If the department determines that the project should receive
3290 financial assistance, the department shall distribute to the
3291 water management district 33 1/3 percent of the total capital
3292 costs from the district's alternative water supply account.

3293 Section 21. Section 373.19616, Florida Statutes, is
3294 created to read:

3295 373.19616 Water Transition Assistance Program.--

3296 (1) The Legislature recognizes that as a result of
3297 Florida's increasing population, there are limited ground water
3298 resources in some portions of the state to serve increased water

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3299 quantities demands. As a result, a transition from ground water
3300 supply to more expensive alternative water supply is necessary.
3301 The purpose of this section is to assist local governments by
3302 establishing a low-interest revolving loan program for
3303 infrastructure financing for alternative water supplies.

3304 (2) For purposes of this section, the term:

3305 (a) "Alternative water supplies" has the same meaning as
3306 provided in s. 373.19615(2).

3307 (b) "Local government" has the same meaning as provided in
3308 s. 373.19615(2).

3309 (3) The Department of Environmental Protection is
3310 authorized to make loans to local governments to assist them in
3311 planning, designing, and constructing alternative water supply
3312 projects. The department may provide loan guarantees, purchase
3313 loan insurance, and refinance local debt through issue of new
3314 loans for alternative water supply projects approved by the
3315 department. Local governments may borrow funds made available
3316 pursuant to this section and may pledge any revenues or other
3317 adequate security available to them to repay any funds borrowed.

3318 (4) The term of loans made pursuant to this section shall
3319 not exceed 30 years. The interest rate on such loans shall be no
3320 greater than that paid on the last bonds sold pursuant to s. 14,
3321 Art. VII of the State Constitution.

3322 (5) In order to ensure that public moneys are managed in
3323 an equitable and prudent manner, the total amount of money
3324 loaned to any local government during a fiscal year shall be no
3325 more than 25 percent of the total funds available for making

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3326 loans during that year. The minimum amount of a loan shall be
3327 \$75,000.

3328 (6) The department may adopt rules that:

3329 (a) Set forth a priority system for loans based on factors
3330 provided for in s. 373.19615(6)(a) and (b).

3331 (b) Establish the requirements for the award and repayment
3332 of financial assistance.

3333 (c) Require adequate security to ensure that each loan
3334 recipient can meet its loan payment requirements.

3335 (d) Establish, at the department's discretion, a specific
3336 percentage of funding, not to exceed 20 percent, for financially
3337 disadvantaged communities for the development of alternative
3338 water supply projects. The department shall include within the
3339 rule a definition of the term "financially disadvantaged
3340 community," and the criteria for determining whether the project
3341 serves a financially disadvantaged community. Such criteria
3342 shall be based on the median household income of the service
3343 population or other reliably documented measures of
3344 disadvantaged status.

3345 (e) Require each project receiving financial assistance to
3346 be cost-effective, environmentally sound, implementable, and
3347 self-supporting.

3348 (7) The department shall prepare a report at the end of
3349 each fiscal year detailing the financial assistance provided
3350 under this section and outstanding loans.

3351 (8) Prior to approval of a loan, the local government
3352 shall, at a minimum:

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- 3353 (a) Provide a repayment schedule.
- 3354 (b) Submit evidence of the ability of the project proposed
3355 for financial assistance to be permitted and implemented.
- 3356 (c) Submit plans and specifications, biddable contract
3357 documents, or other documentation of appropriate procurement of
3358 goods and services.
- 3359 (d) Provide assurance that records will be kept using
3360 generally accepted accounting principles and that the department
3361 or its agent and the Auditor General will have access to all
3362 records pertaining to the loan.
- 3363 (9) The department may conduct an audit of the loan
3364 project upon completion or may require that a separate project
3365 audit, prepared by an independent certified public accountant,
3366 be submitted.
- 3367 (10) The department may require reasonable service fees on
3368 loans made to local governments to ensure that the program will
3369 be operated in perpetuity and to implement the purposes
3370 authorized under this section. Service fees shall not be more
3371 than 4 percent of the loan amount exclusive of the service fee.
3372 The fee revenues, and interest earnings thereon, shall be used
3373 exclusively to carry out the purposes of this section.
- 3374 (11) All moneys available for financial assistance under
3375 this section shall be appropriated to the department exclusively
3376 to carry out this program. The principal and interest of all
3377 loans repaid and interest shall be used exclusively to carry out
3378 this section.

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3379 (12)(a) If a local government agency defaults under the
3380 terms of its loan agreement, the department shall certify the
3381 default to the Chief Financial Officer, shall forward the
3382 delinquent amount to the department from any unobligated funds
3383 due to the local government agency under any revenue-sharing or
3384 tax-sharing fund established by the state, except as otherwise
3385 provided by the State Constitution. Certification of delinquency
3386 shall not limit the department from pursuing other remedies
3387 available for default on a loan, including accelerating loan
3388 repayments, eliminating all or part of the interest rate subsidy
3389 on the loan, and court appointment of a receiver to manage
3390 alternative water supply project.

3391 (b) The department may impose penalty for delinquent local
3392 payments in the amount of 6 percent of the amount due, in
3393 addition to charging the cost to handle and process the debt.
3394 Penalty interest shall accrue on any amount due and payable
3395 beginning on the 30th day following the date upon which payment
3396 is due.

3397 (13) The department may terminate or rescind a financial
3398 assistance agreement when the local government fails to comply
3399 with the terms and conditions of the agreement.

3400 Section 22. Paragraphs (l) and (m) are added to subsection
3401 (24) of section 380.06, Florida Statutes, to read:

3402 380.06 Developments of regional impact.--

3403 (24) STATUTORY EXEMPTIONS.--

3404 (1) Any proposed development or redevelopment within an
3405 area designated for:

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- 3406 1. Urban infill development as designated in the
3407 comprehensive plan;
- 3408 2. Urban redevelopment as designated in the comprehensive
3409 plan;
- 3410 3. Downtown revitalization as designated in the
3411 comprehensive plan; or
- 3412 4. Urban infill and redevelopment under s. 163.2517 as
3413 designated in the comprehensive plan,
3414
3415 is exempt from the provisions of this section. However, a
3416 municipality with a population of 7,500 or fewer may elect, upon
3417 adoption of an ordinance, to not have this exemption apply
3418 within its boundaries. A copy of such ordinance shall be
3419 transmitted to the state land planning agency and the applicable
3420 regional planning council.

3421 (m) Any proposed development within a rural land
3422 stewardship area created pursuant to s. 163.3177(11)(d) is
3423 exempt from the provisions of this section.

3424 Section 23. Section 380.115, Florida Statutes, is amended
3425 to read:

3426 380.115 Vested rights and duties; effect of size
3427 reduction; changes in guidelines and standards ~~chs. 2002-20 and~~
3428 ~~2002-296.~~ --

3429 (1) A change in a development of regional impact guideline
3430 or standard does not abridge or modify ~~Nothing contained in this~~
3431 ~~act abridges or modifies~~ any vested or other right or any duty
3432 or obligation pursuant to any development order or agreement

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3433 that is applicable to a development of regional impact ~~on the~~
3434 ~~effective date of this act~~. A development that has received a
3435 development-of-regional-impact development order pursuant to s.
3436 380.06, but would is no longer be required to undergo
3437 development-of-regional-impact review by operation of a change
3438 in the guidelines and standards or has reduced its size below
3439 the thresholds in s. 380.0651 this act, shall be governed by the
3440 following procedures:

3441 (a) The development shall continue to be governed by the
3442 development-of-regional-impact development order and may be
3443 completed in reliance upon and pursuant to the development order
3444 unless the developer or landowner has followed the procedures
3445 for rescission in paragraph (b). The development-of-regional-
3446 impact development order may be enforced by the local government
3447 as provided by ss. 380.06(17) and 380.11.

3448 (b) If requested by the developer or landowner, the
3449 development-of-regional-impact development order shall may be
3450 rescinded by the local government with jurisdiction upon a
3451 showing by clear and convincing evidence that all required
3452 mitigation relating to the amount of development existing on the
3453 date of rescission has been completed abandoned pursuant to the
3454 process in s. 380.06(26).

3455 (2) A development with an application for development
3456 approval pending, and determined sufficient pursuant to s.
3457 380.06(10), on the effective date of a change to the guidelines
3458 and standards this act, or a notification of proposed change
3459 pending on the effective date of a change to the guidelines and

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HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

3460 standards ~~this act~~, may elect to continue such review pursuant
3461 to s. 380.06. At the conclusion of the pending review, including
3462 any appeals pursuant to s. 380.07, the resulting development
3463 order shall be governed by the provisions of subsection (1).

3464 Section 24. The Office of Program Policy Analysis and
3465 Government Accountability shall conduct a study on adjustments
3466 to the boundaries of regional planning councils, water
3467 management districts, and transportation districts. The purpose
3468 of the study is to organize these regional boundaries, without
3469 eliminating any regional agency, to be more coterminous with one
3470 another, creating a more unified system of regional boundaries.
3471 The study must be completed by December 31, 2005, and a study
3472 report submitted to the President of the Senate, the Speaker of
3473 the House of Representatives, and the Governor and the Century
3474 Commission for a Sustainable Florida by January 15, 2006.

3475 Section 25. Subsections (2), (3), (6), and (12) of section
3476 1013.33, Florida Statutes, are amended to read:

3477 1013.33 Coordination of planning with local governing
3478 bodies.--

3479 (2)(a) The school board, county, and nonexempt
3480 municipalities located within the geographic area of a school
3481 district shall enter into an interlocal agreement that jointly
3482 establishes the specific ways in which the plans and processes
3483 of the district school board and the local governments are to be
3484 coordinated. Any updated ~~The~~ interlocal agreements and
3485 amendments to such agreements shall be submitted to the state
3486 land planning agency and the Office of Educational Facilities

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3487 ~~and the SMART Schools Clearinghouse~~ in accordance with a
3488 schedule published by the state land planning agency pursuant to
3489 s. 163.3177(12)(h).

3490 ~~(b) The schedule must establish staggered due dates for~~
3491 ~~submission of interlocal agreements that are executed by both~~
3492 ~~the local government and district school board, commencing on~~
3493 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
3494 ~~the same date for all governmental entities within a school~~
3495 ~~district. However, if the county where the school district is~~
3496 ~~located contains more than 20 municipalities, the state land~~
3497 ~~planning agency may establish staggered due dates for the~~
3498 ~~submission of interlocal agreements by these municipalities. The~~
3499 ~~schedule must begin with those areas where both the number of~~
3500 ~~districtwide capital outlay full-time equivalent students equals~~
3501 ~~80 percent or more of the current year's school capacity and the~~
3502 ~~projected 5-year student growth rate is 1,000 or greater, or~~
3503 ~~where the projected 5-year student growth rate is 10 percent or~~
3504 ~~greater.~~

3505 ~~(b)(e)~~ If the student population has declined over the 5-
3506 year period preceding the due date for submittal of an
3507 interlocal agreement by the local government and the district
3508 school board, the local government and district school board may
3509 petition the state land planning agency for a waiver of one or
3510 more of the requirements of subsection (3). The waiver must be
3511 granted if the procedures called for in subsection (3) are
3512 unnecessary because of the school district's declining school
3513 age population, considering the district's 5-year work program

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3514 prepared pursuant to s. 1013.35. The state land planning agency
3515 may modify or revoke the waiver upon a finding that the
3516 conditions upon which the waiver was granted no longer exist.
3517 The district school board and local governments must submit an
3518 interlocal agreement within 1 year after notification by the
3519 state land planning agency that the conditions for a waiver no
3520 longer exist.

3521 ~~(c)(d) Interlocal agreements between local governments and~~
3522 ~~district school boards adopted pursuant to s. 163.3177 before~~
3523 ~~the effective date of subsections (2)-(9) must be updated and~~
3524 ~~executed pursuant to the requirements of subsections (2)-(9), if~~
3525 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
3526 ~~to subsections (2)-(9) must be submitted to the state land~~
3527 ~~planning agency within 30 days after execution by the parties~~
3528 ~~for review consistent with subsections (3) and (4). Local~~
3529 governments and the district school board in each school
3530 district are encouraged to adopt a single updated interlocal
3531 agreement in which all join as parties. The state land planning
3532 agency shall assemble and make available model interlocal
3533 agreements meeting the requirements of subsections (2)-(9) and
3534 shall notify local governments and, jointly with the Department
3535 of Education, the district school boards of the requirements of
3536 subsections (2)-(9), the dates for compliance, and the sanctions
3537 for noncompliance. The state land planning agency shall be
3538 available to informally review proposed interlocal agreements.
3539 If the state land planning agency has not received a proposed
3540 interlocal agreement for informal review, the state land

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3541 planning agency shall, at least 60 days before the deadline for
3542 submission of the executed agreement, renotify the local
3543 government and the district school board of the upcoming
3544 deadline and the potential for sanctions.

3545 (3) ~~At a minimum,~~ The interlocal agreement must address
3546 the ~~following~~ issues required in s. 163.31777.÷

3547 ~~(a) A process by which each local government and the~~
3548 ~~district school board agree and base their plans on consistent~~
3549 ~~projections of the amount, type, and distribution of population~~
3550 ~~growth and student enrollment. The geographic distribution of~~
3551 ~~jurisdiction-wide growth forecasts is a major objective of the~~
3552 ~~process.~~

3553 ~~(b) A process to coordinate and share information relating~~
3554 ~~to existing and planned public school facilities, including~~
3555 ~~school renovations and closures, and local government plans for~~
3556 ~~development and redevelopment.~~

3557 ~~(c) Participation by affected local governments with the~~
3558 ~~district school board in the process of evaluating potential~~
3559 ~~school closures, significant renovations to existing schools,~~
3560 ~~and new school site selection before land acquisition. Local~~
3561 ~~governments shall advise the district school board as to the~~
3562 ~~consistency of the proposed closure, renovation, or new site~~
3563 ~~with the local comprehensive plan, including appropriate~~
3564 ~~circumstances and criteria under which a district school board~~
3565 ~~may request an amendment to the comprehensive plan for school~~
3566 ~~siting.~~

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3567 ~~(d) A process for determining the need for and timing of~~
3568 ~~onsite and offsite improvements to support new construction,~~
3569 ~~proposed expansion, or redevelopment of existing schools. The~~
3570 ~~process shall address identification of the party or parties~~
3571 ~~responsible for the improvements.~~

3572 ~~(e) A process for the school board to inform the local~~
3573 ~~government regarding school capacity. The capacity reporting~~
3574 ~~must be consistent with laws and rules regarding measurement of~~
3575 ~~school facility capacity and must also identify how the district~~
3576 ~~school board will meet the public school demand based on the~~
3577 ~~facilities work program adopted pursuant to s. 1013.35.~~

3578 ~~(f) Participation of the local governments in the~~
3579 ~~preparation of the annual update to the school board's 5-year~~
3580 ~~district facilities work program and educational plant survey~~
3581 ~~prepared pursuant to s. 1013.35.~~

3582 ~~(g) A process for determining where and how joint use of~~
3583 ~~either school board or local government facilities can be shared~~
3584 ~~for mutual benefit and efficiency.~~

3585 ~~(h) A procedure for the resolution of disputes between the~~
3586 ~~district school board and local governments, which may include~~
3587 ~~the dispute resolution processes contained in chapters 164 and~~
3588 ~~186.~~

3589 ~~(i) An oversight process, including an opportunity for~~
3590 ~~public participation, for the implementation of the interlocal~~
3591 ~~agreement.~~

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3593 ~~A signatory to the interlocal agreement may elect not to include~~
3594 ~~a provision meeting the requirements of paragraph (c); however,~~
3595 ~~such a decision may be made only after a public hearing on such~~
3596 ~~election, which may include the public hearing in which a~~
3597 ~~district school board or a local government adopts the~~
3598 ~~interlocal agreement. An interlocal agreement entered into~~
3599 ~~pursuant to this section must be consistent with the adopted~~
3600 ~~comprehensive plan and land development regulations of any local~~
3601 ~~government that is a signatory.~~

3602 (6) Any local government transmitting a public school
3603 element to implement school concurrency pursuant to the
3604 requirements of s. 163.3180 before July 1, 2005, ~~the effective~~
3605 ~~date of this section~~ is not required to amend the element or any
3606 interlocal agreement to conform with the provisions of
3607 subsections (2)-(8) ~~if the element is adopted prior to or within~~
3608 ~~1 year after the effective date of subsections (2)-(8) and~~
3609 ~~remains in effect.~~

3610 (12) As early in the design phase as feasible and
3611 consistent with an interlocal agreement entered pursuant to
3612 subsections (2)-(8), but no later than 120 ~~90~~ days before
3613 commencing construction, the district school board shall in
3614 writing request a determination of consistency with the local
3615 government's comprehensive plan. The local governing body that
3616 regulates the use of land shall determine, in writing within 45
3617 days after receiving the necessary information and a school
3618 board's request for a determination, whether a proposed
3619 educational facility is consistent with the local comprehensive

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3620 plan and consistent with local land development regulations. If
3621 the determination is affirmative, school construction may
3622 commence and further local government approvals are not
3623 required, except as provided in this section. Failure of the
3624 local governing body to make a determination in writing within
3625 90 days after a district school board's request for a
3626 determination of consistency shall be considered an approval of
3627 the district school board's application. Campus master plans and
3628 development agreements must comply with the provisions of ss.
3629 1013.30 and 1013.63.

3630 Section 26. Section 1013.352, Florida Statutes, is created
3631 to read:

3632 1013.352 Charter School Incentive Program for Sustainable
3633 Schools.--

3634 (1) There is hereby created the "Charter School Incentive
3635 Program for Sustainable Schools." Recognizing that there is an
3636 increasing deficit in educational facilities in this state, the
3637 Legislature believes that there is a need for creativeness in
3638 planning and development of additional educational facilities.
3639 To assist with the development of educational facilities, those
3640 charter schools whose charters are approved within 18 months
3641 after the effective date of this act shall be eligible for state
3642 funds under the following conditions:

3643 (a) The charter school is created to address school over-
3644 capacity issues or growth demands within the county.

3645 (b) A joint letter from the district school board and the
3646 charter school has been submitted with the proposed charter

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3647 school charter that provides that the school board authorized
3648 the charter school as a result of school overcrowding or growth
3649 demands within the county and the school board requests that the
3650 requirement of s. 1013.62(1)(a)1. are waived.

3651 (c) The charter school has received an in-kind
3652 contribution or equivalent from an outside source other than the
3653 district school board that has been, at a minimum, equally
3654 matched by the district school board.

3655
3656 Notwithstanding s. 1013.62(7), if the above conditions apply,
3657 the Commissioner of Education, in consultation with the
3658 Department of Community Affairs shall distribute up to \$3
3659 million per charter school based upon the amount of the in-kind
3660 contribution or functional equivalent from an outside source
3661 that has been matched by the district school board or the
3662 contribution or functional equivalent by the district school
3663 board, whichever amount is greater, up to \$3 million. Under no
3664 conditions may the Commissioner of Education distribute funds to
3665 a newly chartered charter school that has not received an in-
3666 kind contribution or equivalent from an outside source other
3667 than the district school board and which has not been, at a
3668 minimum, equally matched by the district school board.

3669 (2) A newly created charter school that receives
3670 distribution of funds under this program shall not be eligible
3671 for charter schools outlay funding under s. 1013.62.

3672 Section 27. Subsection (2) of section 1013.64, Florida
3673 Statutes, is amended to read:

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3674 1013.64 Funds for comprehensive educational plant needs;
3675 construction cost maximums for school district capital
3676 projects.--Allocations from the Public Education Capital Outlay
3677 and Debt Service Trust Fund to the various boards for capital
3678 outlay projects shall be determined as follows:

3679 (2)(a) The department shall establish, as a part of the
3680 Public Education Capital Outlay and Debt Service Trust Fund, a
3681 separate account, in an amount determined by the Legislature, to
3682 be known as the "Special Facility Construction Account." The
3683 Special Facility Construction Account shall be used to provide
3684 necessary construction funds to school districts which have
3685 urgent construction needs but which lack sufficient resources at
3686 present, and cannot reasonably anticipate sufficient resources
3687 within the period of the next 3 years, for these purposes from
3688 currently authorized sources of capital outlay revenue. A school
3689 district requesting funding from the Special Facility
3690 Construction Account shall submit one specific construction
3691 project, not to exceed one complete educational plant, to the
3692 Special Facility Construction Committee. No district shall
3693 receive funding for more than one approved project in any 3-year
3694 period. The first year of the 3-year period shall be the first
3695 year a district receives an appropriation. The department shall
3696 encourage a construction program that reduces the average size
3697 of schools in the district. The request must meet the following
3698 criteria to be considered by the committee:

3699 1. The project must be deemed a critical need and must be
3700 recommended for funding by the Special Facility Construction

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3701 Committee. Prior to developing plans for the proposed facility,
3702 the district school board must request a preapplication review
3703 by the Special Facility Construction Committee or a project
3704 review subcommittee convened by the committee to include two
3705 representatives of the department and two staff from school
3706 districts not eligible to participate in the program. Within 60
3707 days after receiving the preapplication review request, the
3708 committee or subcommittee must meet in the school district to
3709 review the project proposal and existing facilities. To
3710 determine whether the proposed project is a critical need, the
3711 committee or subcommittee shall consider, at a minimum, the
3712 capacity of all existing facilities within the district as
3713 determined by the Florida Inventory of School Houses; the
3714 district's pattern of student growth; the district's existing
3715 and projected capital outlay full-time equivalent student
3716 enrollment as determined by the department; the district's
3717 existing satisfactory student stations; the use of all existing
3718 district property and facilities; grade level configurations;
3719 and any other information that may affect the need for the
3720 proposed project.

3721 2. The construction project must be recommended in the
3722 most recent survey or surveys by the district under the rules of
3723 the State Board of Education.

3724 3. The construction project must appear on the district's
3725 approved project priority list under the rules of the State
3726 Board of Education.

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3727 4. The district must have selected and had approved a site
3728 for the construction project in compliance with s. 1013.36 and
3729 the rules of the State Board of Education.

3730 5. The district shall have developed a district school
3731 board adopted list of facilities that do not exceed the norm for
3732 net square feet occupancy requirements under the State
3733 Requirements for Educational Facilities, using all possible
3734 programmatic combinations for multiple use of space to obtain
3735 maximum daily use of all spaces within the facility under
3736 consideration.

3737 6. Upon construction, the total cost per student station,
3738 including change orders, must not exceed the cost per student
3739 station as provided in subsection (6).

3740 7. There shall be an agreement signed by the district
3741 school board stating that it will advertise for bids within 30
3742 days of receipt of its encumbrance authorization from the
3743 department.

3744 8. The district shall, at the time of the request and for
3745 a continuing period of 3 years, levy the maximum millage against
3746 their nonexempt assessed property value as allowed in s.
3747 1011.71(2) or shall raise an equivalent amount of revenue from
3748 the school capital outlay surtax authorized under s. 212.055(6).
3749 Any district with a new or active project, funded under the
3750 provisions of this subsection, shall be required to budget no
3751 more than the value of 1.5 mills per year to the project to
3752 satisfy the annual participation requirement in the Special
3753 Facility Construction Account.

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3754 9. If a contract has not been signed 90 days after the
3755 advertising of bids, the funding for the specific project shall
3756 revert to the Special Facility New Construction Account to be
3757 reallocated to other projects on the list. However, an
3758 additional 90 days may be granted by the commissioner.

3759 10. The department shall certify the inability of the
3760 district to fund the survey-recommended project over a
3761 continuous 3-year period using projected capital outlay revenue
3762 derived from s. 9(d), Art. XII of the State Constitution, as
3763 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

3764 11. The district shall have on file with the department an
3765 adopted resolution acknowledging its 3-year commitment of all
3766 unencumbered and future revenue acquired from s. 9(d), Art. XII
3767 of the State Constitution, as amended, paragraph (3)(a) of this
3768 section, and s. 1011.71(2).

3769 12. Final phase III plans must be certified by the board
3770 as complete and in compliance with the building and life safety
3771 codes prior to August 1.

3772 (b) The department shall establish, as a part of the
3773 Public Education Capital Outlay and Debt Service Trust Fund, a
3774 separate account, in an amount determined by the Legislature, to
3775 be known as the "High Growth County Facility Construction
3776 Account." The account shall be used to provide necessary
3777 construction funds to high growth school districts which have
3778 urgent construction needs, but which lack sufficient resources
3779 at present and cannot reasonably anticipate sufficient resources
3780 within the period of the next 3 years, for these purposes from

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3781 currently authorized sources of capital outlay revenue and local
3782 sources. A school district requesting funding from the account
3783 shall submit one specific construction project, not to exceed
3784 one complete educational plant, to the Special Facility
3785 Construction Committee. No district shall receive funding for
3786 more than one approved project in any 2-year period, provided
3787 that any grants received under this paragraph must be fully
3788 expended in order for a district to apply for additional funding
3789 under this paragraph and all Classrooms First funds have been
3790 allocated and expended by the district. The first year of the 2-
3791 year period shall be the first year a district receives an
3792 appropriation. The request must meet the following criteria to
3793 be considered by the committee:

3794 1. The project must be deemed a critical need and must be
3795 recommended for funding by the Special Facility Construction
3796 Committee. Prior to developing plans for the proposed facility,
3797 the district school board must request a preapplication review
3798 by the Special Facility Construction Committee or a project
3799 review subcommittee convened by the committee to include two
3800 representatives of the department and two staff from school
3801 districts not eligible to participate in the program. Within 60
3802 days after receiving the preapplication review request, the
3803 committee or subcommittee must meet in the school district to
3804 review the project proposal and existing facilities. To
3805 determine whether the proposed project is a critical need, the
3806 committee or subcommittee shall consider, at a minimum, the
3807 capacity of all existing facilities within the district as

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3808 determined by the Florida Inventory of School Houses; the
3809 district's pattern of student growth with priority given to
3810 those districts that have equaled or exceeded twice the
3811 statewide average in growth in capital outlay full-time
3812 equivalent students over the previous 4 fiscal years; the
3813 district's existing and projected capital outlay full-time
3814 equivalent student enrollment as determined by the department
3815 with priority given to these districts with 20,000 or more
3816 capital outlay full-time equivalent students; the district's
3817 existing satisfactory student stations; the use of all existing
3818 district property and facilities; grade level configurations;
3819 and any other information that may affect the need for the
3820 proposed project.

3821 2. The construction project must be recommended in the
3822 most recent survey or surveys by the district under the rules of
3823 the State Board of Education.

3824 3. The construction project includes either a recreational
3825 facility or media center that will be jointly used with a local
3826 government.

3827 4. The construction project must appear on the district's
3828 approved project priority list under the rules of the State
3829 Board of Education.

3830 5. The district must have selected and had approved a site
3831 for the construction project in compliance with the interlocal
3832 agreement with the appropriate local government, s. 1013.36, and
3833 the rules of the State Board of Education.

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3834 6. The district shall have developed a district school
3835 board adopted list of facilities that do not exceed the norm for
3836 net square feet occupancy requirements under the state
3837 requirements for educational facilities, using all possible
3838 programmatic combinations for multiple use of space to obtain
3839 maximum daily use of all spaces within the facility under
3840 consideration.

3841 7. Upon construction, the total cost per student station,
3842 including change orders, must not exceed the cost per student
3843 station as provided in subsection (6).

3844 8. There shall be an agreement signed by the district
3845 school board stating that it will advertise for bids within 30
3846 days after receipt of its encumbrance authorization from the
3847 department.

3848 9. If a contract has not been signed 90 days after the
3849 advertising of bids, the funding for the specific project shall
3850 revert to the Special Facility Construction Account to be
3851 reallocated to other projects on the list. However, an
3852 additional 90 days may be granted by the commissioner.

3853 10. Final phase III plans must be certified by the board
3854 as complete and in compliance with the building and life safety
3855 codes prior to August 1.

3856 (c)(b) The Special Facility Construction Committee shall
3857 be composed of the following: two representatives of the
3858 Department of Education, a representative from the Governor's
3859 office, a representative selected annually by the district

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3860 school boards, and a representative selected annually by the
3861 superintendents.

3862 (d)(e) The committee shall review the requests submitted
3863 from the districts, evaluate the ability of the project to
3864 relieve critical needs, and rank the requests in priority order.
3865 This statewide priority list for special facilities construction
3866 shall be submitted to the Legislature in the commissioner's
3867 annual capital outlay legislative budget request at least 45
3868 days prior to the legislative session. For the initial year of
3869 the funding of the program outlined in paragraph (b), the
3870 Special Facility Construction Committee shall authorize the
3871 disbursement of funds appropriated by the Legislature for the
3872 purposes of the program funded by the High Growth County
3873 Facility Construction Account created in paragraph (b).

3874 Section 28. School Concurrency Task Force.—

3875 (1) The School Concurrency Task Force is created to review
3876 the requirements for school concurrency in law and make
3877 recommendations regarding streamlining the process and
3878 procedures for establishing school concurrency. The task force
3879 shall also examine the methodology and processes used for the
3880 funding of construction of public schools and make
3881 recommendations on revisions to provisions of law and rules
3882 which will help ensure that schools are built and available when
3883 the expected demands of growth produce the need for new school
3884 facilities.

3885 (2) The task force shall be composed of 11 members. The
3886 membership must represent local governments, school boards,

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3887 developers and homebuilders, the business community, and other
3888 appropriate stakeholders. The task force shall include two
3889 members appointed by the Governor, two members appointed by the
3890 President of the Senate, two members appointed by the Speaker of
3891 the House of Representatives, one member appointed by the
3892 Florida School Boards Association, one member appointed by the
3893 Florida Association of Counties, and one member appointed by the
3894 Florida League of Cities. The Secretary of the Department of
3895 Community Affairs, or a senior management designee, and the
3896 Commissioner of Education, or a senior management designee,
3897 shall also be ex officio nonvoting members on the task force.

3898 (3) The task force shall report to the Governor, the
3899 President of the Senate, and the Speaker of the House of
3900 Representatives no later than December 1, 2005, with specific
3901 recommendations for revisions to provisions of law and rules.

3902 Section 29. Section 163.31776, Florida Statutes, is
3903 repealed.

3904 Section 30. Beginning in fiscal year 2005-2006, the
3905 Department of Transportation shall allocate sufficient funds to
3906 implement the transportation provisions of the Sustainable
3907 Florida Act of 2005. The department shall develop a plan to
3908 expend these revenues and amend the current tentative work
3909 program for the time period 2005-2006. In addition, prior to
3910 work program adoption, the department shall submit a budget
3911 amendment pursuant to s. 339.135(7), Florida Statutes. The
3912 department shall provide a report to the President of the Senate
3913 and the Speaker of the House of Representative by February 1,

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3914 2006, identifying the program adjustments it has made consistent
3915 with the provisions of the Sustainable Florida Transportation
3916 Program.

3917 Section 31. Beginning July 1, 2005 and in quarterly
3918 installments from the General Revenue Fund, \$368,250,000 shall
3919 be transferred to the State Transportation Trust Fund from non-
3920 recurring funds and \$566,750,000 shall be transferred to the
3921 State Transportation Trust Fund from recurring funds.

3922 (1) From the State Transportation Trust Fund the following
3923 appropriations are made from non-recurring funds in fiscal year
3924 2005-2006:

3925 (a) The sum of \$268,250,000 shall be for the
3926 Transportation Incentive Grant Program for a Sustainable Florida
3927 as specified in s.339.28171, Florida Statutes.

3928 (b) The sum of \$100,000,000 shall be to the State
3929 Infrastructure Bank as specified in s. 339.55, Florida Statutes.

3930 (2) From the State Transportation Trust Fund, the
3931 following appropriations are made from recurring funds for
3932 Fiscal Year 2005-2006:

3933 (a) The sum of \$35,000,000 shall be for the Small County
3934 Outreach Program as specified in s.339.2818, Florida Statutes.

3935 (b) The sum of \$50,000,000 shall be for the New Starts
3936 Transit Program for the purposes specified in 49 U.S.C. 5309,
3937 and administered pursuant to the provisions of s. 341.051,
3938 Florida Statutes.

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3939 (c) The sum of \$400,000,000 shall be for the Strategic
3940 Intermodal System as specified in ss. 339.61-339.64, Florida
3941 Statutes.

3942 (d) The sum of \$81,250,000 shall be for the Transportation
3943 Incentive Grant Program for a Sustainable Florida as specified
3944 in s. 339.28171, Florida Statutes.

3945 Section 32. Funding for Sustainable Water
3946 Supplies.--Effective July 1, 2005, the sum of \$100 million from
3947 recurring general revenue for distribution pursuant to s.
3948 373.19615, Florida Statutes. The sum of \$50 million from
3949 nonrecurring general revenue is appropriated to the Department
3950 of Environmental Protection for distribution pursuant to s.
3951 373.19616, Florida Statutes.

3952 Section 33. Funding for Sustainable Schools.--In order to
3953 provide for innovative approaches to meet school capacity
3954 demands, effective July 1, 2005, the sum of \$50 million is
3955 appropriated from recurring general revenue to the Department of
3956 Education to be used as follows:

3957 (1) The sum of \$35 million from recurring general revenue
3958 shall be used for the Charter School Incentive Program for
3959 Sustainable Schools created pursuant to section 1013.352,
3960 Florida Statutes.

3961 (2) The sum of \$15 million from recurring general revenue
3962 shall be used for educational facilities benefit districts as
3963 provided in s. 1013.356(3), Florida Statutes, as follows: for
3964 construction and capital maintenance costs not covered by the
3965 funds provided under s. 1013.356(1), Florida Statutes, in fiscal

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3966 year 2005-2006, an amount contributed by the state equal to 25
3967 percent of the remaining costs of construction and capital
3968 maintenance of the educational facilities, up to \$2 million. Any
3969 construction costs above the cost-per-student criteria
3970 established for the SIT Program in s. 1013.72(2), Florida
3971 Statutes, shall be funded exclusively by the educational
3972 facilities benefit district or the community development
3973 district. Funds contributed by a district school board shall not
3974 be used to fund operational costs. Funds not committed by March
3975 31, 2006, revert to the Charter School Incentive Program for
3976 Sustainable Schools created pursuant to s. 1013.352, Florida
3977 Statutes.

3978 Section 34. (1) Effective July 1, 2005, the sum of
3979 \$85,618,291 is appropriated from nonrecurring general revenue
3980 for the Classrooms for Kids Program pursuant to s. 1013.735,
3981 Florida Statutes.

3982 (2) Effective July 1 2005, the sum of \$246,131,709 is
3983 appropriated from nonrecurring general revenue to assist school
3984 districts in meeting the school concurrency provisions under
3985 this act. Such funds shall be distributed to school districts
3986 under the formula pursuant to s. 1013.735(1), Florida Statutes

3987 Section 35. Statewide Technical Assistance for a
3988 Sustainable Florida.--In order to assist local governments and
3989 school boards to implement the provisions of this act, effective
3990 July 1, 2005, the sum of \$3 million is appropriated from
3991 recurring general revenue to the Department of Community
3992 Affairs. The department shall provide a report to the Governor,

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3993 | the President of the Senate, and the Speaker of the House of
3994 | Representatives by February 1, 2006, on the progress made toward
3995 | implementing this act and a recommendation of whether additional
3996 | funds should be appropriated to provide additional technical
3997 | assistance to implement this act.

3998 | Section 36. Effective July 1, 2005, the sum of \$250,000 is
3999 | appropriated from recurring general revenue to the Department of
4000 | Community Affairs to provide the necessary staff and other
4001 | assistance to the Century Commission for a Sustainable Florida
4002 | required by section 11.

4003 | Section 37. This act shall take effect July 1, 2005.

4004 |
4005 | ===== T I T L E A M E N D M E N T =====

4006 | Remove the entire title and insert:

4007 | A bill to be entitled
4008 | An act relating to growth management incentives; providing
4009 | a popular name; amending s. 163.3164, F.S.; revising a
4010 | definition to conform; defining the term "financial
4011 | feasibility"; creating s. 163.3172, F.S.; providing
4012 | legislative determinations; limiting the effect of certain
4013 | charter county charter provisions, ordinances, or land
4014 | development regulations relating to urban infill and
4015 | redevelopment under certain circumstances; requiring a
4016 | referendum; providing referendum requirements; amending s.
4017 | 163.3177, F.S.; revising criteria for the capital
4018 | improvements element of comprehensive plans; providing for
4019 | subjecting certain local governments to sanctions by the

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4020 Administration Commission under certain circumstances;
4021 deleting obsolete provisions; requiring local governments
4022 to adopt a transportation concurrency management system by
4023 ordinance; requiring inclusion of alternative water supply
4024 projects; providing a methodology requirement; requiring
4025 the Department of Transportation to develop a model
4026 transportation concurrency management ordinance;
4027 specifying ordinance assessment authority; providing
4028 additional requirements for a general water element of
4029 comprehensive plans; revising public educational
4030 facilities element requirements; revising requirements for
4031 rural land stewardship areas; exempting rural land
4032 stewardship areas from developments of regional impact
4033 provisions; requiring counties and municipalities to adopt
4034 consistent public school facilities and enter into certain
4035 interlocal agreements; authorizing the state land planning
4036 agency to grant waivers under certain circumstances;
4037 providing additional requirements for public school
4038 facilities elements of comprehensive plans; requiring the
4039 state land planning agency to adopt phased schedules for
4040 adopting a public school facilities element; providing
4041 requirements; providing requirements; providing conditions
4042 for prohibiting local governments from certain adopting
4043 amendments to the comprehensive plan; authorizing the
4044 state land planning agency to issue schools certain show
4045 cause notices for certain purposes; providing for imposing
4046 sanctions on a school board under certain circumstances;

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4047 providing requirements; encouraging local governments to
4048 develop a community vision for certain purposes; providing
4049 for assistance by regional planning councils; providing
4050 for local government designation of urban service
4051 boundaries; providing requirements; amending s. 163.31777,
4052 F.S.; applying public schools interlocal agreement
4053 provisions to school boards and nonexempt municipalities;
4054 deleting a scheduling requirement for public schools
4055 interlocal agreements; providing additional requirements
4056 for updates and amendments to such interlocal agreements;
4057 revising procedures for public school elements
4058 implementing school concurrency; revising exemption
4059 criteria for certain municipalities; amending s. 163.3180,
4060 F.S.; including schools and water supplies under
4061 concurrency provisions; revising a transportation
4062 facilities scheduling requirement; requiring local
4063 governments and the Department of Transportation to
4064 cooperatively establish a plan for maintaining certain
4065 level-of-service standards for certain facilities within
4066 certain areas; requiring local governments to consult with
4067 the department to make certain impact assessments relating
4068 to concurrency management areas and multimodal
4069 transportation districts; revising criteria for local
4070 government authorization to grant exceptions from
4071 concurrency requirements for transportation facilities;
4072 providing for waiving certain transportation facilities
4073 concurrency requirements for certain projects under

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4074 certain circumstances; providing criteria and
4075 requirements; revising provisions authorizing local
4076 governments to adopt long-term transportation management
4077 systems to include long-term school concurrency management
4078 systems; revising requirements; requiring periodic
4079 evaluation of long-term concurrency systems; providing
4080 criteria; revising requirements for roadway facilities on
4081 the Strategic Intermodal System; providing additional
4082 level-of-service standards requirements; revising
4083 requirements for developing school concurrency; requiring
4084 adoption of a public school facilities element for
4085 effectiveness of a school concurrency requirement;
4086 providing an exception; revising service area requirements
4087 for concurrency systems; requiring local governments to
4088 apply school concurrency on a less than districtwide basis
4089 under certain circumstances for certain purposes; revising
4090 provisions prohibiting a local government from denying a
4091 development order or a functional equivalent authorizing
4092 residential developments under certain circumstances;
4093 specifying conditions for satisfaction of school
4094 concurrency requirements by a developer; providing for
4095 mediation of disputes; specifying options for
4096 proportionate-share mitigation of impacts on public school
4097 facilities; providing criteria and requirements; providing
4098 legislative intent relating to mitigation of impacts of
4099 development on transportation facilities; authorizing
4100 local governments to create mitigation banks for

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4101 transportation facilities for certain purposes; providing
4102 requirements; specifying conditions for satisfaction of
4103 transportation facilities concurrency by a developer;
4104 providing for mitigation; providing for mediation of
4105 disputes; providing criteria for transportation mitigation
4106 contributions; providing for enforceable development
4107 agreements for certain projects; specifying conditions for
4108 satisfaction of concurrency requirements of a local
4109 comprehensive plan by a development; amending s. 163.3184,
4110 F.S.; correcting cross references; authorizing instead of
4111 requiring the state land planning agency to review plan
4112 amendments; amending s. 163.3187, F.S.; providing
4113 additional criteria for small scale amendments to adopted
4114 comprehensive plans; providing an additional exception to
4115 a limitation on amending an adopted comprehensive plan by
4116 certain municipalities; providing procedures and
4117 requirements; providing for notice and public hearings;
4118 correcting a cross reference; providing for
4119 nonapplication; amending s. 163.3191, F.S.; revising
4120 requirements for evaluation and assessment of the
4121 coordination of a comprehensive plan with certain schools;
4122 providing additional assessment criteria for certain
4123 counties and municipalities; requiring certain counties
4124 and municipalities to adopt appropriate concurrency goals,
4125 objectives, and policies in plan amendments under certain
4126 circumstances; revising reporting requirements for
4127 evaluation and assessment of water supply sources;

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HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

4128 providing for a prohibition on plan amendments for failure
4129 to timely adopt updating comprehensive plan amendments;
4130 creating s. 163.3247, F.S.; providing a popular name;
4131 providing legislative findings and intent; creating the
4132 Century Commission for a Sustainable Florida for certain
4133 purposes; providing for appointment of commission members;
4134 providing for terms; providing for meetings and votes of
4135 members; requiring members to serve without compensation;
4136 providing for per diem and travel expenses; providing
4137 powers and duties of the commission; requiring the
4138 creation of a joint select committee of the Legislature;
4139 providing purposes; requiring the Secretary of Community
4140 Affairs to select an executive director of the commission;
4141 requiring the Department of Community Affairs to provide
4142 staff for the commission; providing for other agency staff
4143 support for the commission; amending ss. 337.107 and
4144 337.11, F.S.; revising authorization for the Department of
4145 Transportation to contract for right-of-way services;
4146 providing additional requirements; amending s. 339.08,
4147 F.S.; specifying an additional use for moneys in the State
4148 Transportation Trust Fund; amending s. 339.135, F.S. ;
4149 revising provisions relating to funding and developing a
4150 tentative work program; amending s. 339.155, F.S. ;
4151 providing additional requirements for development of
4152 regional transportation plans in certain areas pursuant to
4153 interlocal agreements; requiring the department to develop
4154 a model interlocal agreement; providing requirements;

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HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

4155 | amending s. 339.175, F.S.; revising requirements for
4156 | metropolitan planning organizations and transportation
4157 | improvement programs; creating s. 339.28171, F.S.;
4158 | creating the Transportation Incentive Program for a
4159 | Sustainable Florida; providing program requirements;
4160 | requiring the Department of Transportation to develop
4161 | criteria to assist local governments in evaluating
4162 | concurrency management system backlogs; specifying
4163 | criteria requirements; providing requirements for local
4164 | governments; specifying percentages and requirements for
4165 | apportioning matching funds among grant applicants;
4166 | authorizing the department to administer contracts as
4167 | requested by local governments; amending s. 339.2818,
4168 | F.S.; revising criteria and requirement for the Small
4169 | County Outreach Program to conform; creating s. 339.2820,
4170 | F.S.; creating the Off-System Bridge Program for
4171 | Sustainable Transportation within the Department of
4172 | Transportation for certain purposes; providing for funding
4173 | certain project costs; requiring the department to
4174 | allocate funding for the program for certain projects;
4175 | specifying criteria for projects to be funded from the
4176 | program; amending s. 339.55, F.S.; revising funding
4177 | authorization for the state-funded infrastructure bank ;
4178 | creating s. 373.19615, F.S.; creating the Florida's
4179 | Sustainable Water Supplies Program; providing funding
4180 | requirements for local government development of
4181 | alternative water supply projects; providing for

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HOUSE AMENDMENT

Bill No. HB 1865 CS

Amendment No. (for drafter's use only)

4182 allocation of funds to water management districts;
4183 providing definitions; specifying factors to consider in
4184 funding certain projects; providing funding requirements;
4185 requiring the Department of Environmental Protection to
4186 establish factors for granting financial assistance to
4187 eligible projects; creating s. 373.19616, F.S.; creating
4188 the Water Transition Assistance Program to establish a
4189 low-interest revolving loan program for infrastructure
4190 financing for alternative water supplies; providing
4191 legislative declarations; providing definitions;
4192 authorizing the Department of Environmental Protection to
4193 make loans to local governments for certain purposes;
4194 authorizing local governments to borrow funds and pledge
4195 revenues for repayment; providing loan limitations;
4196 authorizing the department to adopt certain rules;
4197 requiring the department to prepare an annual report on
4198 such financial assistance; providing loan approval
4199 requirements for local governments; authorizing the
4200 department to conduct or require audits; authorizing the
4201 department to require reasonable loan service fees;
4202 providing limitations; providing requirements for
4203 financial assistance funding; providing for enforcement of
4204 loan defaults; authorizing the department to impose
4205 penalties for delinquent loan payments; authoriaing the
4206 department to terminate financial assistance agreements
4207 under certain circumstances; amending s. 373.223, F.S. ;
4208 providing a presumption of consistency for certain

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HOUSE AMENDMENT

Bill No. HB 1865 CS

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4209 alternative water supply uses; amending s. 380.06, F.S.;

4210 providing additional exemptions from development of

4211 regional impact provisions for certain projects in

4212 proposed developments or redevelopments within an area

4213 designated in a comprehensive plan and for proposed

4214 developments within certain rural land stewardship areas;

4215 amending s. 380.115, F.S.; revising provisions relating to

4216 preserving vested rights and duties under development of

4217 regional impact guidelines and standards; revising

4218 procedures and requirements for governance and rescission

4219 of development-of-regional-impact development orders under

4220 changing guidelines and standards; requiring the Office of

4221 Program Policy Analysis and Government Accountability to

4222 conduct a study on adjustments to boundaries of regional

4223 planning councils, water management districts, and

4224 transportation districts; providing purposes; requiring a

4225 study report to the Governor and Legislature; amending s.

4226 1013.33, F.S.; revising provisions relating to

4227 coordination of educational facilities planning pursuant

4228 to certain interlocal agreements; revising procedures and

4229 requirements for updated agreements and agreement

4230 amendments; creating s. 1013.352, F.S.; creating a Charter

4231 School Incentive Program for Sustainable Schools;

4232 providing purposes; specifying conditions for eligibility

4233 for state funds; authorizing the Commissioner of Education

4234 to waive certain requirements and distribute certain funds

4235 to charter schools under certain circumstances;

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HOUSE AMENDMENT

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Amendment No. (for drafter's use only)

4236 prohibiting the commissioner from distributing funds to
4237 certain schools under certain circumstances; providing for
4238 ineligibility of certain schools for charter school outlay
4239 funding under certain circumstances; amending s. 1013.64,
4240 F.S.; requiring the Department of Education to establish a
4241 the High Growth County Facility Construction Account as a
4242 separate account within the Public Education Capital
4243 Outlay and Debt Service Trust Fund for certain purposes;
4244 specifying requirements for funding from the account;
4245 creating the School Concurrency Task Force; providing
4246 purposes; providing for membership; requiring a report to
4247 the Governor and Legislature; repealing s. 163.31776,
4248 F.S., relating to the public educational facilities
4249 element; requiring the Department of Transportation to
4250 allocate sufficient funds so implement the transportation
4251 provisions of the act; requiring the department to develop
4252 a plan to expend revenues and amend the current work
4253 program; requiring the department to submit a budget
4254 amendment for certain purposes; requiring a report to the
4255 Legislature; providing for funding for sustainable water
4256 supplies; providing an appropriation; providing for
4257 allocation of the appropriation; specifying uses of
4258 appropriations; providing for funding for sustainable
4259 schools; providing an appropriation; providing for
4260 allocation of the appropriation; specifying uses of the
4261 appropriation; providing for Statewide Technical
4262 Assistance for a Sustainable Florida; providing an

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Amendment No. (for drafter's use only)

4263 appropriation; specifying uses; requiring the Department
4264 of Community Affairs to report to the Governor and
4265 Legislature; specifying report requirements; providing an
4266 appropriation to the Department of Community Affairs for
4267 certain staffing purposes; providing an effective date.

4268
4269 WHEREAS, the Legislature finds and declares that the
4270 state's population has increased by approximately 3 million
4271 individuals each decade since 1970 to nearly 16 million
4272 individuals in 2000, and

4273 WHEREAS, increased populations have resulted in greater
4274 density concentrations in many areas around the state and
4275 created growth issues that increasingly overlap multiple local
4276 government jurisdictional and state agency district boundaries,
4277 and

4278 WHEREAS, development patterns throughout areas of the
4279 state, in conjunction with the implementation of growth
4280 management policies, have increasingly caused urban flight which
4281 has resulted in urban sprawl and cause capacity issues related
4282 to transportation facilities, public educational facilities, and
4283 water supply facilities, and

4284 WHEREAS, the Legislature recognizes that urban infill and
4285 redevelopment is a high state priority, and

4286 WHEREAS, consequently, the Legislature determines it in the
4287 best interests of the people of the state to undertake action to
4288 address these issues and work towards a sustainable Florida
4289 where facilities are planned and available concurrent with

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4290 existing and projected demands while protecting Florida's
4291 natural and environmental resources, rural and agricultural
4292 resources, and maintaining a viable and sustainable economy, and

4293 WHEREAS, the Legislature enacts measures in the law and
4294 earmarks funds for the 2005-2006 fiscal year intended to result
4295 in a reemphasis on urban infill and redevelopment, achieving and
4296 maintaining concurrency with transportation and public
4297 educational facilities, and instilling a sense of
4298 intergovernmental cooperation and coordination, and

4299 WHEREAS, the Legislature will establish a standing
4300 commission tasked with helping Floridians envision and plan
4301 their collective future with an eye towards both 25-year and 50-
4302 year horizons, NOW, THEREFORE,

4303

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