

Bill No. SB 360

Barcode 212616

578-1983C-05

Proposed Committee Substitute by the Committee on Community Affairs

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A bill to be entitled
An act relating to infrastructure funding;
amending s. 163.3164, F.S.; defining the term
"financial feasibility"; amending s. 163.3177,
F.S.; revising requirements for the capitol
improvements element of a comprehensive plan;
providing requirements for a local government
that prepares its own water supply analysis for
purposes of an element of the comprehensive
plan; authorizing planning for
multijurisdictional water supply facilities;
providing requirements for counties and
municipalities with respect to the public
school facilities element; requiring an
interlocal agreement; exempting certain
municipalities from such requirements;
requiring that the state land planning agency
establish a schedule for adopting and updating
the public school facilities element;
encouraging local governments to include
community vision and an urban service boundary
component to their comprehensive plans;
prescribing taxing authority of local
governments doing so; repealing s. 163.31776,
F.S., relating to the public educational
facilities element; amending s. 163.31777,
F.S.; revising the requirements for the public
schools interlocal agreement to conform to
changes made by the act; amending s. 163.3180,
F.S.; revising requirements for concurrency;
providing for schools to be subject to

Bill No. SB 360

Barcode 212616

578-1983C-05

1 concurrency requirements; requiring that an
2 adequate water supply be available for new
3 development; revising requirements for
4 transportation facilities; requiring that
5 certain level-of-service standards be
6 maintained; providing guidelines under which a
7 local government may grant an exception to the
8 comprehensive plan; revising the types of
9 impact that constitute a de minimis impact;
10 requiring local government to adopt
11 level-of-service standards for roadways on the
12 Strategic Intermodal System; requiring that
13 school concurrency be established districtwide;
14 providing certain exceptions; authorizing a
15 local government to approve a development order
16 if the developer executes a commitment to
17 mitigate the impacts on public school
18 facilities; providing requirements for such
19 proportionate-share mitigation; revising
20 requirements for interlocal agreements with
21 respect to public school facilities; amending
22 s. 163.3184, F.S.; prescribing authority of
23 local governments to adopt plan amendments
24 after adopting community vision and an urban
25 service boundary; providing a requirement with
26 respect to adoption of a plan amendment that
27 increases residential density; amending s.
28 163.3191, F.S.; providing additional
29 requirements for the evaluation and assessment
30 of the comprehensive plan for counties and
31 municipalities that do not have a public

Bill No. SB 360

Barcode 212616

578-1983C-05

1 schools interlocal agreement; amending s.
2 212.055, F.S.; revising permissible rates for
3 charter county transit system surtax; revising
4 methods for approving such a surtax; revising
5 methods for approving a local government
6 infrastructure surtax; revising a ceiling on
7 rates of small county surtaxes; revising
8 methods for approving a school capital outlay
9 surtax; amending s. 206.41, F.S.; providing for
10 annual adjustment of the ninth-cent fuel tax
11 and local option fuel tax; amending s. 336.021,
12 F.S.; limiting authority of a county to impose
13 the ninth-cent fuel tax without adopting a
14 community vision; amending s. 336.025, F.S.;
15 limiting authority of a county to impose the
16 local option fuel tax without adopting a
17 community vision; amending s. 339.135, F.S.,
18 relating to tentative work programs of the
19 Department of Transportation; conforming
20 provisions to changes made by the act; creating
21 s. 163.3247, F.S.; providing a popular name;
22 providing legislative findings and intent;
23 creating the Century Commission for certain
24 purposes; providing for appointment of
25 commission members; providing for terms;
26 providing for meetings and votes of members;
27 requiring members to serve without
28 compensation; providing for per diem and travel
29 expenses; providing powers and duties of the
30 commission; requiring the creation of a joint
31 select committee of the Legislature; providing

1 purposes; requiring the Secretary of Community
 2 Affairs to select an executive director of the
 3 commission; requiring the Department of
 4 Community Affairs to provide staff for the
 5 commission; providing for other agency staff
 6 support for the commission; providing an
 7 appropriation; providing effective dates.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Subsection (32) is added to section
 12 163.3164, Florida Statutes, to read:

13 163.3164 Local Government Comprehensive Planning and
 14 Land Development Regulation Act; definitions.--As used in this
 15 act:

16 (32) "Financial feasibility" means that sufficient
 17 revenues are currently available or will be available from
 18 committed funding sources available for financing capital
 19 improvements, such as ad valorem taxes, bonds, state and
 20 federal funds, tax revenues, and impact fees and developer
 21 contributions, which are adequate to fund the projected costs
 22 of the capital improvements necessary to ensure that adopted
 23 level-of-service standards are achieved and maintained. The
 24 revenue sources must be included in the 5-year schedule of
 25 capital improvements and be available during the established
 26 planning period of the comprehensive plan.

27 Section 2. Subsections (2), (3), (6), and (12) of
 28 section 163.3177, Florida Statutes, are amended, and
 29 subsections (13) and (14) are added to that section, to read:

30 163.3177 Required and optional elements of
 31 comprehensive plan; studies and surveys.--

Bill No. SB 360

Barcode 212616

578-1983C-05

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

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

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

17 2. Estimated public facility costs, including a
18 delineation of when facilities will be needed, the general
19 location of the facilities, and projected revenue sources to
20 fund the facilities.

21 3. Standards to ensure the availability of public
22 facilities and the adequacy of those facilities including
23 acceptable levels of service.

24 4. Standards for the management of debt.

25 5. A schedule of capital improvements which recognizes
26 and includes publicly funded projects, and which may include
27 privately funded projects for which the local government has
28 no fiscal responsibility but which are necessary to ensure
29 that adopted level-of-service standards are achieved and
30 maintained. For capital improvements that will be funded by
31 the developer, financial feasibility shall be demonstrated by

Bill No. SB 360

Barcode 212616

578-1983C-05

1 being guaranteed in an enforceable development agreement
2 pursuant to paragraph (10)(h) and shall be reflected in the
3 schedule of capital improvements. If the local government uses
4 planned revenue sources that require referenda or other
5 actions to secure the revenue source, the plan must, in the
6 event the referenda are not passed or actions do not secure
7 the planned revenue source, identify other existing revenue
8 sources that will be used to fund the capital projects or
9 otherwise amend the plan to ensure financial feasibility.

10 6. The schedule must include transportation
11 improvements included in the applicable metropolitan planning
12 organization's transportation improvement program adopted
13 pursuant to s. 339.175(7) to the extent that such improvements
14 are relied upon to ensure concurrency and financial
15 feasibility. The schedule must also be consistent, to the
16 maximum extent feasible, with the applicable metropolitan
17 planning organization's long-range transportation plan adopted
18 pursuant to s. 339.175(6).

19 (b) The capital improvements element shall be reviewed
20 on an annual basis and modified as necessary in accordance
21 with s. 163.3187 or s. 163.3189, in order to maintain a
22 financially feasible 5-year schedule of capital improvements
23 which are necessary to ensure that adopted level-of-service
24 standards are achieved and maintained except that corrections,
25 ~~updates,~~ and modifications concerning costs, ~~revenue sources,~~
26 ~~or,~~ acceptance of facilities pursuant to dedications which are
27 consistent with the plan, ~~or the date of construction of any~~
28 ~~facility enumerated in the capital improvements element~~ may be
29 accomplished by ordinance and shall not be deemed to be
30 amendments to the local comprehensive plan. A copy of the
31 ordinance shall be transmitted to the state land planning

Bill No. SB 360

Barcode 212616

578-1983C-05

1 agency. An amendment to the comprehensive plan is required to
2 update the schedule on an annual basis or to eliminate, defer,
3 or delay the construction for any facility listed in the
4 5-year schedule. All public facilities shall be consistent
5 with the capital improvements element. Amendments to implement
6 this section must be filed no later than December 1, 2007.
7 Thereafter, a local government may not amend its comprehensive
8 plan, except for plan amendments to update the schedule, plan
9 amendments to meet new requirements under this part, and
10 emergency amendments pursuant to s. 163.3187(1)(a), after
11 December 1 of every year and thereafter, unless and until the
12 local government has adopted the annual update and the annual
13 update to the schedule of capital improvements is found in
14 compliance.

15 (c) If the local government does not adopt the
16 required annual update to the schedule of capital improvements
17 or the annual update is found not in compliance, the state
18 land planning agency must notify the Administration
19 Commission. A local government that has a demonstrated lack of
20 commitment to meeting its obligations identified in the
21 capital improvement element may be subject to sanctions by the
22 Administration Commission pursuant to s. 163.3184(11).

23 (d) If a local government adopts a long-term
24 concurrency management system pursuant to s. 163.3180(9), it
25 must also adopt a long-term capital improvements schedule
26 covering up to a 10-year or 15-year period, and must update
27 the long-term schedule annually. The long-term schedule of
28 capital improvements must be financially feasible and
29 consistent with other portions of the adopted local plan,
30 including the future land-use map.

31 (6) In addition to the requirements of subsections

Bill No. SB 360

Barcode 212616

578-1983C-05

1 (1)-(5), the comprehensive plan shall include the following
2 elements:

3 (a) A future land use plan element designating
4 proposed future general distribution, location, and extent of
5 the uses of land for residential uses, commercial uses,
6 industry, agriculture, recreation, conservation, education,
7 public buildings and grounds, other public facilities, and
8 other categories of the public and private uses of land.
9 Counties are encouraged to designate rural land stewardship
10 areas, pursuant to the provisions of paragraph (11)(d), as
11 overlays on the future land use map. Each future land use
12 category must be defined in terms of uses included, and must
13 include standards to be followed in the control and
14 distribution of population densities and building and
15 structure intensities. The proposed distribution, location,
16 and extent of the various categories of land use shall be
17 shown on a land use map or map series which shall be
18 supplemented by goals, policies, and measurable objectives.
19 The future land use plan shall be based upon surveys, studies,
20 and data regarding the area, including the amount of land
21 required to accommodate anticipated growth; the projected
22 population of the area; the character of undeveloped land; the
23 availability of water supplies, public facilities, and
24 services; the need for redevelopment, including the renewal of
25 blighted areas and the elimination of nonconforming uses which
26 are inconsistent with the character of the community; the
27 compatibility of uses on lands adjacent to or closely
28 proximate to military installations; and, in rural
29 communities, the need for job creation, capital investment,
30 and economic development that will strengthen and diversify
31 the community's economy. The future land use plan may

Bill No. SB 360

Barcode 212616

578-1983C-05

1 designate areas for future planned development use involving
2 combinations of types of uses for which special regulations
3 may be necessary to ensure development in accord with the
4 principles and standards of the comprehensive plan and this
5 act. The future land use plan element shall include criteria
6 to be used to achieve the compatibility of adjacent or closely
7 proximate lands with military installations. In addition, for
8 rural communities, the amount of land designated for future
9 planned industrial use shall be based upon surveys and studies
10 that reflect the need for job creation, capital investment,
11 and the necessity to strengthen and diversify the local
12 economies, and shall not be limited solely by the projected
13 population of the rural community. The future land use plan of
14 a county may also designate areas for possible future
15 municipal incorporation. The land use maps or map series shall
16 generally identify and depict historic district boundaries and
17 shall designate historically significant properties meriting
18 protection. The future land use element must clearly identify
19 the land use categories in which public schools are an
20 allowable use. When delineating the land use categories in
21 which public schools are an allowable use, a local government
22 shall include in the categories sufficient land proximate to
23 residential development to meet the projected needs for
24 schools in coordination with public school boards and may
25 establish differing criteria for schools of different type or
26 size. Each local government shall include lands contiguous to
27 existing school sites, to the maximum extent possible, within
28 the land use categories in which public schools are an
29 allowable use. All comprehensive plans must comply with the
30 school siting requirements of this paragraph no later than
31 October 1, 1999. The failure by a local government to comply

Bill No. SB 360

Barcode 212616

578-1983C-05

1 with these school siting requirements by October 1, 1999, will
2 result in the prohibition of the local government's ability to
3 amend the local comprehensive plan, except for plan amendments
4 described in s. 163.3187(1)(b), until the school siting
5 requirements are met. Amendments proposed by a local
6 government for purposes of identifying the land use categories
7 in which public schools are an allowable use ~~or for adopting~~
8 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~
9 are exempt from the limitation on the frequency of plan
10 amendments contained in s. 163.3187. The future land use
11 element shall include criteria that encourage the location of
12 schools proximate to urban residential areas to the extent
13 possible and shall require that the local government seek to
14 collocate public facilities, such as parks, libraries, and
15 community centers, with schools to the extent possible and to
16 encourage the use of elementary schools as focal points for
17 neighborhoods. For schools serving predominantly rural
18 counties, defined as a county with a population of 100,000 or
19 fewer, an agricultural land use category shall be eligible for
20 the location of public school facilities if the local
21 comprehensive plan contains school siting criteria and the
22 location is consistent with such criteria. Local governments
23 required to update or amend their comprehensive plan to
24 include criteria and address compatibility of adjacent or
25 closely proximate lands with existing military installations
26 in their future land use plan element shall transmit the
27 update or amendment to the department by June 30, 2006.

28 (b) A traffic circulation element consisting of the
29 types, locations, and extent of existing and proposed major
30 thoroughfares and transportation routes, including bicycle and
31 pedestrian ways. Transportation corridors, as defined in s.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 334.03, may be designated in the traffic circulation element
2 pursuant to s. 337.273. If the transportation corridors are
3 designated, the local government may adopt a transportation
4 corridor management ordinance.

5 (c) A general sanitary sewer, solid waste, drainage,
6 potable water, and natural groundwater aquifer recharge
7 element correlated to principles and guidelines for future
8 land use, indicating ways to provide for future potable water,
9 drainage, sanitary sewer, solid waste, and aquifer recharge
10 protection requirements for the area. The element may be a
11 detailed engineering plan including a topographic map
12 depicting areas of prime groundwater recharge. The element
13 shall describe the problems and needs and the general
14 facilities that will be required for solution of the problems
15 and needs. The element shall also include a topographic map
16 depicting any areas adopted by a regional water management
17 district as prime groundwater recharge areas for the Floridan
18 or Biscayne aquifers, pursuant to s. 373.0395. These areas
19 shall be given special consideration when the local government
20 is engaged in zoning or considering future land use for said
21 designated areas. For areas served by septic tanks, soil
22 surveys shall be provided which indicate the suitability of
23 soils for septic tanks. By December 1, 2006, the element must
24 be consistent with ~~consider~~ the appropriate water management
25 district's regional water supply plan approved pursuant to s.
26 373.0361. If the local government chooses to prepare its own
27 water supply analysis, it shall submit a description of the
28 data and methodology used to generate the analysis to the
29 state land planning agency with its plan when the plan is due
30 for compliance review unless it has submitted it for advance
31 review. The state land planning agency shall evaluate the

Bill No. SB 360

Barcode 212616

578-1983C-05

1 application of the methodology used by a local government in
2 preparing its own water supply analysis and determine whether
3 the particular methodology is professionally accepted. If
4 advance review is requested, the state land planning agency
5 shall provide its findings to the local government within 60
6 days. The state land planning agency shall be guided by the
7 applicable water management district in its review of any
8 methodology proposed by a local government. The element must
9 identify the water supply sources, including conservation and
10 reuse, necessary to meet existing and projected water-use
11 demand and must include a work plan, covering the
12 comprehensive plan's established ~~at least a 10-year~~ planning
13 period, for building public, private, and regional water
14 supply facilities, including development of alternative water
15 supplies, which ~~that~~ are identified in the element as
16 necessary to serve existing and new development ~~and for which~~
17 ~~the local government is responsible.~~ The work plan shall be
18 updated, at a minimum, every 5 years within 12 months after
19 the governing board of a water management district approves an
20 updated regional water supply plan. Amendments to incorporate
21 the work plan do not count toward the limitation on the
22 frequency of adoption of amendments to the comprehensive plan.
23 Local governments, public and private utilities, regional
24 water supply authorities, and water management districts are
25 encouraged to cooperatively plan for the development of
26 multijurisdictional water supply facilities that are
27 sufficient to meet projected demands for established planning
28 periods, including the development of alternative water
29 sources to supplement traditional sources of ground and
30 surface water supplies.

31 (d) A conservation element for the conservation, use,

Bill No. SB 360

Barcode 212616

578-1983C-05

1 and protection of natural resources in the area, including
2 air, water, water recharge areas, wetlands, waterwells,
3 estuarine marshes, soils, beaches, shores, flood plains,
4 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
5 marine habitat, minerals, and other natural and environmental
6 resources. Local governments shall assess their current, as
7 well as projected, water needs and sources for at least a
8 10-year period, considering the appropriate regional water
9 supply plan approved pursuant to s. 373.0361, or, in the
10 absence of an approved regional water supply plan, the
11 district water management plan approved pursuant to s.
12 373.036(2). This information shall be submitted to the
13 appropriate agencies. The land use map or map series
14 contained in the future land use element shall generally
15 identify and depict the following:

- 16 1. Existing and planned waterwells and cones of
17 influence where applicable.
- 18 2. Beaches and shores, including estuarine systems.
- 19 3. Rivers, bays, lakes, flood plains, and harbors.
- 20 4. Wetlands.
- 21 5. Minerals and soils.

22
23 The land uses identified on such maps shall be consistent with
24 applicable state law and rules.

25 (e) A recreation and open space element indicating a
26 comprehensive system of public and private sites for
27 recreation, including, but not limited to, natural
28 reservations, parks and playgrounds, parkways, beaches and
29 public access to beaches, open spaces, and other recreational
30 facilities.

31 (f)1. A housing element consisting of standards,

1 plans, and principles to be followed in:

2 a. The provision of housing for all current and
3 anticipated future residents of the jurisdiction.

4 b. The elimination of substandard dwelling conditions.

5 c. The structural and aesthetic improvement of
6 existing housing.

7 d. The provision of adequate sites for future housing,
8 including housing for low-income, very low-income, and
9 moderate-income families, mobile homes, and group home
10 facilities and foster care facilities, with supporting
11 infrastructure and public facilities.

12 e. Provision for relocation housing and identification
13 of historically significant and other housing for purposes of
14 conservation, rehabilitation, or replacement.

15 f. The formulation of housing implementation programs.

16 g. The creation or preservation of affordable housing
17 to minimize the need for additional local services and avoid
18 the concentration of affordable housing units only in specific
19 areas of the jurisdiction.

20

21 The goals, objectives, and policies of the housing element
22 must be based on the data and analysis prepared on housing
23 needs, including the affordable housing needs assessment.
24 State and federal housing plans prepared on behalf of the
25 local government must be consistent with the goals,
26 objectives, and policies of the housing element. Local
27 governments are encouraged to utilize job training, job
28 creation, and economic solutions to address a portion of their
29 affordable housing concerns.

30 2. To assist local governments in housing data
31 collection and analysis and assure uniform and consistent

Bill No. SB 360

Barcode 212616

578-1983C-05

1 information regarding the state's housing needs, the state
2 land planning agency shall conduct an affordable housing needs
3 assessment for all local jurisdictions on a schedule that
4 coordinates the implementation of the needs assessment with
5 the evaluation and appraisal reports required by s. 163.3191.
6 Each local government shall utilize the data and analysis from
7 the needs assessment as one basis for the housing element of
8 its local comprehensive plan. The agency shall allow a local
9 government the option to perform its own needs assessment, if
10 it uses the methodology established by the agency by rule.

11 (g) For those units of local government identified in
12 s. 380.24, a coastal management element, appropriately related
13 to the particular requirements of paragraphs (d) and (e) and
14 meeting the requirements of s. 163.3178(2) and (3). The
15 coastal management element shall set forth the policies that
16 shall guide the local government's decisions and program
17 implementation with respect to the following objectives:

18 1. Maintenance, restoration, and enhancement of the
19 overall quality of the coastal zone environment, including,
20 but not limited to, its amenities and aesthetic values.

21 2. Continued existence of viable populations of all
22 species of wildlife and marine life.

23 3. The orderly and balanced utilization and
24 preservation, consistent with sound conservation principles,
25 of all living and nonliving coastal zone resources.

26 4. Avoidance of irreversible and irretrievable loss of
27 coastal zone resources.

28 5. Ecological planning principles and assumptions to
29 be used in the determination of suitability and extent of
30 permitted development.

31 6. Proposed management and regulatory techniques.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 7. Limitation of public expenditures that subsidize
2 development in high-hazard coastal areas.

3 8. Protection of human life against the effects of
4 natural disasters.

5 9. The orderly development, maintenance, and use of
6 ports identified in s. 403.021(9) to facilitate deepwater
7 commercial navigation and other related activities.

8 10. Preservation, including sensitive adaptive use of
9 historic and archaeological resources.

10 (h)1. An intergovernmental coordination element
11 showing relationships and stating principles and guidelines to
12 be used in the accomplishment of coordination of the adopted
13 comprehensive plan with the plans of school boards and other
14 units of local government or regional water authorities
15 providing services but not having regulatory authority over
16 the use of land, with the comprehensive plans of adjacent
17 municipalities, the county, adjacent counties, or the region,
18 with the state comprehensive plan and with the applicable
19 regional water supply plan approved pursuant to s. 373.0361,
20 as the case may require and as such adopted plans or plans in
21 preparation may exist. This element of the local
22 comprehensive plan shall demonstrate consideration of the
23 particular effects of the local plan, when adopted, upon the
24 development of adjacent municipalities, the county, adjacent
25 counties, or the region, or upon the state comprehensive plan,
26 as the case may require.

27 a. The intergovernmental coordination element shall
28 provide for procedures to identify and implement joint
29 planning areas, especially for the purpose of annexation,
30 municipal incorporation, and joint infrastructure service
31 areas.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 b. The intergovernmental coordination element shall
2 provide for recognition of campus master plans prepared
3 pursuant to s. 1013.30.

4 c. The intergovernmental coordination element may
5 provide for a voluntary dispute resolution process as
6 established pursuant to s. 186.509 for bringing to closure in
7 a timely manner intergovernmental disputes. A local
8 government may develop and use an alternative local dispute
9 resolution process for this purpose.

10 2. The intergovernmental coordination element shall
11 further state principles and guidelines to be used in the
12 accomplishment of coordination of the adopted comprehensive
13 plan with the plans of school boards and other units of local
14 government providing facilities and services but not having
15 regulatory authority over the use of land. In addition, the
16 intergovernmental coordination element shall describe joint
17 processes for collaborative planning and decisionmaking on
18 population projections and public school siting, the location
19 and extension of public facilities subject to concurrency, and
20 siting facilities with countywide significance, including
21 locally unwanted land uses whose nature and identity are
22 established in an agreement. Within 1 year of adopting their
23 intergovernmental coordination elements, each county, all the
24 municipalities within that county, the district school board,
25 and any unit of local government service providers in that
26 county shall establish by interlocal or other formal agreement
27 executed by all affected entities, the joint processes
28 described in this subparagraph consistent with their adopted
29 intergovernmental coordination elements.

30 3. To foster coordination between special districts
31 and local general-purpose governments as local general-purpose

Bill No. SB 360

Barcode 212616

578-1983C-05

1 governments implement local comprehensive plans, each
2 independent special district must submit a public facilities
3 report to the appropriate local government as required by s.
4 189.415.

5 4.a. Local governments ~~adopting a public educational~~
6 ~~facilities element pursuant to s. 163.31776~~ must execute an
7 interlocal agreement with the district school board, the
8 county, and nonexempt municipalities pursuant to s. 163.31777,
9 ~~as defined by s. 163.31776(1), which includes the items listed~~
10 ~~in s. 163.31777(2)~~. The local government shall amend the
11 intergovernmental coordination element to provide that
12 coordination between the local government and school board is
13 pursuant to the agreement and shall state the obligations of
14 the local government under the agreement.

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

17 5. The state land planning agency shall establish a
18 schedule for phased completion and transmittal of plan
19 amendments to implement subparagraphs 1., 2., and 3. from all
20 jurisdictions so as to accomplish their adoption by December
21 31, 1999. A local government may complete and transmit its
22 plan amendments to carry out these provisions prior to the
23 scheduled date established by the state land planning agency.
24 The plan amendments are exempt from the provisions of s.
25 163.3187(1).

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

30 a. Identifies all existing or proposed interlocal
31 service-delivery agreements regarding the following:

1 education; sanitary sewer; public safety; solid waste;
 2 drainage; potable water; parks and recreation; and
 3 transportation facilities.

4 b. Identifies any deficits or duplication in the
 5 provision of services within its jurisdiction, whether capital
 6 or operational. Upon request, the Department of Community
 7 Affairs shall provide technical assistance to the local
 8 governments in identifying deficits or duplication.

9 7. Within 6 months after submission of the report, the
 10 Department of Community Affairs shall, through the appropriate
 11 regional planning council, coordinate a meeting of all local
 12 governments within the regional planning area to discuss the
 13 reports and potential strategies to remedy any identified
 14 deficiencies or duplications.

15 8. Each local government shall update its
 16 intergovernmental coordination element based upon the findings
 17 in the report submitted pursuant to subparagraph 6. The report
 18 may be used as supporting data and analysis for the
 19 intergovernmental coordination element.

20 9. By February 1, 2003, representatives of
 21 municipalities, counties, and special districts shall provide
 22 to the Legislature recommended statutory changes for
 23 annexation, including any changes that address the delivery of
 24 local government services in areas planned for annexation.

25 (i) The optional elements of the comprehensive plan in
 26 paragraphs (7) (a) and (b) are required elements for those
 27 municipalities having populations greater than 50,000, and
 28 those counties having populations greater than 75,000, as
 29 determined under s. 186.901.

30 (j) For each unit of local government within an
 31 urbanized area designated for purposes of s. 339.175, a

1 transportation element, which shall be prepared and adopted in
 2 lieu of the requirements of paragraph (b) and paragraphs
 3 (7)(a), (b), (c), and (d) and which shall address the
 4 following issues:

5 1. Traffic circulation, including major thoroughfares
 6 and other routes, including bicycle and pedestrian ways.

7 2. All alternative modes of travel, such as public
 8 transportation, pedestrian, and bicycle travel.

9 3. Parking facilities.

10 4. Aviation, rail, seaport facilities, access to those
 11 facilities, and intermodal terminals.

12 5. The availability of facilities and services to
 13 serve existing land uses and the compatibility between future
 14 land use and transportation elements.

15 6. The capability to evacuate the coastal population
 16 prior to an impending natural disaster.

17 7. Airports, projected airport and aviation
 18 development, and land use compatibility around airports.

19 8. An identification of land use densities, building
 20 intensities, and transportation management programs to promote
 21 public transportation systems in designated public
 22 transportation corridors so as to encourage population
 23 densities sufficient to support such systems.

24 9. May include transportation corridors, as defined in
 25 s. 334.03, intended for future transportation facilities
 26 designated pursuant to s. 337.273. If transportation corridors
 27 are designated, the local government may adopt a
 28 transportation corridor management ordinance.

29 (k) An airport master plan, and any subsequent
 30 amendments to the airport master plan, prepared by a licensed
 31 publicly owned and operated airport under s. 333.06 may be

Bill No. SB 360

Barcode 212616

578-1983C-05

1 incorporated into the local government comprehensive plan by
2 the local government having jurisdiction under this act for
3 the area in which the airport or projected airport development
4 is located by the adoption of a comprehensive plan amendment.
5 In the amendment to the local comprehensive plan that
6 integrates the airport master plan, the comprehensive plan
7 amendment shall address land use compatibility consistent with
8 chapter 333 regarding airport zoning; the provision of
9 regional transportation facilities for the efficient use and
10 operation of the transportation system and airport;
11 consistency with the local government transportation
12 circulation element and applicable metropolitan planning
13 organization long-range transportation plans; and the
14 execution of any necessary interlocal agreements for the
15 purposes of the provision of public facilities and services to
16 maintain the adopted level of service standards for facilities
17 subject to concurrency; and may address airport-related or
18 aviation-related development. Development or expansion of an
19 airport consistent with the adopted airport master plan that
20 has been incorporated into the local comprehensive plan in
21 compliance with this part, and airport-related or
22 aviation-related development that has been addressed in the
23 comprehensive plan amendment that incorporates the airport
24 master plan, shall not be a development of regional impact.
25 Notwithstanding any other general law, an airport that has
26 received a development-of-regional-impact development order
27 pursuant to s. 380.06, but which is no longer required to
28 undergo development-of-regional-impact review pursuant to this
29 subsection, may abandon its development-of-regional-impact
30 order upon written notification to the applicable local
31 government. Upon receipt by the local government, the

1 development-of-regional-impact development order is void.

2 (12) A public school facilities element adopted to
3 implement a school concurrency program shall meet the
4 requirements of this subsection.

5 (a) In order to enact a public school facilities
6 element, the county and each municipality must adopt a
7 consistent public school facilities element and enter the
8 interlocal agreement pursuant to s. 163.31777. The state land
9 planning agency may provide a waiver to a county and to the
10 municipalities within the county if the utilization rate for
11 all schools within the district is less than 100 percent and
12 the projected 5-year capital outlay full-time equivalent
13 student growth rate is less than 10 percent. The state land
14 planning agency may, at its discretion, allow for a single
15 school to exceed the 100-percent limitation if it can be
16 demonstrated that the utilization rate for that single school
17 is not greater than 105 percent and there is no projected
18 growth in the capital outlay full-time equivalent student
19 population over the next 5 years. A municipality in a
20 nonexempt county is exempt if the municipality meets all of
21 the following criteria for having no significant impact on
22 school attendance:

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

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

31 3. The municipality has no public schools located

1 within its boundaries.

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

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

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

29 (d)(c) The element shall contain one or more
30 objectives for each goal, setting specific, measurable,
31 intermediate ends that are achievable and mark progress toward

Bill No. SB 360

Barcode 212616

578-1983C-05

1 the goal.

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

6 ~~(f)(e)~~ The objectives and policies shall address items
7 such as:

- 8 1. The procedure for an annual update process;
- 9 2. The procedure for school site selection;
- 10 3. The procedure for school permitting;
- 11 4. Provision of ~~supporting~~ infrastructure necessary to
12 support proposed schools, including potable water, wastewater,
13 drainage, solid waste, transportation, and means by which to
14 assure safe access to schools, including sidewalks, bicycle
15 paths, turn lanes, and signalization;
- 16 5. Provision of colocation of other public facilities,
17 such as parks, libraries, and community centers, in proximity
18 to public schools;
- 19 6. Provision of location of schools proximate to
20 residential areas and to complement patterns of development,
21 including the location of future school sites so they serve as
22 community focal points;
- 23 7. Measures to ensure compatibility of school sites
24 and surrounding land uses;
- 25 8. Coordination with adjacent local governments and
26 the school district on emergency preparedness issues,
27 including the use of public schools to serve as emergency
28 shelters; and
- 29 9. Coordination with the future land use element.

30 ~~(g)(f)~~ The element shall include one or more future
31 conditions maps which depict the anticipated location of

Bill No. SB 360

Barcode 212616

578-1983C-05

1 educational and ancillary plants, including the general
2 location of improvements to existing schools or new schools
3 anticipated over the 5-year, or long-term planning period. The
4 maps will of necessity be general for the long-term planning
5 period and more specific for the 5-year period. Maps
6 indicating general locations of future schools or school
7 improvements may not prescribe a land use on a particular
8 parcel of land.

9 (h) The state land planning agency shall establish a
10 phased schedule for adoption of the public school facilities
11 element and the required updates to the public schools
12 interlocal agreement pursuant to s. 163.31777. The schedule
13 shall provide for each county and local government within the
14 county to adopt the element and update to the agreement no
15 later than December 1, 2008. Plan amendments to adopt a public
16 school facilities element are exempt from the provisions of s.
17 163.3187(1).

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 (b) The local government must discuss the following
2 topics as part of the workshops and public meetings required
3 under paragraph (a):

4 1. Future growth in the area using population
5 forecasts from the Bureau of Economic and Business Research;

6 2. Priorities for economic development;

7 3. Preservation of open space, environmentally
8 sensitive lands, and agricultural lands;

9 4. Appropriate areas and standards for mixed-use
10 development;

11 5. Appropriate areas and standards for high-density
12 commercial and residential development;

13 6. Appropriate areas and standards for
14 economic-development opportunities and employment centers;

15 7. Provisions for adequate workforce housing;

16 8. An efficient, interconnected multimodal
17 transportation system; and

18 9. Opportunities to create land use patterns that
19 accommodate the issues listed in subparagraphs 1.-8.

20 (c) As part of the workshops and public meetings, the
21 local government must discuss strategies for implementing the
22 topics listed under paragraph (b), including:

23 1. Strategies to preserve open space, environmentally
24 sensitive lands, and agricultural lands, including a program
25 for the transfer of development rights;

26 2. Incentives for mixed-use development, including
27 increased height and intensity standards for buildings that
28 provide residential use in combination with office or
29 commercial space;

30 3. Incentives for workforce housing;

31 4. Designation of an urban service boundary pursuant

Bill No. SB 360

Barcode 212616

578-1983C-05

1 to subsection (2); and

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

6 (d) The community vision must reflect the community's
7 shared concept for growth and development of the community,
8 including visual representations depicting the desired
9 land-use patterns and character of the community during a
10 10-year planning timeframe.

11 (e) After the workshops and public hearings required
12 under paragraph (a) are held, the local government may amend
13 its comprehensive plan to include the community vision as an
14 element in the plan. The plan amendment must be adopted at a
15 meeting of the governing body other than those required under
16 paragraph (a). This plan amendment must be consistent with
17 this part.

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

21 (g) A county that has adopted a community vision may
22 levy a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option
23 fuel tax by a majority vote of its governing body in
24 accordance with s. 336.025(1)(b).

25 (h) A county that has adopted a community vision may
26 levy the ninth-cent fuel tax by a majority vote of its
27 governing body in accordance with s. 336.021(1)(a).

28 (14) Local governments are also encouraged to
29 designate an urban service boundary. This area must be
30 appropriate for compact, contiguous urban development within a
31 10-year planning timeframe. The urban service area boundary

Bill No. SB 360

Barcode 212616

578-1983C-05

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

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

22 (b)1. After the workshops and public hearings required
23 under paragraph (a) are held, the local government may amend
24 its comprehensive plan to include the urban service boundary.
25 The plan amendment must be adopted at a meeting of the
26 governing body other than those required under paragraph (a).
27 This plan amendment must be consistent with this part.

28 2. This subsection does not prohibit new development
29 outside an urban service boundary. However, a local government
30 that establishes an urban service boundary under this
31 subsection is encouraged to require a full-cost accounting

Bill No. SB 360

Barcode 212616

578-1983C-05

1 analysis for any new development outside the boundary and to
2 consider the results of that analysis when adopting a plan
3 amendment for property outside the established urban service
4 boundary.

5 (c) Amendments submitted under this subsection are
6 exempt from the limitation on the frequency of plan amendments
7 in s. 163.3187.

8 (d) A county that has adopted a community vision under
9 subsection (13) and an urban service boundary under this
10 subsection as part of its comprehensive plan may levy the
11 charter county transit system surtax by a majority vote of the
12 governing body in accordance with s. 212.055(1).

13 (e) A county that has adopted a community vision under
14 subsection (13) and an urban service boundary under this
15 subsection may levy the local government infrastructure surtax
16 by a majority vote of its governing body in accordance with s.
17 212.055(2).

18 (f) A small county that has adopted a community vision
19 under subsection (13) and an urban service boundary under this
20 subsection may levy the local government infrastructure surtax
21 in accordance with s. 212.055(2) and the small county surtax
22 in accordance with s. 212.055(3) by a majority vote of its
23 governing body for a combined rate of up to 2 percent.

24 Section 3. Section 163.31776, Florida Statutes, is
25 repealed.

26 Section 4. Section 163.31777, Florida Statutes, is
27 amended to read:

28 163.31777 Public schools interlocal agreement.--

29 (1)(a) The county and municipalities located within
30 the geographic area of a school district shall enter into an
31 interlocal agreement with the district school board which

Bill No. SB 360

Barcode 212616

578-1983C-05

1 jointly establishes the specific ways in which the plans and
2 processes of the district school board and the local
3 governments are to be coordinated. The interlocal agreements
4 shall be submitted to the state land planning agency and the
5 Office of Educational Facilities and the SMART Schools
6 Clearinghouse in accordance with a schedule published by the
7 state land planning agency.

8 (b) The schedule must establish staggered due dates
9 for submission of interlocal agreements that are executed by
10 both the local government and the district school board,
11 commencing on March 1, 2003, and concluding by December 1,
12 2004, and must set the same date for all governmental entities
13 within a school district. However, if the county where the
14 school district is located contains more than 20
15 municipalities, the state land planning agency may establish
16 staggered due dates for the submission of interlocal
17 agreements by these municipalities. The schedule must begin
18 with those areas where both the number of districtwide
19 capital-outlay full-time-equivalent students equals 80 percent
20 or more of the current year's school capacity and the
21 projected 5-year student growth is 1,000 or greater, or where
22 the projected 5-year student growth rate is 10 percent or
23 greater.

24 (c) If the student population has declined over the
25 5-year period preceding the due date for submittal of an
26 interlocal agreement by the local government and the district
27 school board, the local government and the district school
28 board may petition the state land planning agency for a waiver
29 of one or more requirements of subsection (2). The waiver must
30 be granted if the procedures called for in subsection (2) are
31 unnecessary because of the school district's declining school

Bill No. SB 360

Barcode 212616

578-1983C-05

1 age population, considering the district's 5-year facilities
2 work program prepared pursuant to s. 1013.35. The state land
3 planning agency may modify or revoke the waiver upon a finding
4 that the conditions upon which the waiver was granted no
5 longer exist. The district school board and local governments
6 must submit an interlocal agreement within 1 year after
7 notification by the state land planning agency that the
8 conditions for a waiver no longer exist.

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 potential for sanctions.

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

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

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

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

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

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

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

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

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

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 (3) (a) The Office of Educational Facilities and SMART
2 Schools Clearinghouse shall submit any comments or concerns
3 regarding the executed interlocal agreement to the state land
4 planning agency within 30 days after receipt of the executed
5 interlocal agreement. The state land planning agency shall
6 review the executed interlocal agreement to determine whether
7 it is consistent with the requirements of subsection (2), the
8 adopted local government comprehensive plan, and other
9 requirements of law. Within 60 days after receipt of an
10 executed interlocal agreement, the state land planning agency
11 shall publish a notice of intent in the Florida Administrative
12 Weekly and shall post a copy of the notice on the agency's
13 Internet site. The notice of intent must state whether the
14 interlocal agreement is consistent or inconsistent with the
15 requirements of subsection (2) and this subsection, as
16 appropriate.

17 (b) The state land planning agency's notice is subject
18 to challenge under chapter 120; however, an affected person,
19 as defined in s. 163.3184(1)(a), has standing to initiate the
20 administrative proceeding, and this proceeding is the sole
21 means available to challenge the consistency of an interlocal
22 agreement required by this section with the criteria contained
23 in subsection (2) and this subsection. In order to have
24 standing, each person must have submitted oral or written
25 comments, recommendations, or objections to the local
26 government or the school board before the adoption of the
27 interlocal agreement by the school board and local government.
28 The district school board and local governments are parties to
29 any such proceeding. In this proceeding, when the state land
30 planning agency finds the interlocal agreement to be
31 consistent with the criteria in subsection (2) and this

Bill No. SB 360

Barcode 212616

578-1983C-05

1 subsection, the interlocal agreement shall be determined to be
2 consistent with subsection (2) and this subsection if the
3 local government's and school board's determination of
4 consistency is fairly debatable. When the state planning
5 agency finds the interlocal agreement to be inconsistent with
6 the requirements of subsection (2) and this subsection, the
7 local government's and school board's determination of
8 consistency shall be sustained unless it is shown by a
9 preponderance of the evidence that the interlocal agreement is
10 inconsistent.

11 (c) If the state land planning agency enters a final
12 order that finds that the interlocal agreement is inconsistent
13 with the requirements of subsection (2) or this subsection, it
14 shall forward it to the Administration Commission, which may
15 impose sanctions against the local government pursuant to s.
16 163.3184(11) and may impose sanctions against the district
17 school board by directing the Department of Education to
18 withhold from the district school board an equivalent amount
19 of funds for school construction available pursuant to ss.
20 1013.65, 1013.68, 1013.70, and 1013.72.

21 (4) If an executed interlocal agreement is not timely
22 submitted to the state land planning agency for review, the
23 state land planning agency shall, within 15 working days after
24 the deadline for submittal, issue to the local government and
25 the district school board a Notice to Show Cause why sanctions
26 should not be imposed for failure to submit an executed
27 interlocal agreement by the deadline established by the
28 agency. The agency shall forward the notice and the responses
29 to the Administration Commission, which may enter a final
30 order citing the failure to comply and imposing sanctions
31 against the local government and district school board by

1 directing the appropriate agencies to withhold at least 5
 2 percent of state funds pursuant to s. 163.3184(11) and by
 3 directing the Department of Education to withhold from the
 4 district school board at least 5 percent of funds for school
 5 construction available pursuant to ss. 1013.65, 1013.68,
 6 1013.70, and 1013.72.

7 (5) Any local government transmitting a public school
 8 element to implement school concurrency pursuant to the
 9 requirements of s. 163.3180 before the effective date of this
 10 section is not required to amend the element or any interlocal
 11 agreement to conform with the provisions of this section if
 12 the element is adopted prior to or within 1 year after the
 13 effective date of this section and remains in effect.

14 (6) Except as provided in subsection (7),
 15 municipalities meeting the exemption criteria in s.
 16 163.3177(12) ~~having no established need for a new school~~
 17 ~~facility and meeting the following criteria~~ are exempt from
 18 the requirements of subsections (1), (2), and (3).~~;~~

19 ~~(a) The municipality has no public schools located~~
 20 ~~within its boundaries.~~

21 ~~(b) The district school board's 5-year facilities work~~
 22 ~~program and the long-term 10-year and 20-year work programs,~~
 23 ~~as provided in s. 1013.35, demonstrate that no new school~~
 24 ~~facility is needed in the municipality. In addition, the~~
 25 ~~district school board must verify in writing that no new~~
 26 ~~school facility will be needed in the municipality within the~~
 27 ~~5-year and 10-year timeframes.~~

28 (7) At the time of the evaluation and appraisal
 29 report, each exempt municipality shall assess the extent to
 30 which it continues to meet the criteria for exemption under s.
 31 163.3177(12) ~~subsection (6)~~. If the municipality continues to

Bill No. SB 360

Barcode 212616

578-1983C-05

1 meet these criteria ~~and the district school board verifies in~~
2 ~~writing that no new school facilities will be needed within~~
3 ~~the 5-year and 10-year timeframes~~, the municipality shall
4 continue to be exempt from the interlocal-agreement
5 requirement. Each municipality exempt under s. 163.3177(12)
6 ~~subsection (6)~~ must comply with the provisions of this section
7 within 1 year after the district school board proposes, in its
8 5-year district facilities work program, a new school within
9 the municipality's jurisdiction.

10 Section 5. Section 163.3180, Florida Statutes, is
11 amended to read:

12 163.3180 Concurrency.--

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

23 (b) Local governments shall use professionally
24 accepted techniques for measuring level of service for
25 automobiles, bicycles, pedestrians, transit, and trucks.
26 These techniques may be used to evaluate increased
27 accessibility by multiple modes and reductions in vehicle
28 miles of travel in an area or zone. The Department of
29 Transportation shall develop methodologies to assist local
30 governments in implementing this multimodal level-of-service
31 analysis. The Department of Community Affairs and the

1 Department of Transportation shall provide technical
2 assistance to local governments in applying these
3 methodologies.

4 (2)(a) Consistent with public health and safety,
5 sanitary sewer, solid waste, drainage, adequate water
6 supplies, and potable water facilities shall be in place and
7 available to serve new development no later than ~~the issuance~~
8 ~~by the local government's approval to commence construction~~
9 ~~government of a certificate of occupancy~~ or its functional
10 equivalent.

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

24 (c) Consistent with the public welfare, and except as
25 otherwise provided in this section, transportation facilities
26 ~~designated as part of the Florida Intrastate Highway System~~
27 needed to serve new development shall be in place when the
28 local government approves the commencement of construction of
29 each stage or phase of the development, or the facility must
30 be or under actual construction within 3 ~~not more than 5~~ years
31 after the date of the local government's approval to commence

1 ~~construction of each stage or phase of the development.~~
2 ~~issuance by the local government of a certificate of occupancy~~
3 ~~or its functional equivalent. Other transportation facilities~~
4 ~~needed to serve new development shall be in place or under~~
5 ~~actual construction no more than 3 years after issuance by the~~
6 ~~local government of a certificate of occupancy or its~~
7 ~~functional equivalent.~~

8 (3) Governmental entities that are not responsible for
9 providing, financing, operating, or regulating public
10 facilities needed to serve development may not establish
11 binding level-of-service standards on governmental entities
12 that do bear those responsibilities. This subsection does not
13 limit the authority of any agency to recommend or make
14 objections, recommendations, comments, or determinations
15 during reviews conducted under s. 163.3184.

16 (4)(a) The concurrency requirement as implemented in
17 local comprehensive plans applies to state and other public
18 facilities and development to the same extent that it applies
19 to all other facilities and development, as provided by law.

20 (b) The concurrency requirement as implemented in
21 local comprehensive plans does not apply to public transit
22 facilities. For the purposes of this paragraph, public
23 transit facilities include transit stations and terminals,
24 transit station parking, park-and-ride lots, intermodal public
25 transit connection or transfer facilities, and fixed bus,
26 guideway, and rail stations. As used in this paragraph, the
27 terms "terminals" and "transit facilities" do not include
28 airports or seaports or commercial or residential development
29 constructed in conjunction with a public transit facility.

30 (c) The concurrency requirement, except as it relates
31 to transportation facilities, as implemented in local

Bill No. SB 360

Barcode 212616

578-1983C-05

1 government comprehensive plans, may be waived by a local
2 government for urban infill and redevelopment areas designated
3 pursuant to s. 163.2517 if such a waiver does not endanger
4 public health or safety as defined by the local government in
5 its local government comprehensive plan. The waiver shall be
6 adopted as a plan amendment pursuant to the process set forth
7 in s. 163.3187(3)(a). A local government may grant a
8 concurrency exception pursuant to subsection (5) for
9 transportation facilities located within these urban infill
10 and redevelopment areas. Within the designated urban infill
11 and redevelopment areas, the adopted level-of-service
12 standards established by the Department of Transportation for
13 Strategic Intermodal System facilities, as defined in s.
14 339.64, must be maintained unless a variance pursuant to s.
15 120.542 has been issued.

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

29 (b) A local government may grant an exception from the
30 concurrency requirement for transportation facilities if the
31 proposed development is otherwise consistent with the adopted

1 local government comprehensive plan and is a project that
2 promotes public transportation or is located within an area
3 designated in the comprehensive plan for:

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

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

18 (d) A local government shall establish guidelines for
19 granting the exceptions authorized in paragraphs (b) and (c)
20 in the comprehensive plan. These guidelines must be consistent
21 with and support a comprehensive strategy outlined within
22 applicable chapters of the plan which are intended to promote
23 the purpose of the exception as specified in paragraphs (4)(c)
24 and paragraphs (a)-(c). These guidelines, at a minimum, must
25 address strategies to support and fund alternative modes of
26 transportation to provide for mobility and other measures,
27 such as proportionate-share mitigation or corridor management
28 plans pursuant to s. 337.273, to ensure adequate
29 level-of-service standards for facilities within the
30 designated concurrency exception area. In addition, the
31 guidelines must address urban design; appropriate land use

Bill No. SB 360

Barcode 212616

578-1983C-05

1 mixes, including intensity and density; and network
2 connectivity plans needed to promote urban infill,
3 redevelopment, or downtown revitalization. Designation of the
4 concurrency exception area shall be accompanied by data and
5 analysis justifying the size of the area and demonstrating how
6 subsequent policies will be implemented over a 5-year
7 timeframe. Within the designated concurrency exception area,
8 the adopted level-of-service standards established by the
9 Department of Transportation for Strategic Intermodal System
10 facilities, as defined in s. 339.64, must be maintained unless
11 a variance pursuant to s. 120.542 has been issued ~~must include~~
12 consideration of the impacts on the Florida Intrastate Highway
13 System, as defined in s. 338.001. The exceptions may be
14 available only within the specific geographic area of the
15 jurisdiction designated in the plan. Pursuant to s. 163.3184,
16 any affected person may challenge a plan amendment
17 establishing these guidelines and the areas within which an
18 exception could be granted.

19 (e) Each concurrency-exception area shall meet, at a
20 minimum, the guidelines included in paragraph (d) at the time
21 of its adoption, or the update of the evaluation and appraisal
22 report, whichever occurs first.

23 (6) The Legislature finds that a de minimis impact is
24 consistent with this part. A de minimis impact is an impact
25 that would not affect more than 1 percent of the maximum
26 volume at the adopted level of service of the affected
27 transportation facility as determined by the local government.
28 No impact will be de minimis if the sum of existing roadway
29 volumes and the projected volumes from approved projects on a
30 transportation facility would exceed 110 percent of the
31 maximum volume at the adopted level of service of the affected

Bill No. SB 360

Barcode 212616

578-1983C-05

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

21 (7) In order to promote infill development and
22 redevelopment, one or more transportation concurrency
23 management areas may be designated in a local government
24 comprehensive plan. A transportation concurrency management
25 area must be a compact geographic area with an existing
26 network of roads where multiple, viable alternative travel
27 paths or modes are available for common trips. A local
28 government may establish an areawide level-of-service standard
29 for such a transportation concurrency management area based
30 upon an analysis that provides for a justification for the
31 areawide level of service, how urban infill development or

Bill No. SB 360

Barcode 212616

578-1983C-05

1 redevelopment will be promoted, and how mobility will be
2 accomplished within the transportation concurrency management
3 area. Within the designated transportation concurrency
4 exception area, the adopted level-of-service standards
5 established by the Department of Transportation for Strategic
6 Intermodal System facilities, as defined in s. 339.64, must be
7 maintained unless a variance pursuant to s. 120.542 has been
8 issued. The state land planning agency shall amend chapter
9 9J-5, Florida Administrative Code, to be consistent with this
10 subsection.

11 (8) When assessing the transportation impacts of
12 proposed urban redevelopment within an established existing
13 urban service area, 110 percent of the actual transportation
14 impact caused by the previously existing development must be
15 reserved for the redevelopment, even if the previously
16 existing development has a lesser or nonexistent impact
17 pursuant to the calculations of the local government.
18 Redevelopment requiring less than 110 percent of the
19 previously existing capacity shall not be prohibited due to
20 the reduction of transportation levels of service below the
21 adopted standards. This does not preclude the appropriate
22 assessment of fees or accounting for the impacts within the
23 concurrency management system and capital improvements program
24 of the affected local government. This paragraph does not
25 affect local government requirements for appropriate
26 development permits.

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

Bill No. SB 360

Barcode 212616

578-1983C-05

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

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

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

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

30 (d) If the local government adopts a long-term
31 concurrency management system, it must evaluate the system

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

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

1 (11) In order to limit the liability of local
 2 governments, a local government may allow a landowner to
 3 proceed with development of a specific parcel of land
 4 notwithstanding a failure of the development to satisfy
 5 transportation concurrency, when all the following factors are
 6 shown to exist:

7 (a) The local government with jurisdiction over the
 8 property has adopted a local comprehensive plan that is in
 9 compliance.

10 (b) The proposed development would be consistent with
 11 the future land use designation for the specific property and
 12 with pertinent portions of the adopted local plan, as
 13 determined by the local government.

14 (c) The local plan includes a financially feasible
 15 capital improvements element that provides for transportation
 16 facilities adequate to serve the proposed development, and the
 17 local government has not implemented that element.

18 (d) The local government has provided a means by which
 19 the landowner will be assessed a fair share of the cost of
 20 providing the transportation facilities necessary to serve the
 21 proposed development.

22 (e) The landowner has made a binding commitment to the
 23 local government to pay the fair share of the cost of
 24 providing the transportation facilities to serve the proposed
 25 development.

26 (12) When authorized by a local comprehensive plan, a
 27 multiuse development of regional impact may satisfy the
 28 transportation concurrency requirements of the local
 29 comprehensive plan, the local government's concurrency
 30 management system, and s. 380.06 by payment of a
 31 proportionate-share contribution for local and regionally

Bill No. SB 360

Barcode 212616

578-1983C-05

1 significant traffic impacts, if:

2 (a) The development of regional impact meets or
3 exceeds the guidelines and standards of s. 380.0651(3)(i) and
4 rule 28-24.032(2), Florida Administrative Code, and includes a
5 residential component that contains at least 100 residential
6 dwelling units or 15 percent of the applicable residential
7 guideline and standard, whichever is greater;

8 (b) The development of regional impact contains an
9 integrated mix of land uses and is designed to encourage
10 pedestrian or other nonautomotive modes of transportation;

11 (c) The proportionate-share contribution for local and
12 regionally significant traffic impacts is sufficient to pay
13 for one or more required improvements that will benefit a
14 regionally significant transportation facility;

15 (d) The owner and developer of the development of
16 regional impact pays or assures payment of the
17 proportionate-share contribution; and

18 (e) If the regionally significant transportation
19 facility to be constructed or improved is under the
20 maintenance authority of a governmental entity, as defined by
21 s. 334.03(12), other than the local government with
22 jurisdiction over the development of regional impact, the
23 developer is required to enter into a binding and legally
24 enforceable commitment to transfer funds to the governmental
25 entity having maintenance authority or to otherwise assure
26 construction or improvement of the facility.

27
28 The proportionate-share contribution may be applied to any
29 transportation facility to satisfy the provisions of this
30 subsection and the local comprehensive plan, but, for the
31 purposes of this subsection, the amount of the

1 proportionate-share contribution shall be calculated based
 2 upon the cumulative number of trips from the proposed
 3 development expected to reach roadways during the peak hour
 4 from the complete buildout of a stage or phase being approved,
 5 divided by the change in the peak hour maximum service volume
 6 of roadways resulting from construction of an improvement
 7 necessary to maintain the adopted level of service, multiplied
 8 by the construction cost, at the time of developer payment, of
 9 the improvement necessary to maintain the adopted level of
 10 service. For purposes of this subsection, "construction cost"
 11 includes all associated costs of the improvement.

12 (13) School concurrency, ~~if imposed by local option,~~
 13 shall be established on a districtwide basis and shall include
 14 all public schools in the district and all portions of the
 15 district, whether located in a municipality or an
 16 unincorporated area unless exempt from the public school
 17 facilities element pursuant to s. 163.3177(12). The
 18 development of school concurrency shall be accomplished
 19 through a coordinated process including the local school
 20 district, local government, and the local planning agency. The
 21 application of school concurrency to development shall be
 22 based upon the adopted comprehensive plan, as amended. All
 23 local governments within a county, except as provided in
 24 paragraph (f), shall adopt and transmit to the state land
 25 planning agency the necessary plan amendments, along with the
 26 interlocal agreement, for a compliance review pursuant to s.
 27 163.3184(7) and (8). ~~School concurrency shall not become~~
 28 ~~effective in a county until all local governments, except as~~
 29 ~~provided in paragraph (f), have adopted the necessary plan~~
 30 ~~amendments, which together with the interlocal agreement, are~~
 31 ~~determined to be in compliance with the requirements of this~~

1 ~~part.~~ The minimum requirements for school concurrency are the
2 following:

3 (a) Public school facilities element.--A local
4 government shall adopt and transmit to the state land planning
5 agency a plan or plan amendment which includes a public school
6 facilities element which is consistent with the requirements
7 of s. 163.3177(12) and which is determined to be in compliance
8 as defined in s. 163.3184(1)(b). All local government public
9 school facilities plan elements within a county must be
10 consistent with each other as well as the requirements of this
11 part.

12 (b) Level-of-service standards.--The Legislature
13 recognizes that an essential requirement for a concurrency
14 management system is the level of service at which a public
15 facility is expected to operate.

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

22 2. Public school level-of-service standards shall be
23 included and adopted into the capital improvements element of
24 the local comprehensive plan and shall apply districtwide to
25 all schools of the same type. Types of schools may include
26 elementary, middle, and high schools as well as special
27 purpose facilities such as magnet schools.

28 3. Local governments and school boards shall have the
29 option to utilize tiered level-of-service standards to allow
30 time to achieve an adequate and desirable level of service as
31 circumstances warrant.

1 (c) Service areas.--The Legislature recognizes that an
 2 essential requirement for a concurrency system is a
 3 designation of the area within which the level of service will
 4 be measured when an application for a residential development
 5 permit is reviewed for school concurrency purposes. This
 6 delineation is also important for purposes of determining
 7 whether the local government has a financially feasible public
 8 school capital facilities program that will provide schools
 9 which will achieve and maintain the adopted level-of-service
 10 standards.

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

24 2. For local governments applying school concurrency
 25 on a less than districtwide basis, such as utilizing school
 26 attendance zones or larger school concurrency service areas,
 27 local governments and school boards shall have the burden to
 28 demonstrate that the utilization of school capacity is
 29 maximized to the greatest extent possible in the comprehensive
 30 plan and amendment, taking into account transportation costs
 31 and court-approved desegregation plans, as well as other

Bill No. SB 360

Barcode 212616

578-1983C-05

1 factors. In addition, in order to achieve concurrency within
2 the service area boundaries selected by local governments and
3 school boards, the service area boundaries, together with the
4 standards for establishing those boundaries, shall be
5 identified ~~and~~, included as supporting data and analysis for,
6 ~~and adopted as part of the comprehensive plan. Any subsequent~~
7 ~~change to the service area boundaries for purposes of a school~~
8 ~~concurrency system shall be by plan amendment and shall be~~
9 ~~exempt from the limitation on the frequency of plan amendments~~
10 ~~in s. 163.3187(1).~~

11 3. Where school capacity is available on a
12 districtwide basis but school concurrency is applied on a less
13 than districtwide basis in the form of concurrency service
14 areas, if the adopted level-of-service standard cannot be met
15 in a particular service area as applied to an application for
16 a development permit through mitigation or other measures and
17 if the needed capacity for the particular service area is
18 available in one or more contiguous service areas, as adopted
19 by the local government, then the development order may not
20 shall be denied on the basis of school concurrency, and if
21 issued, development impacts shall be shifted to contiguous
22 service areas with schools having available capacity and
23 mitigation measures shall not be exacted.

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

1 governments more accountable.

2 1. A comprehensive plan amendment seeking to impose
3 school concurrency shall contain appropriate amendments to the
4 capital improvements element of the comprehensive plan,
5 consistent with the requirements of s. 163.3177(3) and rule
6 9J-5.016, Florida Administrative Code. The capital
7 improvements element shall set forth a financially feasible
8 public school capital facilities program, established in
9 conjunction with the school board, that demonstrates that the
10 adopted level-of-service standards will be achieved and
11 maintained.

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

18 3. When the financial feasibility of a public school
19 capital facilities program is evaluated by the state land
20 planning agency for purposes of a compliance determination,
21 the evaluation shall be based upon the service areas selected
22 by the local governments and school board.

23 (e) Availability standard.--Consistent with the public
24 welfare, a local government may not deny a development order
25 or its functional equivalent ~~permit~~ authorizing residential
26 development for failure to achieve and maintain the
27 level-of-service standard for public school capacity in a
28 local option school concurrency system where adequate school
29 facilities will be in place or under actual construction
30 within 3 years after ~~permit~~ issuance of subdivision or site
31 plan approval, or its functional equivalent. However, the

Bill No. SB 360

Barcode 212616

578-1983C-05

1 development order may be approved if the developer executes a
2 legally binding commitment to provide mitigation proportionate
3 to the demand for public school facilities to be created by
4 actual development of the property, including, but not limited
5 to, the options described in subparagraph 1. Options for
6 proportionate-share mitigation of impacts on public school
7 facilities shall be established in the public school
8 facilities element and the interlocal agreement pursuant to s.
9 163.31777.

10 1. Appropriate mitigation options include the
11 contribution of land; the construction, expansion, or payment
12 for land acquisition or construction of a public school
13 facility; or the creation of mitigation banking based on the
14 construction of a public school facility in exchange for the
15 right to sell capacity credits. Such options must include
16 execution by the applicant and the local government of a
17 binding development agreement pursuant to ss.
18 163.3220-163.3243 which constitutes a legally binding
19 commitment to pay proportionate-share mitigation for the
20 additional residential units approved by the local government
21 in a development order and actually developed on the property,
22 taking into account residential density allowed on the
23 property prior to the plan amendment that increased overall
24 residential density. The district school board shall be a
25 party to such an agreement. As a condition of its entry into
26 such a development agreement, the local government may require
27 the landowner to agree to continuing renewal of the agreement
28 upon its expiration.

29 2. If the education facilities plan and the public
30 educational facilities element authorize a contribution of
31 land; the construction, expansion, or payment for land

1 acquisition; or the construction or expansion of a public
 2 school facility, or a portion thereof, as proportionate-share
 3 mitigation, the local government shall credit such a
 4 contribution, construction, expansion, or payment toward any
 5 other impact fee or exaction imposed by local ordinance for
 6 the same need, on a dollar-for-dollar basis at fair market
 7 value.

8 3. Any proportionate-share mitigation must be directed
 9 by the school board toward a school capacity improvement that
 10 is identified in the financially feasible 5-year district work
 11 plan and that will be provided in accordance with a binding
 12 developer's agreement.

13 (f) Intergovernmental coordination.--

14 1. When establishing concurrency requirements for
 15 public schools, a local government shall satisfy the
 16 requirements for intergovernmental coordination set forth in
 17 s. 163.3177(6) (h)1. and 2., except that a municipality is not
 18 required to be a signatory to the interlocal agreement
 19 required by ~~ss. s.~~ 163.3177(6) (h)2. and 163.31777(6), as a
 20 prerequisite for imposition of school concurrency, and as a
 21 nonsignatory, shall not participate in the adopted local
 22 school concurrency system, if the municipality meets all of
 23 the following criteria for having no significant impact on
 24 school attendance:

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

30 b. The municipality has not annexed new land during
 31 the preceding 5 years in land use categories which permit

Bill No. SB 360

Barcode 212616

578-1983C-05

1 residential uses that will affect school attendance rates.

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

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

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

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

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

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

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

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 incorporation of the public school capital facilities program
2 into the local government comprehensive plans on an annual
3 basis.

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

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

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

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

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

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

10 (14) The state land planning agency shall, by October
11 1, 1998, adopt by rule minimum criteria for the review and
12 determination of compliance of a public school facilities
13 element adopted by a local government for purposes of
14 imposition of school concurrency.

15 (15) (a) Multimodal transportation districts may be
16 established under a local government comprehensive plan in
17 areas delineated on the future land use map for which the
18 local comprehensive plan assigns secondary priority to vehicle
19 mobility and primary priority to assuring a safe, comfortable,
20 and attractive pedestrian environment, with convenient
21 interconnection to transit. Such districts must incorporate
22 community design features that will reduce the number of
23 automobile trips or vehicle miles of travel and will support
24 an integrated, multimodal transportation system.

25 (b) Community design elements of such a district
26 include: a complementary mix and range of land uses, including
27 educational, recreational, and cultural uses; interconnected
28 networks of streets designed to encourage walking and
29 bicycling, with traffic-calming where desirable; appropriate
30 densities and intensities of use within walking distance of
31 transit stops; daily activities within walking distance of

Bill No. SB 360

Barcode 212616

578-1983C-05

1 residences, allowing independence to persons who do not drive;
2 public uses, streets, and squares that are safe, comfortable,
3 and attractive for the pedestrian, with adjoining buildings
4 open to the street and with parking not interfering with
5 pedestrian, transit, automobile, and truck travel modes.

6 (c) Local governments may establish multimodal
7 level-of-service standards that rely primarily on nonvehicular
8 modes of transportation within the district, when justified by
9 an analysis demonstrating that the existing and planned
10 community design will provide an adequate level of mobility
11 within the district based upon professionally accepted
12 multimodal level-of-service methodologies. Within the
13 multimodal transportation district, the adopted level of
14 service standards established by the Department of
15 Transportation for Strategic Intermodal System facilities, as
16 defined in s. 339.64, must be maintained unless a variance
17 pursuant to s. 120.542 has been issued. The analysis must take
18 into consideration the impact on the Florida Intrastate
19 Highway System. The analysis must also demonstrate that the
20 capital improvements required to promote community design are
21 financially feasible over the development or redevelopment
22 timeframe for the district and that community design features
23 within the district provide convenient interconnection for a
24 multimodal transportation system. Local governments may issue
25 development permits in reliance upon all planned community
26 design capital improvements that are financially feasible over
27 the development or redevelopment timeframe for the district,
28 without regard to the period of time between development or
29 redevelopment and the scheduled construction of the capital
30 improvements. A determination of financial feasibility shall
31 be based upon currently available funding or funding sources

Bill No. SB 360

Barcode 212616

578-1983C-05

1 that could reasonably be expected to become available over the
2 planning period.

3 (d) Local governments may reduce impact fees or local
4 access fees for development within multimodal transportation
5 districts based on the reduction of vehicle trips per
6 household or vehicle miles of travel expected from the
7 development pattern planned for the district.

8 (16) (a) The Legislature finds that mitigation for the
9 impact of development on transportation facilities may be more
10 effectively achieved by mitigation planning on a
11 corridor-level basis rather than on a project-by-project
12 basis. It is the intent of the Legislature to provide an
13 optional method by which the impacts of development on
14 transportation facilities can be mitigated by the cooperative
15 efforts of the public and private sectors.

16 (b) The Department of Transportation, in consultation
17 with the state land planning agency and local governments,
18 shall develop a process and uniform methodology for
19 determining proportionate-share mitigation for development
20 impacts on transportation corridors that traverse one or more
21 political subdivisions.

22 (c) When authorized in a local government
23 comprehensive plan, local governments may create mitigation
24 banks for designated transportation corridors to satisfy the
25 concurrency provisions of this section, using the process and
26 methodology developed in accordance with paragraph (b).
27 Mitigation bank contributions may only be used for projects
28 within the designated transportation corridors. Transportation
29 corridors shall be designated in the transportation and
30 traffic circulation element of the applicable local government
31 comprehensive plan.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 (d) Any mitigation contributions must be directed by
2 the local government toward a transportation capacity
3 improvement within the designated transportation corridor
4 which is identified in the applicable local government's
5 transportation or traffic circulation element. Mitigation
6 contributions shall be used to satisfy the transportation
7 concurrency requirements of this section and may be applied as
8 a credit against impact fees. Mitigation for development
9 impacts to facilities on the State Highway System made
10 pursuant to this subsection shall require the concurrence of
11 the Department of Transportation.

12 (e) Options for mitigation made pursuant to this
13 subsection shall be established in the transportation element
14 or traffic circulation element. Appropriate transportation
15 mitigation contributions may include public or private funds;
16 the contribution of right-of-way; the construction of a
17 transportation facility, or payment for the right-of-way or
18 construction of a transportation facility or service; or the
19 provision of transit service. Such options shall include
20 execution of an enforceable development agreement for projects
21 to be funded by a developer.

22 Section 6. Subsection (17) is added to section
23 163.3184, Florida Statutes, to read:

24 163.3184 Process for adoption of comprehensive plan or
25 plan amendment.--

26 (17) Notwithstanding subsection (6), a local
27 government that has adopted a community vision and urban
28 service boundary under s. 163.31773 may adopt a plan amendment
29 related solely to property within an urban service boundary
30 before transmittal of the plan amendment to the state land
31 planning agency. A plan amendment submitted under this

Bill No. SB 360

Barcode 212616

578-1983C-05

1 subsection is limited to a map amendment and may not involve a
2 text change to the goals, policies, or objectives of the local
3 government's comprehensive plan. The local government must
4 transmit the plan amendment to the state land planning agency
5 immediately after the governing body adopts the amendment.

6 (a) An affected person as defined in paragraph (1)(a)
7 retains the ability to challenge the plan amendment under the
8 terms of this section.

9 (b) A petitioner may file a petition under subsections
10 (8), (9), and (10) within 60 days after the adoption of the
11 plan amendment.

12 (c) The state land planning agency may issue written
13 comments relating to the consistency of the amendment with the
14 applicable comprehensive plan and this part within 45 days
15 after receipt of the plan amendment. If the agency comments on
16 the plan amendment, those comments shall be posted on the
17 agency's website, with a hard copy provided upon request.

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

21 Section 7. Subsections (2) and (10) of section
22 163.3191, Florida Statutes, are amended to read:

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

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

30 (a) Population growth and changes in land area,
31 including annexation, since the adoption of the original plan

Bill No. SB 360

Barcode 212616

578-1983C-05

1 or the most recent update amendments.

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

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

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

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

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

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

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

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

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

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 no longer meets the criteria, it must adopt appropriate school
2 concurrency goals, objectives, and policies in its plan
3 amendments pursuant to the requirements of the public school
4 facility element, and enter into the existing interlocal
5 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
6 order to fully participate in the school concurrency system.

7 ~~If the issues are not relevant, the local government shall~~
8 ~~demonstrate that they are not relevant.~~

9 (1) The report must evaluate whether the local
10 government has been successful in identifying water supply
11 sources, including conservation and reuse, necessary to meet
12 existing and projected water use demand for the comprehensive
13 plan's established planning period. The water supply sources
14 evaluated in the report must be consistent with ~~evaluation~~
15 ~~must consider~~ the appropriate water management district's
16 regional water supply plan approved pursuant to s. 373.0361.
17 The report must evaluate the degree to which the local
18 government has implemented the work plan for water supply
19 facilities included in the potable water element. The potable
20 ~~water element must be revised to include a work plan, covering~~
21 ~~at least a 10-year planning period, for building any water~~
22 ~~supply facilities that are identified in the element as~~
23 ~~necessary to serve existing and new development and for which~~
24 ~~the local government is responsible.~~

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 government must identify strategies to address redevelopment
2 feasibility and the property rights of affected residents.
3 These strategies may include the authorization of
4 redevelopment up to the actual built density in existence on
5 the property prior to the natural disaster or redevelopment.

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

9 (10) The governing body shall amend its comprehensive
10 plan based on the recommendations in the report and shall
11 update the comprehensive plan based on the components of
12 subsection (2), pursuant to the provisions of ss. 163.3184,
13 163.3187, and 163.3189. Amendments to update a comprehensive
14 plan based on the evaluation and appraisal report shall be
15 adopted during a single amendment cycle within 18 months after
16 the report is determined to be sufficient by the state land
17 planning agency, except the state land planning agency may
18 grant an extension for adoption of a portion of such
19 amendments. The state land planning agency may grant a
20 6-month extension for the adoption of such amendments if the
21 request is justified by good and sufficient cause as
22 determined by the agency. An additional extension may also be
23 granted if the request will result in greater coordination
24 between transportation and land use, for the purposes of
25 improving Florida's transportation system, as determined by
26 the agency in coordination with the Metropolitan Planning
27 Organization program. Failure to timely adopt update
28 amendments to the comprehensive plan based on the evaluation
29 and appraisal report shall result in a local government being
30 prohibited from adopting amendments to the comprehensive plan
31 until the evaluation and appraisal report update amendments

Bill No. SB 360

Barcode 212616

578-1983C-05

1 have been adopted and found in compliance by the state land
2 planning agency. The prohibition on plan amendments shall
3 commence when the update amendments to the comprehensive plan
4 are past due. The comprehensive plan as amended shall be in
5 compliance as defined in s. 163.3184(1)(b). Within 6 months
6 after the effective date of the update amendments to the
7 comprehensive plan, the local government shall provide to the
8 state land planning agency and to all agencies designated by
9 rule a complete copy of the updated comprehensive plan.

10 Section 8. Effective January 1, 2006, subsections (1),
11 (2), (3), and (6) of section 212.055, Florida Statutes, are
12 amended to read:

13 212.055 Discretionary sales surtaxes; legislative
14 intent; authorization and use of proceeds.--It is the
15 legislative intent that any authorization for imposition of a
16 discretionary sales surtax shall be published in the Florida
17 Statutes as a subsection of this section, irrespective of the
18 duration of the levy. Each enactment shall specify the types
19 of counties authorized to levy; the rate or rates which may be
20 imposed; the maximum length of time the surtax may be imposed,
21 if any; the procedure which must be followed to secure voter
22 approval, if required; the purpose for which the proceeds may
23 be expended; and such other requirements as the Legislature
24 may provide. Taxable transactions and administrative
25 procedures shall be as provided in s. 212.054.

26 (1) CHARTER COUNTY TRANSIT SYSTEM SURTAX.--

27 (a) 1. Each charter county ~~which adopted a charter~~
28 ~~prior to January 1, 1984,~~ and each county the government of
29 which is consolidated with that of one or more municipalities,
30 may levy a discretionary sales surtax, subject to approval by
31 a majority vote of the electorate of the county, a majority

Bill No. SB 360

Barcode 212616

578-1983C-05

1 vote of the governing body, or by a charter amendment approved
2 by a majority vote of the electorate of the county.

3 2. Notwithstanding paragraphs (e) and (f), if a
4 noncharter county or a charter county has updated its capital
5 improvement element no earlier than 2005 and if its
6 comprehensive plan has been determined to be in compliance,
7 the noncharter county or charter county may levy a
8 discretionary sales surtax pursuant to this subsection by
9 majority vote of the membership of its governing body or
10 subject to a referendum. The proceeds of the surtax may be
11 used by the county to fund regionally-significant
12 transportation projects identified in the regional
13 transportation plan developed in accordance with an interlocal
14 agreement entered into pursuant to s. 163.01, subject to the
15 provisions of subparagraph (d)5. Surtaxes imposed by majority
16 vote must be used to supplement, not supplant, existing
17 infrastructure funding. A charter county may levy a surtax
18 under both this subparagraph and subparagraph 1.

19 (b) The rate shall be 0.5 percent or up to 1 percent.

20 (c) The proposal to adopt a discretionary sales surtax
21 as provided in this subsection and to create a trust fund
22 within the county accounts shall be placed on the ballot in
23 accordance with law at a time to be set at the discretion of
24 the governing body.

25 (d) Proceeds from the surtax shall be applied to as
26 many or as few of the uses enumerated below in whatever
27 combination the county commission deems appropriate:

28 1. Deposited by the county in the trust fund and shall
29 be used for the purposes of development, construction,
30 equipment, maintenance, operation, supportive services,
31 including a countywide bus system, and related costs of a

Bill No. SB 360

Barcode 212616

578-1983C-05

1 fixed guideway rapid transit system;

2 2. Remitted by the governing body of the county to an
3 expressway or transportation authority created by law to be
4 used, at the discretion of such authority, for the
5 development, construction, operation, or maintenance of roads
6 or bridges in the county, for the operation and maintenance of
7 a bus system, for the payment of principal and interest on
8 existing bonds issued for the construction of such roads or
9 bridges, and, upon approval by the county commission, such
10 proceeds may be pledged for bonds issued to refinance existing
11 bonds or new bonds issued for the construction of such roads
12 or bridges;

13 3. Used by the charter county for the development,
14 construction, operation, and maintenance of roads and bridges
15 in the county; for the expansion, operation, and maintenance
16 of bus and fixed guideway systems; and for the payment of
17 principal and interest on bonds issued for the construction of
18 fixed guideway rapid transit systems, bus systems, roads, or
19 bridges; and such proceeds may be pledged by the governing
20 body of the county for bonds issued to refinance existing
21 bonds or new bonds issued for the construction of such fixed
22 guideway rapid transit systems, bus systems, roads, or bridges
23 and no more than 25 percent used for nontransit uses; and

24 4. Used by the charter county for the planning,
25 development, construction, operation, and maintenance of roads
26 and bridges in the county; for the planning, development,
27 expansion, operation, and maintenance of bus and fixed
28 guideway systems; and for the payment of principal and
29 interest on bonds issued for the construction of fixed
30 guideway rapid transit systems, bus systems, roads, or
31 bridges; and such proceeds may be pledged by the governing

Bill No. SB 360

Barcode 212616

578-1983C-05

1 body of the county for bonds issued to refinance existing
2 bonds or new bonds issued for the construction of such fixed
3 guideway rapid transit systems, bus systems, roads, or
4 bridges. Pursuant to an interlocal agreement entered into
5 pursuant to chapter 163, the governing body of the charter
6 county may distribute proceeds from the tax to a municipality,
7 or an expressway or transportation authority created by law to
8 be expended for the purpose authorized by this paragraph. If
9 imposed by a majority vote of the governing body and there is
10 no interlocal agreement with a municipality, distribution of
11 the surtax proceeds shall be according to the formula provided
12 in s. 218.62.

13 5. Used by the county to fund regionally-significant
14 transportation projects identified in a regional
15 transportation plan developed in accordance with an interlocal
16 agreement entered into pursuant to s. 163.01 by two or more
17 contiguous metropolitan planning organizations; one or more
18 metropolitan planning organizations and one or more contiguous
19 counties that are not members of a metropolitan planning
20 organization; a multicounty regional transportation authority
21 created by or pursuant to law; two or more contiguous
22 counties; or metropolitan planning organizations comprised of
23 three or more counties. Projects to be funded shall be in
24 compliance with part II of chapter 163 after the effective
25 date of this act or to implement a long-term concurrency
26 management system adopted by a local government in accordance
27 with s. 163.3177(3) or (9).

28 (e) Surtaxes imposed by majority vote must be used to
29 supplement, not supplant, existing infrastructure funding. In
30 order to impose the surtax by a majority vote of the governing
31 body, the county must go through the following process:

Bill No. SB 360

Barcode 212616

578-1983C-05

1 1. An advisory board must be created to make
2 recommendations to the board of county commissioners regarding
3 infrastructure projects to address the needs of the community.
4 The governing body of the county shall appoint members to the
5 advisory board who represent the diversity of the community
6 and shall include individuals having an interest in business,
7 finance and accounting, economic development, the environment,
8 transportation, municipal government, education, and public
9 safety and growth management professionals. Based on the
10 estimated amount of the surtax collections, the advisory board
11 must conduct at least two public workshops to develop a
12 project list. Priority shall be given to projects that address
13 existing infrastructure deficits identified in a long-term
14 concurrency management system adopted by a local government in
15 accordance with s. 163.3177(3) or (9) or identified in the
16 capital improvements element. A quorum shall consist of a
17 majority of the advisory board members and is necessary to
18 take any action regarding recommendations to the governing
19 board of the local government. The board of county
20 commissioners shall provide staff support to the advisory
21 board. All advisory board meetings are open to the public, and
22 minutes of the meetings shall be available to the public.

23 2. After the advisory board submits the project list
24 to the board of county commissioners, it may be amended by the
25 board of county commissioners. A public notice must be given
26 of the intent to add additional projects or remove projects
27 recommended by the advisory board. Actions to amend the
28 project list may be taken at the noticed public hearing. Once
29 amended, the list may not be approved at the same meeting at
30 which it was amended. Notice of the intent to adopt the
31 project list must be given and the list must be approved at a

Bill No. SB 360

Barcode 212616

578-1983C-05

1 subsequent public meeting that may not be held sooner than 14
2 days after the meeting at which the project list was amended.

3 3. If the board of county commissioners does not amend
4 the recommended project list, it may adopt the proposed
5 project list at a public meeting following public notice of
6 the intent to adopt the recommendations of the advisory board.

7 4. The capital improvement schedule of the local
8 government comprehensive plan shall be updated to reflect the
9 project list pursuant to s. 163.3177(3).

10 5. Once the project list has been adopted, the board
11 may give notice of the intent to adopt the surtax by
12 ordinance. The board of county commissioners shall conduct a
13 public hearing to allow for public input on the proposed
14 surtax. The ordinance enacting the surtax may not be adopted
15 at the same meeting as that at which the project list is
16 adopted.

17 6. Once the ordinance adopting the surtax has been
18 enacted, the project list can be amended only in the following
19 manner. The board of county commissioners must give notice of
20 the intent to hold a public hearing to discuss adding or
21 removing projects from the list. The board of county
22 commissioners must take public testimony on the proposal.
23 Action may not be taken at that meeting with regards to the
24 proposal to amend the project list. Action may be taken at a
25 subsequent noticed public meeting that must be held at least
26 14 days after the meeting at which the proposed changes to the
27 project list were discussed.

28 7. If the tax is implemented, the advisory board shall
29 monitor the expenditure of the tax proceeds and shall hold
30 semiannual meetings. The advisory board shall also monitor
31 whether the county has maintained or increased the level of

1 infrastructure expenditures over the previous 5 years.

2 (f) A county may not levy the surtax by majority vote
3 of the governing body unless it has adopted a community vision
4 and an urban service boundary under s. 163.3177(13) and (14).
5 Municipalities within a charter county that levies the surtax
6 by majority vote may not receive surtax proceeds unless they
7 have also completed these requirements. Surtax proceeds may
8 only be expended within an urban service boundary.

9 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

10 (a)1. The governing authority in each county may levy
11 a discretionary sales surtax of 0.5 percent or 1 percent. The
12 levy of the surtax shall be pursuant to ordinance enacted by a
13 majority of the members of the county governing authority or
14 ~~and~~ approved by a majority of the electors of the county
15 voting in a referendum on the surtax. If the governing bodies
16 of the municipalities representing a majority of the county's
17 population adopt uniform resolutions establishing the rate of
18 the surtax and calling for a referendum on the surtax, the
19 levy of the surtax shall be placed on the ballot and shall
20 take effect if approved by a majority of the electors of the
21 county voting in the referendum on the surtax.

22 2. If the surtax was levied pursuant to a referendum
23 held before July 1, 1993, the surtax may not be levied beyond
24 the time established in the ordinance, or, if the ordinance
25 did not limit the period of the levy, the surtax may not be
26 levied for more than 15 years. The levy of such surtax may be
27 extended only by approval of a majority of the electors of the
28 county voting in a referendum on the surtax.

29 (b) A statement which includes a brief general
30 description of the projects to be funded by the surtax and
31 which conforms to the requirements of s. 101.161 shall be

1 placed on the ballot by the governing authority of any county
 2 which enacts an ordinance calling for a referendum on the levy
 3 of the surtax or in which the governing bodies of the
 4 municipalities representing a majority of the county's
 5 population adopt uniform resolutions calling for a referendum
 6 on the surtax. The following question shall be placed on the
 7 ballot:

8
 9 FOR the -cent sales tax
 10 AGAINST the -cent sales tax

11
 12 (c) Pursuant to s. 212.054(4), the proceeds of the
 13 surtax levied under this subsection shall be distributed to
 14 the county and the municipalities within such county in which
 15 the surtax was collected, according to:

16 1. An interlocal agreement between the county
 17 governing authority and the governing bodies of the
 18 municipalities representing a majority of the county's
 19 municipal population, which agreement may include a school
 20 district with the consent of the county governing authority
 21 and the governing bodies of the municipalities representing a
 22 majority of the county's municipal population; or

23 2. If there is no interlocal agreement, according to
 24 the formula provided in s. 218.62.

25
 26 Any change in the distribution formula must take effect on the
 27 first day of any month that begins at least 60 days after
 28 written notification of that change has been made to the
 29 department.

30 (d)1. The proceeds of the surtax authorized by this
 31 subsection and any interest accrued thereto shall be expended

Bill No. SB 360

Barcode 212616

578-1983C-05

1 by the school district or within the county and municipalities
2 within the county, or, in the case of a negotiated joint
3 county agreement, within another county, to finance, plan, and
4 construct infrastructure and to acquire land for public
5 recreation or conservation or protection of natural resources
6 and to finance the closure of county-owned or municipally
7 owned solid waste landfills that are already closed or are
8 required to close by order of the Department of Environmental
9 Protection. Any use of such proceeds or interest for purposes
10 of landfill closure prior to July 1, 1993, is ratified.

11 Neither the proceeds nor any interest accrued thereto shall be
12 used for operational expenses of any infrastructure, except
13 that any county with a population of less than 75,000 that is
14 required to close a landfill by order of the Department of
15 Environmental Protection may use the proceeds or any interest
16 accrued thereto for long-term maintenance costs associated
17 with landfill closure. Counties, as defined in s. 125.011(1),
18 and charter counties may, in addition, use the proceeds and
19 any interest accrued thereto to retire or service indebtedness
20 incurred for bonds issued prior to July 1, 1987, for
21 infrastructure purposes, and for bonds subsequently issued to
22 refund such bonds. Any use of such proceeds or interest for
23 purposes of retiring or servicing indebtedness incurred for
24 such refunding bonds prior to July 1, 1999, is ratified.

25 2. For the purposes of this paragraph,

26 "infrastructure" means:

27 a. Any fixed capital expenditure or fixed capital
28 outlay associated with the construction, reconstruction, or
29 improvement of public facilities which have a life expectancy
30 of 5 or more years and any land acquisition, land improvement,
31 design, and engineering costs related thereto.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 b. A fire department vehicle, an emergency medical
2 service vehicle, a sheriff's office vehicle, a police
3 department vehicle, or any other vehicle, and such equipment
4 necessary to outfit the vehicle for its official use or
5 equipment that has a life expectancy of at least 5 years.

6 c. Any expenditure for the construction, lease, or
7 maintenance of, or provision of utilities or security for,
8 facilities as defined in s. 29.008.

9 3. Notwithstanding any other provision of this
10 subsection, a discretionary sales surtax imposed or extended
11 after the effective date of this act may provide for an amount
12 not to exceed 15 percent of the local option sales surtax
13 proceeds to be allocated for deposit to a trust fund within
14 the county's accounts created for the purpose of funding
15 economic development projects of a general public purpose
16 targeted to improve local economies, including the funding of
17 operational costs and incentives related to such economic
18 development. The ballot statement must indicate the intention
19 to make an allocation under the authority of this
20 subparagraph.

21 (e) School districts, counties, and municipalities
22 receiving proceeds under the provisions of this subsection may
23 pledge such proceeds for the purpose of servicing new bond
24 indebtedness incurred pursuant to law. Local governments may
25 use the services of the Division of Bond Finance of the State
26 Board of Administration pursuant to the State Bond Act to
27 issue any bonds through the provisions of this subsection. In
28 no case may a jurisdiction issue bonds pursuant to this
29 subsection more frequently than once per year. Counties and
30 municipalities may join together for the issuance of bonds
31 authorized by this subsection.

1 (f)1. Notwithstanding paragraph (d), a county that has
 2 a population of 50,000 or less on April 1, 1992, or any county
 3 designated as an area of critical state concern on the
 4 effective date of this act, and that imposed the surtax before
 5 July 1, 1992, may use the proceeds and interest of the surtax
 6 for any public purpose if:

- 7 a. The debt service obligations for any year are met;
- 8 b. The county's comprehensive plan has been determined
 9 to be in compliance with part II of chapter 163; and
- 10 c. The county has adopted an amendment to the surtax
 11 ordinance pursuant to the procedure provided in s. 125.66
 12 authorizing additional uses of the surtax proceeds and
 13 interest.

14 2. A municipality located within a county that has a
 15 population of 50,000 or less on April 1, 1992, or within a
 16 county designated as an area of critical state concern on the
 17 effective date of this act, and that imposed the surtax before
 18 July 1, 1992, may not use the proceeds and interest of the
 19 surtax for any purpose other than an infrastructure purpose
 20 authorized in paragraph (d) unless the municipality's
 21 comprehensive plan has been determined to be in compliance
 22 with part II of chapter 163 and the municipality has adopted
 23 an amendment to its surtax ordinance or resolution pursuant to
 24 the procedure provided in s. 166.041 authorizing additional
 25 uses of the surtax proceeds and interest. Such municipality
 26 may expend the surtax proceeds and interest for any public
 27 purpose authorized in the amendment.

28 3. Those counties designated as an area of critical
 29 state concern which qualify to use the surtax for any public
 30 purpose may use only up to 10 percent of the surtax proceeds
 31 for any public purpose other than for infrastructure purposes

Bill No. SB 360

Barcode 212616

578-1983C-05

1 authorized by this section.

2 (g) Notwithstanding paragraph (d), a county having a
3 population greater than 75,000 in which the taxable value of
4 real property is less than 60 percent of the just value of
5 real property for ad valorem tax purposes for the tax year in
6 which an infrastructure surtax referendum is placed before the
7 voters, and the municipalities within such a county, may use
8 the proceeds and interest of the surtax for operation and
9 maintenance of parks and recreation programs and facilities
10 established with the proceeds of the surtax throughout the
11 duration of the surtax levy or while interest earnings
12 accruing from the proceeds of the surtax are available for
13 such use, whichever period is longer.

14 (h) Notwithstanding any other provision of this
15 section, a county shall not levy local option sales surtaxes
16 authorized in this subsection and subsections (3), (4), and
17 (5) in excess of a combined rate of 1 percent. However, a
18 small county may levy the local option sales surtax authorized
19 in this subsection and subsection (3) for a combined rate of
20 up to 2 percent. Surtaxes imposed by majority vote must be
21 used to supplement, not supplant, existing infrastructure
22 funding. In order to impose the surtax by a majority vote of
23 the governing body, the county must go through the following
24 process:

25 1. An advisory board must be created to make
26 recommendations to the board of county commissioners regarding
27 infrastructure projects to address the needs of the community.
28 The governing body of the county shall appoint members to the
29 advisory board who represent the diversity of the community
30 and shall include individuals having an interest in business,
31 economic development, the environment, transportation,

Bill No. SB 360

Barcode 212616

578-1983C-05

1 municipal government, education, and public safety and growth
2 management professionals. Based on the estimated amount of the
3 surtax collections, the advisory board must conduct at least
4 two public workshops to develop a project list. Priority shall
5 be given to projects that address existing infrastructure
6 deficits. A quorum shall consist of a majority of the advisory
7 board members and is necessary to take any action regarding
8 recommendations to the governing board of the local
9 government. The board of county commissioners shall provide
10 staff support to the advisory board. All advisory board
11 meetings are open to the public, and minutes of the meetings
12 shall be available to the public.

13 2. After the advisory board submits the project list
14 to the board of county commissioners, it may be amended by the
15 board of county commissioners. A public notice must be given
16 of the intent to add additional projects or remove projects
17 recommended by the advisory board. Actions to amend the
18 project list may be taken at the noticed public hearing. Once
19 amended, the project list may not be approved at the same
20 meeting at which it was amended. Notice of the intent to adopt
21 the project list must be given and the list must be approved
22 at a subsequent public meeting that may not be held sooner than
23 14 days after the meeting at which the list was amended.

24 3. If the board of county commissioners does not amend
25 the recommended project list, it may adopt the proposed
26 project list at a public meeting following public notice of
27 the intent to adopt the recommendations of the advisory board.

28 4. The capital improvement schedule of the local
29 government comprehensive plan shall be updated to reflect the
30 project list pursuant to s. 163.3177(3).

31 5. Once the project list has been adopted, the board

Bill No. SB 360

Barcode 212616

578-1983C-05

1 may give notice of the intent to adopt the surtax by
2 ordinance. The board of county commissioners shall conduct a
3 public hearing to allow for public input on the proposed
4 surtax. The ordinance enacting the surtax may not be adopted
5 at the same meeting as that at which the project list is
6 adopted.

7 6. Once the ordinance adopting the surtax has been
8 enacted, the project list can be amended only in the following
9 manner. The board of county commissioners must give notice of
10 the intent to hold a public hearing to discuss adding or
11 removing projects from the list. The board of county
12 commissioners must take public testimony on the proposal.
13 Action may not be taken at that meeting with regards to the
14 proposal to amend the project list. Action may be taken at a
15 subsequent noticed public meeting that must be held at least
16 14 days after the meeting at which the proposed changes to the
17 project list were discussed.

18 7. If the tax is implemented, the advisory board shall
19 monitor the expenditure of the tax proceeds and shall hold
20 semiannual meetings. The advisory board shall also monitor
21 whether the county has maintained or increased the level of
22 infrastructure expenditures over the previous 5 years.

23 (j) A county may not levy this surtax by majority vote
24 of the governing body unless it has established an urban
25 service boundary under s. 163.3177(14) and has completed the
26 visioning requirements of s. 163.3177(13). Municipalities
27 within a county that levies the surtax by a majority vote may
28 not receive surtax proceeds unless they have also completed
29 these requirements. Surtax proceeds may only be expended
30 within an urban service boundary.

31 (3) SMALL COUNTY SURTAX.--

1 majority of the county's municipal population; or

2 2. If there is no interlocal agreement, according to
3 the formula provided in s. 218.62.

4

5 Any change in the distribution formula shall take effect on
6 the first day of any month that begins at least 60 days after
7 written notification of that change has been made to the
8 department.

9 (d)1. If the surtax is levied pursuant to a
10 referendum, the proceeds of the surtax and any interest
11 accrued thereto may be expended by the school district or
12 within the county and municipalities within the county, or, in
13 the case of a negotiated joint county agreement, within
14 another county, for the purpose of servicing bond indebtedness
15 to finance, plan, and construct infrastructure and to acquire
16 land for public recreation or conservation or protection of
17 natural resources. However, if the surtax is levied pursuant
18 to an ordinance approved by an extraordinary vote of the
19 members of the county governing authority, the proceeds and
20 any interest accrued thereto may be used for operational
21 expenses of any infrastructure or for any public purpose
22 authorized in the ordinance under which the surtax is levied.

23 2. For the purposes of this paragraph,
24 "infrastructure" means any fixed capital expenditure or fixed
25 capital costs associated with the construction,
26 reconstruction, or improvement of public facilities that have
27 a life expectancy of 5 or more years and any land acquisition,
28 land improvement, design, and engineering costs related
29 thereto.

30 (e) A school district, county, or municipality that
31 receives proceeds under this subsection following a referendum

1 may pledge the proceeds for the purpose of servicing new bond
 2 indebtedness incurred pursuant to law. Local governments may
 3 use the services of the Division of Bond Finance pursuant to
 4 the State Bond Act to issue any bonds through the provisions
 5 of this subsection. A jurisdiction may not issue bonds
 6 pursuant to this subsection more frequently than once per
 7 year. A county and municipality may join together to issue
 8 bonds authorized by this subsection.

9 (f) Notwithstanding any other provision of this
 10 section, a county shall not levy local option sales surtaxes
 11 authorized in this subsection and subsection ~~subsections (2),~~
 12 ~~(4), and~~ (5) in excess of a combined rate of 1 percent.

13 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

14 (a) The school board in each county may levy, pursuant
 15 to resolution conditioned to take effect only upon approval by
 16 a majority vote of the electors of the county voting in a
 17 referendum or by majority vote of the county governing body, a
 18 discretionary sales surtax at a rate that may not exceed 0.5
 19 percent.

20 (b) The resolution shall include a statement that
 21 provides a brief and general description of the school capital
 22 outlay projects to be funded by the surtax. The statement
 23 shall conform to the requirements of s. 101.161 and shall be
 24 placed on the ballot by the governing body of the county. The
 25 following question shall be placed on the ballot:

26
 27FOR THECENTS TAX
 28AGAINST THECENTS TAX
 29

30 (c) The resolution providing for the imposition of the
 31 surtax shall set forth a plan for use of the surtax proceeds

Bill No. SB 360

Barcode 212616

578-1983C-05

1 for fixed capital expenditures or fixed capital costs
2 associated with the construction, reconstruction, or
3 improvement of school facilities and campuses which have a
4 useful life expectancy of 5 or more years, and any land
5 acquisition, land improvement, design, and engineering costs
6 related thereto. Additionally, the plan shall include the
7 costs of retrofitting and providing for technology
8 implementation, including hardware and software, for the
9 various sites within the school district. Surtax revenues may
10 be used for the purpose of servicing bond indebtedness to
11 finance projects authorized by this subsection, and any
12 interest accrued thereto may be held in trust to finance such
13 projects. Neither the proceeds of the surtax nor any interest
14 accrued thereto shall be used for operational expenses.

15 (d) Any school board receiving proceeds from imposing
16 the surtax shall implement a freeze on noncapital local school
17 property taxes, at the millage rate imposed in the year prior
18 to the implementation of the surtax, for a period of at least
19 3 years from the date of imposition of the surtax. This
20 provision shall not apply to existing debt service or required
21 state taxes.

22 (e) Surtax revenues collected by the Department of
23 Revenue pursuant to this subsection shall be distributed to
24 the school board imposing the surtax in accordance with law.

25 (f) Surtaxes imposed by majority vote must be used to
26 supplement, not supplant, existing school capital outlay
27 funding. In order to impose the surtax by a majority vote of
28 the county governing body, the county must go through the
29 following process:

30 1. An advisory board must be created to make
31 recommendations to the board of county commissioners regarding

Bill No. SB 360

Barcode 212616

578-1983C-05

1 the use of the surtax proceeds for fixed capital expenditures
2 or fixed capital costs associated with the construction,
3 reconstruction, or improvement of school facilities and
4 campuses that have a useful life expectancy of 5 or more years
5 and any land acquisition, land improvement, design, and
6 engineering costs related thereto. The governing body of the
7 county shall appoint members to the advisory board who
8 represent the diversity of the community and shall include
9 individuals with an interest in business, economic
10 development, the environment, municipal government, education,
11 and public safety and growth management professionals. Based
12 on the estimated amount of the surtax collections, the
13 advisory board will conduct at least two public workshops to
14 develop a project list. A quorum shall consist of a majority
15 of the advisory board members and is necessary to take any
16 action regarding recommendations to the governing board of the
17 local government. The board of county commissioners shall
18 provide staff support to the advisory board. All advisory
19 board meetings are open to the public, and minutes of the
20 meetings shall be available to the public.

21 2. After the advisory board submits the project list
22 to the board of county commissioners, it may be amended by the
23 board of county commissioners only in the following fashion. A
24 public notice must be given of the intent to add additional
25 projects or remove projects recommended by the advisory board.
26 Actions to amend the project list may be taken at the noticed
27 public hearing. Once amended, the project list must be
28 approved at a subsequent meeting. Notice of the intent to
29 adopt the project list must be given and the project list must
30 be approved at a subsequent public meeting that cannot be held
31 sooner than 14 days after the meeting at which the list was

Bill No. SB 360

Barcode 212616

578-1983C-05

1 amended.

2 3. If the board of county commissioners does not amend
3 the recommended project list, it may adopt the proposed
4 project list at a public meeting following public notice of
5 the intent to adopt the recommendations of the advisory board.

6 4. The capital improvement schedule of the local
7 government comprehensive plan shall be updated to reflect the
8 project list pursuant to s. 163.3177(3).

9 5. Once the project list has been adopted, the board
10 may give notice of the intent to adopt the surtax by
11 ordinance. The board of county commissioners shall conduct a
12 public hearing to allow for public input on the proposed
13 surtax. Enacting the ordinance for the surtax and adopting the
14 project list may not be accomplished at the same meeting.

15 6. Once the ordinance adopting the surtax has been
16 enacted, the project list can be amended only in the following
17 manner. The board of county commissioners must give notice of
18 the intent to hold a public hearing to discuss adding or
19 removing projects from the list. The board of county
20 commissioners must take public testimony on the proposal.
21 Action may not be taken at that meeting with regards to the
22 proposal to amend the project list. Action may be taken at a
23 subsequent noticed public meeting that must be held at least
24 14 days after the meeting at which the proposed changes to the
25 project list were discussed.

26 7. If the tax is implemented, the advisory board shall
27 monitor the expenditure of the tax proceeds and shall hold
28 semiannual meetings. The advisory board shall also monitor
29 whether the county has maintained or increased the level of
30 school capital outlay expenditures over the previous 5 years.

31 (g) If the surtax is levied by a majority vote of the

1 governing body, the school board shall use due diligence and
 2 sound business practices in the design, construction, and use
 3 of educational facilities and may not exceed the maximum
 4 cost-per-student station established in s. 1013.72(2).

5 Section 9. Subsection (1) of section 206.41, Florida
 6 Statutes, is amended to read:

7 206.41 State taxes imposed on motor fuel.--

8 (1) The following taxes are imposed on motor fuel
 9 under the circumstances described in subsection (6):

10 (a) An excise or license tax of 2 cents per net
 11 gallon, which is the tax as levied by s. 16, Art. IX of the
 12 State Constitution of 1885, as amended, and continued by s.
 13 9(c), Art. XII of the 1968 State Constitution, as amended,
 14 which is therein referred to as the "second gas tax," and
 15 which is hereby designated the "constitutional fuel tax."

16 (b) An additional tax of 1 cent per net gallon, which
 17 is designated as the "county fuel tax" and which shall be used
 18 for the purposes described in s. 206.60.

19 (c) An additional tax of 1 cent per net gallon, which
 20 is designated as the "municipal fuel tax" and which shall be
 21 used for the purposes described in s. 206.605.

22 (d) 1. An additional tax of 1 cent per net gallon may
 23 be imposed by each county on motor fuel, which shall be
 24 designated as the "ninth-cent fuel tax." This tax shall be
 25 levied and used as provided in s. 336.021.

26 2. Beginning January 1, 2006, and on January 1 of each
 27 year thereafter, the tax rate set forth in subparagraph 1.
 28 shall be adjusted by the percentage change in the average
 29 consumer price index issued by the United States Department of
 30 Labor for the most recent 12-month period ending September 30,
 31 compared to the base year, which is the 12-month period ending

1 September 30, 2005, and rounded to the nearest tenth of a
2 cent.

3 3. The department shall notify each terminal supplier,
4 position holder, wholesaler, and importer of the tax rate
5 applicable under this paragraph for the 12-month period
6 beginning January 1.

7 (e)1. An additional tax of between 1 cent and 11 cents
8 per net gallon may be imposed on motor fuel by each county,
9 which shall be designated as the "local option fuel tax."
10 This tax shall be levied and used as provided in s. 336.025.

11 2. Beginning January 1, 2006, and on January 1 of each
12 year thereafter, the tax rate set forth in subparagraph 1.
13 shall be adjusted by the percentage change in the average
14 consumer price index issued by the United States Department of
15 Labor for the most recent 12-month period ending September 30,
16 compared to the base year, which is the 12-month period ending
17 September 30, 2005, and rounded to the nearest tenth of a
18 cent.

19 3. The department shall notify each terminal supplier,
20 position holder, wholesaler, and importer of the tax rate
21 applicable under this paragraph for the 12-month period
22 beginning January 1.

23 (f)1. An additional tax designated as the State
24 Comprehensive Enhanced Transportation System Tax is imposed on
25 each net gallon of motor fuel in each county. This tax shall
26 be levied and used as provided in s. 206.608.

27 2. The rate of the tax in each county shall be equal
28 to two-thirds of the lesser of the sum of the taxes imposed on
29 motor fuel pursuant to paragraphs (d) and (e) in such county
30 or 6 cents, rounded to the nearest tenth of a cent.

31 3. Beginning January 1, 1992, and on January 1 of each

Bill No. SB 360

Barcode 212616

578-1983C-05

1 year thereafter, the tax rate provided in subparagraph 2.
2 shall be adjusted by the percentage change in the average of
3 the Consumer Price Index issued by the United States
4 Department of Labor for the most recent 12-month period ending
5 September 30, compared to the base year average, which is the
6 average for the 12-month period ending September 30, 1990, and
7 rounded to the nearest tenth of a cent.

8 4. The department shall notify each terminal supplier,
9 position holder, wholesaler, and importer of the tax rate
10 applicable under this paragraph for the 12-month period
11 beginning January 1.

12 (g)1. An additional tax is imposed on each net gallon
13 of motor fuel, which tax is on the privilege of selling motor
14 fuel and which is designated the "fuel sales tax," at a rate
15 determined pursuant to this paragraph. Before January 1 of
16 1997, and of each year thereafter, the department shall
17 determine the tax rate applicable to the sale of fuel for the
18 forthcoming 12-month period beginning January 1, rounded to
19 the nearest tenth of a cent, by adjusting the initially
20 established tax rate of 6.9 cents per gallon by the percentage
21 change in the average of the Consumer Price Index issued by
22 the United States Department of Labor for the most recent
23 12-month period ending September 30, compared to the base year
24 average, which is the average for the 12-month period ending
25 September 30, 1989. However, the tax rate shall not be lower
26 than 6.9 cents per gallon.

27 2. The department is authorized to adopt rules and
28 adopt such forms as may be necessary for the administration of
29 this paragraph.

30 3. The department shall notify each terminal supplier,
31 position holder, wholesaler, and importer of the tax rate

Bill No. SB 360

Barcode 212616

578-1983C-05

1 applicable under this paragraph for the 12-month period
2 beginning January 1.

3 Section 10. Effective January 1, 2006, paragraph (a)
4 of subsection (1) of section 336.021, Florida Statutes, is
5 amended to read:

6 336.021 County transportation system; levy of
7 ninth-cent fuel tax on motor fuel and diesel fuel.--

8 (1) (a) Any county in the state, by majority or
9 extraordinary vote of the membership of its governing body or
10 subject to a referendum, may levy the tax imposed by ss.
11 206.41(1) (d) and 206.87(1) (b). County and municipal
12 governments may use the moneys received under this paragraph
13 only for transportation expenditures as defined in s.
14 336.025(7). A county may not levy this surtax by majority vote
15 of the governing body unless it has adopted a community vision
16 under s. 163.3177(13). Municipalities within a county that
17 levies the surtax by a majority vote may not receive surtax
18 proceeds unless they have also completed this requirement.

19 Section 11. Paragraph (b) of subsection (1) of section
20 336.025, Florida Statutes, is amended to read:

21 336.025 County transportation system; levy of local
22 option fuel tax on motor fuel and diesel fuel.--

23 (1)

24 (b) In addition to other taxes allowed by law, there
25 may be levied as provided in s. 206.41(1) (e) a 1-cent, 2-cent,
26 3-cent, 4-cent, or 5-cent local option fuel tax upon every
27 gallon of motor fuel sold in a county and taxed under the
28 provisions of part I of chapter 206. The tax shall be levied
29 by an ordinance adopted by a majority or majority plus one
30 vote of the membership of the governing body of the county or
31 by referendum.

1 1. All impositions and rate changes of the tax shall
 2 be levied before July 1, to be effective January 1 of the
 3 following year. However, levies of the tax which were in
 4 effect on July 1, 2002, and which expire on August 31 of any
 5 year may be reimposed at the current authorized rate effective
 6 September 1 of the year of expiration.

7 2. The county may, prior to levy of the tax, establish
 8 by interlocal agreement with one or more municipalities
 9 located therein, representing a majority of the population of
 10 the incorporated area within the county, a distribution
 11 formula for dividing the entire proceeds of the tax among
 12 county government and all eligible municipalities within the
 13 county. If no interlocal agreement is adopted before the
 14 effective date of the tax, tax revenues shall be distributed
 15 pursuant to the provisions of subsection (4). If no interlocal
 16 agreement exists, a new interlocal agreement may be
 17 established prior to June 1 of any year pursuant to this
 18 subparagraph. However, any interlocal agreement agreed to
 19 under this subparagraph after the initial levy of the tax or
 20 change in the tax rate authorized in this section shall under
 21 no circumstances materially or adversely affect the rights of
 22 holders of outstanding bonds which are backed by taxes
 23 authorized by this paragraph, and the amounts distributed to
 24 the county government and each municipality shall not be
 25 reduced below the amount necessary for the payment of
 26 principal and interest and reserves for principal and interest
 27 as required under the covenants of any bond resolution
 28 outstanding on the date of establishment of the new interlocal
 29 agreement.

30 3. County and municipal governments shall use moneys
 31 received pursuant to this paragraph for transportation

Bill No. SB 360

Barcode 212616

578-1983C-05

1 expenditures needed to meet the requirements of the capital
2 improvements element of an adopted comprehensive plan or for
3 expenditures needed to meet immediate local transportation
4 problems and for other transportation-related expenditures
5 that are critical for building comprehensive roadway networks
6 by local governments. For purposes of this paragraph,
7 expenditures for the construction of new roads, the
8 reconstruction or resurfacing of existing paved roads, or the
9 paving of existing graded roads shall be deemed to increase
10 capacity and such projects shall be included in the capital
11 improvements element of an adopted comprehensive plan.
12 Expenditures for purposes of this paragraph shall not include
13 routine maintenance of roads.

14 4. A county may not levy this surtax by majority vote
15 of the governing body unless it has adopted a community vision
16 under s. 163.3177(13). Municipalities within a county that
17 levies the surtax by a majority vote may not receive surtax
18 proceeds unless they have also completed this requirement.

19 Section 12. Paragraph (b) of subsection (4) of section
20 339.135, Florida Statutes, is amended to read:

21 339.135 Work program; legislative budget request;
22 definitions; preparation, adoption, execution, and
23 amendment.--

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

25 (b)1. A tentative work program, including the ensuing
26 fiscal year and the successive 4 fiscal years, shall be
27 prepared for the State Transportation Trust Fund and other
28 funds managed by the department, unless otherwise provided by
29 law. The tentative work program shall be based on the
30 district work programs and shall set forth all projects by
31 phase to be undertaken during the ensuing fiscal year and

Bill No. SB 360

Barcode 212616

578-1983C-05

1 | planned for the successive 4 fiscal years. The total amount of
2 | the liabilities accruing in each fiscal year of the tentative
3 | work program may not exceed the revenues available for
4 | expenditure during the respective fiscal year based on the
5 | cash forecast for that respective fiscal year.

6 | 2. The tentative work program shall be developed in
7 | accordance with the Florida Transportation Plan required in s.
8 | 339.155 and must comply with the program funding levels
9 | contained in the program and resource plan.

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

Bill No. SB 360

Barcode 212616

578-1983C-05

1 amendment of the capital improvements elements of their local
2 government comprehensive plans.

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

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

17 Section 14. Section 163.3247, Florida Statutes, is
18 created to read:

19 163.3247 Century Commission.--

20 (1) POPULAR NAME.--This section may be cited as the
21 "Century Commission Act."

22 (2) FINDINGS AND INTENT.--The Legislature finds and
23 declares that the population of this state is expected to more
24 than double over the next 100 years, with commensurate impacts
25 to the state's natural resources and public infrastructure.
26 Consequently, it is in the best interests of the people of the
27 state to ensure sound planning for the proper placement of
28 this growth and protection of the state's land, water, and
29 other natural resources since such resources are essential to
30 our collective quality of life and a strong economy. The
31 state's growth management system should foster economic

Bill No. SB 360

Barcode 212616

578-1983C-05

1 stability through regional solutions and strategies, urban
2 renewal and infill, and the continued viability of
3 agricultural economies, while allowing for rural economic
4 development and protecting the unique characteristics of rural
5 areas, and should reduce the complexity of the regulatory
6 process while carrying out the intent of the laws and
7 encouraging greater citizen participation.

8 (3) CENTURY COMMISSION; CREATION; ORGANIZATION.--The
9 Century Commission is created as a standing body to help the
10 citizens of this state envision and plan their collective
11 future with an eye towards both 25-year and 50-year horizons.

12 (a) The 21-member commission shall be appointed by the
13 Governor. Four members shall be members of the Legislature who
14 shall be appointed with the advice and consultation of the
15 President of the Senate and the Speaker of the House of
16 Representatives. The Secretary of Community Affairs, the
17 Commissioner of Agriculture, the Secretary of Transportation,
18 the Secretary of Environmental Protection, and the Executive
19 Director of the Fish and Wildlife Conservation Commission, or
20 their designees, shall also serve as voting members. The other
21 12 appointments shall reflect the diversity of this state's
22 citizens, and must include individuals representing each of
23 the following interests: growth management, business and
24 economic development, environmental protection, agriculture,
25 municipal governments, county governments, regional planning
26 entities, education, public safety, planning professionals,
27 transportation planners, and urban infill and redevelopment.
28 One member shall be designated by the Governor as chair of the
29 commission. Any vacancy that occurs on the commission must be
30 filled in the same manner as the original appointment and
31 shall be for the unexpired term of that commission seat.

Bill No. SB 360

Barcode 212616

578-1983C-05

1 Members shall serve 4-year terms, except that, initially, to
2 provide for staggered terms, three of the appointees, one each
3 by the Governor, the President of the Senate, and the Speaker
4 of the House of Representatives, shall serve 2-year terms,
5 three shall serve 4-year terms, and three shall serve 6-year
6 terms. All subsequent appointments shall be for 4-year terms.
7 An appointee may not serve more than 6 years.

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

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

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

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

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

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

Bill No. SB 360

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1 best accommodate projected increased populations while
2 maintaining the natural, historical, cultural, and manmade
3 life qualities that best represent the state.

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

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

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

21 (f) Annually, beginning January 15, 2007, and every
22 year thereafter on the same date, provide to the Governor, the
23 President of the Senate, and the Speaker of the House of
24 Representatives a written report containing specific
25 recommendations for addressing growth management in the state,
26 including executive and legislative recommendations. This
27 report shall be verbally presented to a joint session of both
28 houses annually as scheduled by the President of the Senate
29 and the Speaker of the House of Representatives.

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

1 House of Representatives shall create a joint select
 2 committee, the task of which shall be to review the findings
 3 and recommendations of the Century Commission for potential
 4 action.

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

6 (a) The Secretary of Community Affairs shall select an
 7 executive director of the commission, and the executive
 8 director shall serve at the pleasure of the secretary under
 9 the supervision and control of the commission.

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

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

16 Section 15. Effective July 1, 2005, the sum of
 17 \$250,000 is appropriated from the General Revenue Fund to the
 18 Department of Community Affairs to provide the necessary staff
 19 and other assistance to the Century Commission required by
 20 section 163.3247, Florida Statutes, as created by this act.

21 Section 16. Except as otherwise expressly provided in
 22 this act, this act shall take effect July 1, 2005.

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