

Bill No. CS for CS for SB 360

Barcode 210728

576-2245B-05

Proposed Committee Substitute by the Committee on Ways and Means

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A bill to be entitled  
An act relating to infrastructure planning and  
funding; amending s. 163.3164, F.S.; defining  
the term "financial feasibility"; amending s.  
163.3177, F.S.; revising requirements for the  
capital improvements element of a comprehensive  
plan; requiring a schedule of capital  
improvements; providing a deadline for certain  
amendments; providing an exception; 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 a  
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

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1 changes made by the act; requiring the school  
2 board to provide certain information to the  
3 local government; amending s. 163.3180, F.S.;  
4 revising requirements for concurrency;  
5 providing for schools to be subject to  
6 concurrency requirements; requiring that an  
7 adequate water supply be available for new  
8 development; revising requirements for  
9 transportation facilities; requiring that  
10 certain level-of-service standards established  
11 by the Department of Transportation be  
12 maintained; providing guidelines under which a  
13 local government may grant an exception to the  
14 comprehensive plan; revising criteria and  
15 providing guidelines for transportation  
16 concurrency exception areas; providing a  
17 process to monitor de minimus impacts; revising  
18 the requirements for a long-term transportation  
19 concurrency management system; providing for a  
20 long-term school concurrency management system;  
21 requiring that school concurrency be  
22 established districtwide; providing certain  
23 exceptions; authorizing a local government to  
24 approve a development order if the developer  
25 executes a commitment to mitigate the impacts  
26 on public school facilities; providing  
27 requirements for such proportionate-share  
28 mitigation; revising requirements for  
29 interlocal agreements with respect to public  
30 school facilities; providing mitigation options  
31 for transportation facilities; amending s.

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1 163.3184, F.S.; prescribing authority of local  
2 governments to adopt plan amendments after  
3 adopting community vision and an urban service  
4 boundary; providing for expedited plan  
5 amendment review under certain circumstances;  
6 revising agency review and challenge timeframes  
7 for certain amendments; amending s. 163.3191,  
8 F.S.; providing additional requirements for the  
9 evaluation and assessment of the comprehensive  
10 plan for counties and municipalities that do  
11 not have a public schools interlocal agreement;  
12 revising requirements for the evaluation and  
13 appraisal report; providing time limit for  
14 amendments relating to the report; amending s.  
15 212.055, F.S.; revising permissible rates for  
16 charter county transit system surtax; revising  
17 methods for approving such a surtax; providing  
18 for a noncharter county to levy this surtax  
19 under certain circumstances; limiting the  
20 expenditure of the proceeds to a specified area  
21 under certain circumstances; revising methods  
22 for approving a local government infrastructure  
23 surtax; limiting the expenditure of the  
24 proceeds to a specified area under certain  
25 circumstances; revising a ceiling on rates of  
26 small county surtaxes; revising methods for  
27 approving a school capital outlay surtax;  
28 amending s. 206.41, F.S.; providing for annual  
29 adjustment of the ninth-cent fuel tax and local  
30 option fuel tax; amending s. 336.021, F.S.;  
31 revising methods for approving such a fuel tax;

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1 limiting authority of a county to impose the  
2 ninth-cent fuel tax without adopting a  
3 community vision; amending s. 336.025, F.S.;  
4 limiting authority of a county to impose the  
5 local option fuel tax without adopting a  
6 community vision; revising methods for  
7 approving such a fuel tax; amending s. 339.135,  
8 F.S., relating to tentative work programs of  
9 the Department of Transportation; conforming  
10 provisions to changes made by the act;  
11 requiring the Office of Program Policy Analysis  
12 and Government Accountability to perform a  
13 study of the boundaries of specified state  
14 entities; requiring a report to the  
15 Legislature; creating s. 163.3247, F.S.;  
16 providing a popular name; providing legislative  
17 findings and intent; creating the Century  
18 Commission for certain purposes; providing for  
19 appointment of commission members; providing  
20 for terms; providing for meetings and votes of  
21 members; requiring members to serve without  
22 compensation; providing for per diem and travel  
23 expenses; providing powers and duties of the  
24 commission; requiring the creation of a joint  
25 select committee of the Legislature; providing  
26 purposes; requiring the Secretary of Community  
27 Affairs to select an executive director of the  
28 commission; requiring the Department of  
29 Community Affairs to provide staff for the  
30 commission; providing for other agency staff  
31 support for the commission; creating s.

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1 339.2819, F.S.; creating the Transportation  
2 Regional Incentive Program within the  
3 Department of Transportation; providing  
4 matching funds for projects meeting certain  
5 criteria; amending s. 337.107, F.S.; allowing  
6 the inclusion of right-of-way services in  
7 certain design-build contracts; amending s.  
8 337.11, F.S.; allowing the Department of  
9 Transportation to include right-of-way services  
10 and design and construction into a single  
11 contract; providing an exception; delaying  
12 construction activities in certain  
13 circumstances; amending s. 337.107, F.S.,  
14 effective July 1, 2007; eliminating the  
15 inclusion of right-of-way services as part of  
16 design-build contracts under certain  
17 circumstances; amending s. 337.11, F.S.,  
18 effective July 1, 2007; allowing design and  
19 construction phases to be combined for certain  
20 projects; deleting an exception; amending s.  
21 380.06, F.S.; providing exceptions; amending s.  
22 1013.33, F.S.; conforming provisions to changes  
23 made by the act; amending s. 206.46, F.S.;  
24 increasing the threshold for maximum debt  
25 service for transfers in the State  
26 Transportation Trust Fund; amending s. 339.08,  
27 F.S.; providing for expenditure of moneys in  
28 the State Transportation Trust Fund; amending  
29 s. 339.155, F.S.; providing for the development  
30 of regional transportation plans in Regional  
31 Transportation Areas; amending s. 339.175,

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1 F.S.; making conforming changes to provisions  
 2 of the act; amending s. 339.55, F.S.; providing  
 3 for loans for certain projects from the  
 4 state-funded infrastructure bank within the  
 5 Department of Transportation; amending s.  
 6 1013.64, F.S.; providing for the expenditure of  
 7 funds in the Public Education Capital Outlay  
 8 and Debt Service Trust Fund; amending s.  
 9 1013.65, F.S.; providing funding for the  
 10 Classrooms for Kids Program; amending s.  
 11 201.15, F.S.; providing for the expenditure of  
 12 certain funds in the Land Acquisition Trust  
 13 Fund; providing for appropriations for the  
 14 2005-2006 fiscal year on a nonrecurring basis  
 15 for certain purposes; providing effective  
 16 dates.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (32) is added to section  
21 163.3164, Florida Statutes, to read:

22 163.3164 Local Government Comprehensive Planning and  
23 Land Development Regulation Act; definitions.--As used in this  
24 act:

25 (32) "Financial feasibility" means that sufficient  
 26 revenues are currently available or will be available from  
 27 committed or planned funding sources available for financing  
 28 capital improvements, such as ad valorem taxes, bonds, state  
 29 and federal funds, tax revenues, impact fees, and developer  
 30 contributions, which are adequate to fund the projected costs  
 31 of the capital improvements identified in the comprehensive

1 plan necessary to ensure that adopted level-of-service  
 2 standards are achieved and maintained within the period  
 3 covered by the 5-year schedule of capital improvements.

4 Section 2. Subsections (2) and (3), paragraphs (a),  
 5 (c), and (h) of subsection (6), and subsection (12) of section  
 6 163.3177, Florida Statutes, are amended, and subsections (13)  
 7 and (14) are added to that section, to read:

8 163.3177 Required and optional elements of  
 9 comprehensive plan; studies and surveys.--

10 (2) Coordination of the several elements of the local  
 11 comprehensive plan shall be a major objective of the planning  
 12 process. The several elements of the comprehensive plan shall  
 13 be consistent, and the comprehensive plan shall be financially  
 14 ~~economically~~ feasible. Financial feasibility shall be  
 15 determined using professionally accepted methodologies.

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

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

26 2. Estimated public facility costs, including a  
 27 delineation of when facilities will be needed, the general  
 28 location of the facilities, and projected revenue sources to  
 29 fund the facilities.

30 3. Standards to ensure the availability of public  
 31 facilities and the adequacy of those facilities including

1 acceptable levels of service.

2 4. Standards for the management of debt.

3 5. A schedule of capital improvements which includes  
 4 publicly funded projects, and which may include privately  
 5 funded projects for which the local government has no fiscal  
 6 responsibility, necessary to ensure that adopted  
 7 level-of-service standards are achieved and maintained. For  
 8 capital improvements that will be funded by the developer,  
 9 financial feasibility shall be demonstrated by being  
 10 guaranteed in an enforceable development agreement or  
 11 interlocal agreement pursuant to paragraph (10)(h), or other  
 12 enforceable agreement. These development agreements and  
 13 interlocal agreements shall be reflected in the schedule of  
 14 capital improvements if the capital improvement is necessary  
 15 to serve development within the 5-year schedule. If the local  
 16 government uses planned revenue sources that require referenda  
 17 or other actions to secure the revenue source, the plan must,  
 18 in the event the referenda are not passed or actions do not  
 19 secure the planned revenue source, identify other existing  
 20 revenue sources that will be used to fund the capital projects  
 21 or otherwise amend the plan to ensure financial feasibility.

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

30 (b)1. The capital improvements element shall be  
 31 reviewed on an annual basis and modified as necessary in

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1 accordance with s. 163.3187 or s. 163.3189 in order to  
2 maintain a financially feasible 5-year schedule of capital  
3 improvements., except that Corrections, updates, and  
4 modifications concerning costs; revenue sources; or acceptance  
5 of facilities pursuant to dedications which are consistent  
6 with the plan; or the date of construction of any facility  
7 enumerated in the capital improvements element may be  
8 accomplished by ordinance and shall not be deemed to be  
9 amendments to the local comprehensive plan. A copy of the  
10 ordinance shall be transmitted to the state land planning  
11 agency. An amendment to the comprehensive plan is required to  
12 update the schedule on an annual basis or to eliminate, defer,  
13 or delay the construction for any facility listed in the  
14 5-year schedule. All public facilities shall be consistent  
15 with the capital improvements element. Amendments to implement  
16 this section must be adopted and transmitted no later than  
17 December 1, 2007. Thereafter, a local government may not amend  
18 its future land use map, except for plan amendments to meet  
19 new requirements under this part and emergency amendments  
20 pursuant to s. 163.3187(1)(a), after December 1, 2007, and  
21 every year thereafter, unless and until the local government  
22 has adopted the annual update and it has been transmitted to  
23 the state land planning agency.

24 2. Capital improvements element amendments adopted  
25 after the effective date of this act shall require only a  
26 single public hearing before the governing board which shall  
27 be an adoption hearing as described in s. 163.3184(7). Such  
28 amendments are not subject to the requirements of s.  
29 163.3184(3)-(6). Amendments to the 5-year schedule of  
30 improvements adopted after the effective date of this act  
31 shall not be subject to challenge by an affected party. If the

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1 department finds an amendment pursuant to this subparagraph  
2 not in compliance, the local government may challenge that  
3 determination pursuant to s. 163.3184(10).

4 (c) If the local government does not adopt the  
5 required annual update to the schedule of capital improvements  
6 or the annual update is found not in compliance, the state  
7 land planning agency must notify the Administration  
8 Commission. A local government that has a demonstrated lack of  
9 commitment to meeting its obligations identified in the  
10 capital improvement element may be subject to sanctions by the  
11 Administration Commission pursuant to s. 163.3184(11).

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

18 (6) In addition to the requirements of subsections  
19 (1)-(5) and (12), the comprehensive plan shall include the  
20 following elements:

21 (a) A future land use plan element designating  
22 proposed future general distribution, location, and extent of  
23 the uses of land for residential uses, commercial uses,  
24 industry, agriculture, recreation, conservation, education,  
25 public buildings and grounds, other public facilities, and  
26 other categories of the public and private uses of land.  
27 Counties are encouraged to designate rural land stewardship  
28 areas, pursuant to the provisions of paragraph (11)(d), as  
29 overlays on the future land use map. Each future land use  
30 category must be defined in terms of uses included, and must  
31 include standards to be followed in the control and

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1 distribution of population densities and building and  
2 structure intensities. The proposed distribution, location,  
3 and extent of the various categories of land use shall be  
4 shown on a land use map or map series which shall be  
5 supplemented by goals, policies, and measurable objectives.  
6 The future land use plan shall be based upon surveys, studies,  
7 and data regarding the area, including the amount of land  
8 required to accommodate anticipated growth; the projected  
9 population of the area; the character of undeveloped land; the  
10 availability of water supplies, public facilities, and  
11 services; the need for redevelopment, including the renewal of  
12 blighted areas and the elimination of nonconforming uses which  
13 are inconsistent with the character of the community; the  
14 compatibility of uses on lands adjacent to or closely  
15 proximate to military installations; and, in rural  
16 communities, the need for job creation, capital investment,  
17 and economic development that will strengthen and diversify  
18 the community's economy. The future land use plan may  
19 designate areas for future planned development use involving  
20 combinations of types of uses for which special regulations  
21 may be necessary to ensure development in accord with the  
22 principles and standards of the comprehensive plan and this  
23 act. The future land use plan element shall include criteria  
24 to be used to achieve the compatibility of adjacent or closely  
25 proximate lands with military installations. In addition, for  
26 rural communities, the amount of land designated for future  
27 planned industrial use shall be based upon surveys and studies  
28 that reflect the need for job creation, capital investment,  
29 and the necessity to strengthen and diversify the local  
30 economies, and shall not be limited solely by the projected  
31 population of the rural community. The future land use plan of

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1 a county may also designate areas for possible future  
2 municipal incorporation. The land use maps or map series shall  
3 generally identify and depict historic district boundaries and  
4 shall designate historically significant properties meriting  
5 protection. The future land use element must clearly identify  
6 the land use categories in which public schools are an  
7 allowable use. When delineating the land use categories in  
8 which public schools are an allowable use, a local government  
9 shall include in the categories sufficient land proximate to  
10 residential development to meet the projected needs for  
11 schools in coordination with public school boards and may  
12 establish differing criteria for schools of different type or  
13 size. Each local government shall include lands contiguous to  
14 existing school sites, to the maximum extent possible, within  
15 the land use categories in which public schools are an  
16 allowable use. ~~All comprehensive plans must comply with the~~  
17 ~~school siting requirements of this paragraph no later than~~  
18 ~~October 1, 1999.~~ The failure by a local government to comply  
19 with these school siting requirements ~~by October 1, 1999,~~ will  
20 result in the prohibition of the local government's ability to  
21 amend the local comprehensive plan, except for plan amendments  
22 described in s. 163.3187(1)(b), until the school siting  
23 requirements are met. Amendments proposed by a local  
24 government for purposes of identifying the land use categories  
25 in which public schools are an allowable use ~~or for adopting~~  
26 ~~or amending the school-siting maps pursuant to s. 163.31776(3)~~  
27 are exempt from the limitation on the frequency of plan  
28 amendments contained in s. 163.3187. The future land use  
29 element shall include criteria that encourage the location of  
30 schools proximate to urban residential areas to the extent  
31 possible and shall require that the local government seek to

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1 collocate public facilities, such as parks, libraries, and  
2 community centers, with schools to the extent possible and to  
3 encourage the use of elementary schools as focal points for  
4 neighborhoods. For schools serving predominantly rural  
5 counties, defined as a county with a population of 100,000 or  
6 fewer, an agricultural land use category shall be eligible for  
7 the location of public school facilities if the local  
8 comprehensive plan contains school siting criteria and the  
9 location is consistent with such criteria. Local governments  
10 required to update or amend their comprehensive plan to  
11 include criteria and address compatibility of adjacent or  
12 closely proximate lands with existing military installations  
13 in their future land use plan element shall transmit the  
14 update or amendment to the department by June 30, 2006.

15 (c) A general sanitary sewer, solid waste, drainage,  
16 potable water, and natural groundwater aquifer recharge  
17 element correlated to principles and guidelines for future  
18 land use, indicating ways to provide for future potable water,  
19 drainage, sanitary sewer, solid waste, and aquifer recharge  
20 protection requirements for the area. The element may be a  
21 detailed engineering plan including a topographic map  
22 depicting areas of prime groundwater recharge. The element  
23 shall describe the problems and needs and the general  
24 facilities that will be required for solution of the problems  
25 and needs. The element shall also include a topographic map  
26 depicting any areas adopted by a regional water management  
27 district as prime groundwater recharge areas for the Floridan  
28 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
29 shall be given special consideration when the local government  
30 is engaged in zoning or considering future land use for said  
31 designated areas. For areas served by septic tanks, soil

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1 surveys shall be provided which indicate the suitability of  
2 soils for septic tanks. Within 18 months after the governing  
3 board approves an updated regional water supply plan ~~By~~  
4 ~~December 1, 2006~~, the element must incorporate the alternative  
5 water supply project or projects selected by the local  
6 government from those identified in the regional water supply  
7 plan pursuant to s. 373.0361(2)(a) or proposed by the local  
8 government under s. 373.0361(7)(b) ~~consider the appropriate~~  
9 ~~water management district's regional water supply plan~~  
10 ~~approved pursuant to s. 373.0361~~. The element must identify  
11 such alternative water supply projects and traditional water  
12 supply projects and conservation and reuse necessary to meet  
13 the water needs identified in s. 373.0361(2)(a) within the  
14 local government's jurisdiction and include a work plan,  
15 covering the comprehensive plan's established at least a  
16 ~~10-year~~ planning period, for building public, private, and  
17 regional water supply facilities, including development of  
18 alternative water supplies, which ~~that~~ are identified in the  
19 element as necessary to serve existing and new development ~~and~~  
20 ~~for which the local government is responsible~~. The work plan  
21 shall be updated, at a minimum, every 5 years within 18 ~~12~~  
22 months after the governing board of a water management  
23 district approves an updated regional water supply plan.  
24 Amendments to incorporate the work plan do not count toward  
25 the limitation on the frequency of adoption of amendments to  
26 the comprehensive plan. Local governments, public and private  
27 utilities, regional water supply authorities, special  
28 districts, and water management districts are encouraged to  
29 cooperatively plan for the development of multijurisdictional  
30 water supply facilities that are sufficient to meet projected  
31 demands for established planning periods, including the

1 development of alternative water sources to supplement  
2 traditional sources of ground and surface water supplies.

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

20 a. The intergovernmental coordination element shall  
21 provide for procedures to identify and implement joint  
22 planning areas, especially for the purpose of annexation,  
23 municipal incorporation, and joint infrastructure service  
24 areas.

25 b. The intergovernmental coordination element shall  
26 provide for recognition of campus master plans prepared  
27 pursuant to s. 1013.30.

28 c. The intergovernmental coordination element may  
29 provide for a voluntary dispute resolution process as  
30 established pursuant to s. 186.509 for bringing to closure in  
31 a timely manner intergovernmental disputes. A local

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1 government may develop and use an alternative local dispute  
2 resolution process for this purpose.

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

23           3. To foster coordination between special districts  
24 and local general-purpose governments as local general-purpose  
25 governments implement local comprehensive plans, each  
26 independent special district must submit a public facilities  
27 report to the appropriate local government as required by s.  
28 189.415.

29           4.a. Local governments ~~adopting a public educational~~  
30 ~~facilities element pursuant to s. 163.31776~~ must execute an  
31 interlocal agreement with the district school board, the

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1 county, and nonexempt municipalities pursuant to s. 163.31777,  
2 ~~as defined by s. 163.31776(1), which includes the items listed~~  
3 ~~in s. 163.31777(2)~~. The local government shall amend the  
4 intergovernmental coordination element to provide that  
5 coordination between the local government and school board is  
6 pursuant to the agreement and shall state the obligations of  
7 the local government under the agreement.

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

10         5. The state land planning agency shall establish a  
11 schedule for phased completion and transmittal of plan  
12 amendments to implement subparagraphs 1., 2., and 3. from all  
13 jurisdictions so as to accomplish their adoption by December  
14 31, 1999. A local government may complete and transmit its  
15 plan amendments to carry out these provisions prior to the  
16 scheduled date established by the state land planning agency.  
17 The plan amendments are exempt from the provisions of s.  
18 163.3187(1).

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

23         a. Identifies all existing or proposed interlocal  
24 service-delivery agreements regarding the following:  
25 education; sanitary sewer; public safety; solid waste;  
26 drainage; potable water; parks and recreation; and  
27 transportation facilities.

28         b. Identifies any deficits or duplication in the  
29 provision of services within its jurisdiction, whether capital  
30 or operational. Upon request, the Department of Community  
31 Affairs shall provide technical assistance to the local

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1 governments in identifying deficits or duplication.

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

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

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

18           (12) A public school facilities element adopted to  
19 implement a school concurrency program shall meet the  
20 requirements of this subsection.

21           (a) Each county and each municipality within the  
22 county, unless exempt or subject to a waiver, must adopt a  
23 consistent public school facilities element and enter the  
24 interlocal agreement pursuant to s. 163.31777. The state land  
25 planning agency may provide a waiver to a county and to the  
26 municipalities within the county if the capacity rate for all  
27 schools within the school district is no greater than 100  
28 percent and the projected 5-year capital outlay full-time  
29 equivalent student growth rate is less than 10 percent. The  
30 state land planning agency may, at its discretion, allow for a  
31 single school to exceed the 100-percent limitation if it can

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1 be demonstrated that the capacity rate for that single school  
2 is not greater than 105 percent. A municipality in a nonexempt  
3 county is exempt if the municipality meets all of the  
4 following criteria for having no significant impact on school  
5 attendance:

6 1. The municipality has issued development orders for  
7 fewer than 50 residential dwelling units during the preceding  
8 5 years, or the municipality has generated fewer than 25  
9 additional public school students during the preceding 5  
10 years.

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

14 3. The municipality has no public schools located  
15 within its boundaries.

16 (b) (a) A public school facilities element shall be  
17 based upon data and analyses that address, among other items,  
18 how level-of-service standards will be achieved and  
19 maintained. Such data and analyses must include, at a minimum,  
20 such items as: the interlocal agreement adopted pursuant to s.  
21 163.31777 and the 5-year school district facilities work  
22 program adopted pursuant to s. 1013.35; the educational plant  
23 survey prepared pursuant to s. 1013.31 and an existing  
24 educational and ancillary plant map or map series; information  
25 on existing development and development anticipated for the  
26 next 5 years and the long-term planning period; an analysis of  
27 problems and opportunities for existing schools and schools  
28 anticipated in the future; an analysis of opportunities to  
29 collocate future schools with other public facilities such as  
30 parks, libraries, and community centers; an analysis of the  
31 need for supporting public facilities for existing and future

1 schools; an analysis of opportunities to locate schools to  
 2 serve as community focal points; projected future population  
 3 and associated demographics, including development patterns  
 4 year by year for the upcoming 5-year and long-term planning  
 5 periods; and anticipated educational and ancillary plants with  
 6 land area requirements.

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

10 (d) ~~(c)~~ The element shall contain one or more  
 11 objectives for each goal, setting specific, measurable,  
 12 intermediate ends that are achievable and mark progress toward  
 13 the goal.

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

18 (f) ~~(e)~~ The objectives and policies shall address items  
 19 such as:

- 20 1. The procedure for an annual update process;
- 21 2. The procedure for school site selection;
- 22 3. The procedure for school permitting;
- 23 4. Provision for ~~of supporting~~ infrastructure  
 24 necessary to support proposed schools, including potable  
 25 water, wastewater, drainage, solid waste, transportation, and  
 26 means by which to assure safe access to schools, including  
 27 sidewalks, bicycle paths, turn lanes, and signalization;
- 28 5. Provision for colocation of other public  
 29 facilities, such as parks, libraries, and community centers,  
 30 in proximity to public schools;
- 31 6. Provision for location of schools proximate to

1 residential areas and to complement patterns of development,  
 2 including the location of future school sites so they serve as  
 3 community focal points;

4         7. Measures to ensure compatibility of school sites  
 5 and surrounding land uses;

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

10         9. Coordination with the future land use element.

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

21         (h) The state land planning agency shall establish a  
 22 phased schedule for adoption of the public school facilities  
 23 element and the required updates to the public schools  
 24 interlocal agreement pursuant to s. 163.31777. The schedule  
 25 shall provide for each county and local government within the  
 26 county to adopt the element and update to the agreement no  
 27 later than December 1, 2008. Plan amendments to adopt a public  
 28 school facilities element are exempt from the provisions of s.  
 29 163.3187(1).

30         (i) Failure to adopt the public school facility  
 31 element, to enter into an approved interlocal agreement as

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1 required by subparagraph (6)(h)2. and 163.31777, or to amend  
2 the comprehensive plan as necessary to implement school  
3 concurrency, according to the phased schedule, shall result in  
4 a local government being prohibited from adopting amendments  
5 to the comprehensive plan which increase residential density  
6 until the necessary amendments have been adopted and  
7 transmitted to the state land planning agency.

8 (j) The state land planning agency may issue the  
9 school board a notice to show cause why sanctions should not  
10 be enforced for failure to enter into an approved interlocal  
11 agreement as required by s. 163.31777 or for failure to  
12 implement the provisions of this act relating to public school  
13 concurrency. The school board may be subject to sanctions  
14 imposed by the Administration Commission directing the  
15 Department of Education to withhold from the district school  
16 board an equivalent amount of funds for school construction  
17 available pursuant to ss. 1013.65, 1013.68, 1013.70, and  
18 1013.72.

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

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

1 housing and development interests, and environmental  
 2 organizations.

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

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

8 2. Priorities for economic development;

9 3. Preservation of open space, environmentally  
 10 sensitive lands, and agricultural lands;

11 4. Appropriate areas and standards for mixed-use  
 12 development;

13 5. Appropriate areas and standards for high-density  
 14 commercial and residential development;

15 6. Appropriate areas and standards for  
 16 economic-development opportunities and employment centers;

17 7. Provisions for adequate workforce housing;

18 8. An efficient, interconnected multimodal  
 19 transportation system; and

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

22 (c) As part of the workshops and public meetings, the  
 23 local government must discuss strategies for addressing the  
 24 topics discussed under paragraph (b), including:

25 1. Strategies to preserve open space and  
 26 environmentally sensitive lands, and to encourage a healthy  
 27 agricultural economy, including innovative planning and  
 28 development strategies, such as the transfer of development  
 29 rights;

30 2. Incentives for mixed-use development, including  
 31 increased height and intensity standards for buildings that

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1 provide residential use in combination with office or  
2 commercial space;

3 3. Incentives for workforce housing;

4 4. Designation of an urban service boundary pursuant  
5 to subsection (2); and

6 5. Strategies to provide mobility within the community  
7 and to protect the Strategic Intermodal System, including the  
8 development of a transportation corridor management plan under  
9 s. 337.273.

10 (d) The community vision must reflect the community's  
11 shared concept for growth and development of the community,  
12 including visual representations depicting the desired  
13 land-use patterns and character of the community during a  
14 10-year planning timeframe. The community vision must also  
15 take into consideration economic viability of the vision and  
16 private property interests.

17 (e) After the workshops and public meetings required  
18 under paragraph (a) are held, the local government may amend  
19 its comprehensive plan to include the community vision as a  
20 component in the plan. This plan amendment must be transmitted  
21 and adopted pursuant to the procedures in ss. 163.3184 and  
22 163.3189 at public hearings of the governing body other than  
23 those identified in paragraph (a).

24 (f) Amendments submitted under this subsection are  
25 exempt from the limitation on the frequency of plan amendments  
26 in s. 163.3187.

27 (g) A county that has adopted a community vision and  
28 the plan amendment incorporating the vision has been found in  
29 compliance may levy a local option fuel tax under s.  
30 336.025(1)(b) by a majority vote of its governing body.

31 (h) A county that has adopted a community vision as a

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1 component of the comprehensive plan and the plan amendment  
2 incorporating the community vision as a component has been  
3 found in compliance may levy the ninth-cent fuel tax under s.  
4 336.021(1)(a) by a majority vote of its governing body.

5 (i) A local government that has developed a community  
6 vision or completed a visioning process after July 1, 2000,  
7 and before July 1, 2005, which substantially accomplishes the  
8 goals set forth in this subsection and the appropriate goals,  
9 policies, or objectives have been adopted as part of the  
10 comprehensive plan or reflected in subsequently adopted land  
11 development regulations and the plan amendment incorporating  
12 the community vision as a component has been found in  
13 compliance may levy the local option fuel tax under s.  
14 336.025(1)(b) and the ninth-cent fuel tax under s.  
15 336.021(1)(a) by a majority vote of its governing body.

16 (14) Local governments are also encouraged to  
17 designate an urban service boundary. This area must be  
18 appropriate for compact, contiguous urban development within a  
19 10-year planning timeframe. The urban service area boundary  
20 must be identified on the future land use map or map series.  
21 The local government shall demonstrate that the land included  
22 within the urban service boundary is served or is planned to  
23 be served with adequate public facilities and services based  
24 on the local government's adopted level-of-service standards  
25 by adopting a 10-year facilities plan in the capital  
26 improvements element which is financially feasible. The local  
27 government shall demonstrate that the amount of land within  
28 the urban service boundary does not exceed the amount of land  
29 needed to accommodate the projected population growth at  
30 densities consistent with the adopted comprehensive plan  
31 within the 10-year planning timeframe.

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1       (a) As part of the process of establishing an urban  
2 service boundary, the local government must hold two public  
3 meetings with at least one of those meetings before the local  
4 planning agency. Before those public meetings, the local  
5 government must hold at least one public workshop with  
6 stakeholder groups such as neighborhood associations,  
7 community organizations, businesses, private property owners,  
8 housing and development interests, and environmental  
9 organizations.

10       (b)1. After the workshops and public meetings required  
11 under paragraph (a) are held, the local government may amend  
12 its comprehensive plan to include the urban service boundary.  
13 This plan amendment must be transmitted and adopted pursuant  
14 to the procedures in ss. 163.3184 and 163.3189 at meetings of  
15 the governing body other than those required under paragraph  
16 (a).

17       2. This subsection does not prohibit new development  
18 outside an urban service boundary. However, a local government  
19 that establishes an urban service boundary under this  
20 subsection is encouraged to require a full-cost accounting  
21 analysis for any new development outside the boundary and to  
22 consider the results of that analysis when adopting a plan  
23 amendment for property outside the established urban service  
24 boundary.

25       (c) Amendments submitted under this subsection are  
26 exempt from the limitation on the frequency of plan amendments  
27 in s. 163.3187.

28       (d) A county that has adopted a community vision under  
29 subsection (13) and an urban service boundary under this  
30 subsection as part of its comprehensive plan and the plan  
31 amendments incorporating the vision and the urban service

1 boundary have been found in compliance may levy the charter  
2 county transit system surtax under s. 212.055(1) by a majority  
3 vote of the governing body.

4 (e) A county that has adopted a community vision under  
5 subsection (13) and an urban service boundary under this  
6 subsection and the plan amendments incorporating the vision  
7 and the urban service boundary have been found in compliance  
8 may levy the local government infrastructure surtax under s.  
9 212.055(2) by a majority vote of its governing body.

10 (f) A small county that has adopted a community vision  
11 under subsection (13) and an urban service boundary under this  
12 subsection and the plan amendment incorporating the vision and  
13 the urban service boundary has been found in compliance may  
14 levy the local government infrastructure surtax under s.  
15 212.055(2) and the small county surtax under s. 212.055(3) by  
16 a majority vote of its governing body for a combined rate of  
17 up to 2 percent.

18 Section 3. Section 163.31776, Florida Statutes, is  
19 repealed.

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

22 163.31777 Public schools interlocal agreement.--

23 (2) At a minimum, the interlocal agreement must  
24 address interlocal-agreement requirements in s.  
25 163.3180(13)(g), except for exempt local governments as  
26 provided in s. 163.3177(12), and must address the following  
27 issues:

28 (a) A process by which each local government and the  
29 district school board agree and base their plans on consistent  
30 projections of the amount, type, and distribution of  
31 population growth and student enrollment. The geographic

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1 distribution of jurisdiction-wide growth forecasts is a major  
2 objective of the process.

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

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

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

22 (e) A process for the school board to inform the local  
23 government regarding the effect of comprehensive plan  
24 amendments on school capacity. The capacity reporting must be  
25 consistent with laws and rules relating to measurement of  
26 school facility capacity and must also identify how the  
27 district school board will meet the public school demand based  
28 on the facilities work program adopted pursuant to s. 1013.35.

29 (f) Participation of the local governments in the  
30 preparation of the annual update to the district school  
31 board's 5-year district facilities work program and

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1 educational plant survey prepared pursuant to s. 1013.35.

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

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

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

12

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

22 (5) Any local government transmitting a public school  
23 element to implement school concurrency pursuant to the  
24 requirements of s. 163.3180 before the effective date of this  
25 section is not required to amend the element or any interlocal  
26 agreement to conform with the provisions of this section if  
27 the element is adopted prior to or within 1 year after the  
28 effective date of this section and remains in effect until the  
29 county conducts its evaluation and appraisal report and  
30 identifies changes necessary to more fully conform to the  
31 provisions of this section.

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

6           ~~(a) The municipality has no public schools located~~  
 7 ~~within its boundaries.~~

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

15           (7) At the time of the evaluation and appraisal  
 16 report, each exempt municipality shall assess the extent to  
 17 which it continues to meet the criteria for exemption under s.  
 18 163.3177(12) subsection (6). If the municipality continues to  
 19 meet these criteria ~~and the district school board verifies in~~  
 20 ~~writing that no new school facilities will be needed within~~  
 21 ~~the 5-year and 10-year timeframes~~, the municipality shall  
 22 continue to be exempt from the interlocal-agreement  
 23 requirement. Each municipality exempt under s. 163.3177(12)  
 24 ~~subsection (6)~~ must comply with the provisions of this section  
 25 within 1 year after the district school board proposes, in its  
 26 5-year district facilities work program, a new school within  
 27 the municipality's jurisdiction.

28           Section 5. Paragraph (a) of subsection (1), subsection  
 29 (2), paragraph (c) of subsection (4), subsections (5), (6),  
 30 (7), (9), (10), (13), and (15) of section 163.3180, Florida  
 31 Statutes, are amended, and subsections (16) and (17) are added

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1 to that section, to read:

2 163.3180 Concurrency.--

3 (1)(a) Sanitary sewer, solid waste, drainage, potable  
4 water, parks and recreation, schools, and transportation  
5 facilities, including mass transit, where applicable, are the  
6 only public facilities and services subject to the concurrency  
7 requirement on a statewide basis. Additional public facilities  
8 and services may not be made subject to concurrency on a  
9 statewide basis without appropriate study and approval by the  
10 Legislature; however, any local government may extend the  
11 concurrency requirement so that it applies to additional  
12 public facilities within its jurisdiction.

13 (2)(a) Consistent with public health and safety,  
14 sanitary sewer, solid waste, drainage, adequate water  
15 supplies, and potable water facilities shall be in place and  
16 available to serve new development no later than the issuance  
17 by the local government of a certificate of occupancy or its  
18 functional equivalent. Prior to approval of a building permit  
19 or its functional equivalent, the local government shall  
20 confirm with the applicable water supplier that adequate water  
21 supplies to serve the new development will be available no  
22 later than the anticipated date of issuance by the local  
23 government of a certificate of occupancy or its functional  
24 equivalent.

25 (b) Consistent with the public welfare, and except as  
26 otherwise provided in this section, parks and recreation  
27 facilities to serve new development shall be in place or under  
28 actual construction no later than 1 year after issuance by the  
29 local government of a certificate of occupancy or its  
30 functional equivalent. However, the acreage for such  
31 facilities shall be dedicated or be acquired by the local

1 government prior to issuance by the local government of a  
 2 certificate of occupancy or its functional equivalent, or  
 3 funds in the amount of the developer's fair share shall be  
 4 committed no later than ~~prior to issuance by~~ the local  
 5 ~~government's approval to commence construction~~ ~~government of a~~  
 6 ~~certificate of occupancy or its functional equivalent.~~

7 (c) Consistent with the public welfare, and except as  
 8 otherwise provided in this section, transportation facilities  
 9 ~~designated as part of the Florida Intrastate Highway System~~  
 10 needed to serve new development shall be in place when the  
 11 local government approves a building permit or its functional  
 12 equivalent that results in traffic generation, or the facility  
 13 must be or under actual construction within 3 ~~not more than 5~~  
 14 years after the date of the local government's approval to  
 15 commence construction of each stage or phase of the  
 16 development. ~~issuance by the local government of a certificate~~  
 17 ~~of occupancy or its functional equivalent. Other~~  
 18 ~~transportation facilities needed to serve new development~~  
 19 ~~shall be in place or under actual construction no more than 3~~  
 20 ~~years after issuance by the local government of a certificate~~  
 21 ~~of occupancy or its functional equivalent.~~

22 (4)

23 (c) The concurrency requirement, except as it relates  
 24 to transportation facilities and public schools, as  
 25 implemented in local government comprehensive plans, may be  
 26 waived by a local government for urban infill and  
 27 redevelopment areas designated pursuant to s. 163.2517 if such  
 28 a waiver does not endanger public health or safety as defined  
 29 by the local government in its local government comprehensive  
 30 plan. The waiver shall be adopted as a plan amendment  
 31 pursuant to the process set forth in s. 163.3187(3)(a). A

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1 local government may grant a concurrency exception pursuant to  
2 subsection (5) for transportation facilities located within  
3 these urban infill and redevelopment areas.

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

17 (b) A local government may grant an exception from the  
18 concurrency requirement for transportation facilities if the  
19 proposed development is otherwise consistent with the adopted  
20 local government comprehensive plan and is a project that  
21 promotes public transportation or is located within an area  
22 designated in the comprehensive plan for:

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

27 (c) The Legislature also finds that developments  
28 located within urban infill, urban redevelopment, existing  
29 urban service, or downtown revitalization areas or areas  
30 designated as urban infill and redevelopment areas under s.  
31 163.2517 which pose only special part-time demands on the

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1 transportation system should be excepted from the concurrency  
2 requirement for transportation facilities. A special  
3 part-time demand is one that does not have more than 200  
4 scheduled events during any calendar year and does not affect  
5 the 100 highest traffic volume hours.

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

11 (e) The local government shall adopt into the plan and  
12 implement strategies to support and fund mobility within the  
13 designated exception area, including alternative modes of  
14 transportation. The plan amendment shall also demonstrate how  
15 strategies will support the purpose of the exception and how  
16 mobility within the designated exception area will be  
17 provided. In addition, the strategies must address urban  
18 design; appropriate land use mixes, including intensity and  
19 density; and network connectivity plans needed to promote  
20 urban infill, redevelopment, or downtown revitalization. The  
21 comprehensive plan amendment designating the concurrency  
22 exception area shall be accompanied by data and analysis  
23 justifying the size of the area.

24 (f) Prior to the designation of a concurrency  
25 exception area, the Department of Transportation shall be  
26 consulted by the local government to assess the impact that  
27 the proposed exception area is expected to have on the adopted  
28 level of service standards established for Strategic  
29 Intermodal System facilities, as defined in s. 339.64.  
30 Further, the local government shall, in cooperation with the  
31 Department of Transportation, develop a plan to mitigate any

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1 impacts to the Strategic Intermodal System, including, if  
2 appropriate, the development of a long-term concurrency  
3 management system pursuant to ss. 163.3177(3)(d) and  
4 163.3180(9). in the comprehensive plan. These guidelines must  
5 include consideration of the impacts on the Florida Intrastate  
6 Highway System, as defined in s. 338.001. The exceptions may  
7 be available only within the specific geographic area of the  
8 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
9 any affected person may challenge a plan amendment  
10 establishing these guidelines and the areas within which an  
11 exception could be granted.

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

17 (6) The Legislature finds that a de minimis impact is  
18 consistent with this part. A de minimis impact is an impact  
19 that would not affect more than 1 percent of the maximum  
20 volume at the adopted level of service of the affected  
21 transportation facility as determined by the local government.  
22 No impact will be de minimis if the sum of existing roadway  
23 volumes and the projected volumes from approved projects on a  
24 transportation facility would exceed 110 percent of the  
25 maximum volume at the adopted level of service of the affected  
26 transportation facility; provided however, that an impact of a  
27 single family home on an existing lot will constitute a de  
28 minimis impact on all roadways regardless of the level of the  
29 deficiency of the roadway. ~~Local governments are encouraged to~~  
30 ~~adopt methodologies to encourage de minimis impacts on~~  
31 ~~transportation facilities within an existing urban service~~

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1 ~~area~~. Further, no impact will be de minimis if it would exceed  
2 the adopted level-of-service standard of any affected  
3 designated hurricane evacuation routes. Each local government  
4 shall maintain sufficient records to ensure that the  
5 110-percent criterion is not exceeded. Each local government  
6 shall submit annually, with its updated capital improvements  
7 element, a summary of the de minimus records. If the state  
8 land planning agency determines that the 110-percent criterion  
9 has been exceeded, the state land planning agency shall notify  
10 the local government of the exceedance and that no further de  
11 minimis exceptions for the applicable roadway may be granted  
12 until such time as the volume is reduced below the 110  
13 percent. The local government shall provide proof of this  
14 reduction to the state land planning agency before issuing  
15 further de minimis exceptions.

16 (7) In order to promote infill development and  
17 redevelopment, one or more transportation concurrency  
18 management areas may be designated in a local government  
19 comprehensive plan. A transportation concurrency management  
20 area must be a compact geographic area with an existing  
21 network of roads where multiple, viable alternative travel  
22 paths or modes are available for common trips. A local  
23 government may establish an areawide level-of-service standard  
24 for such a transportation concurrency management area based  
25 upon an analysis that provides for a justification for the  
26 areawide level of service, how urban infill development or  
27 redevelopment will be promoted, and how mobility will be  
28 accomplished within the transportation concurrency management  
29 area. Prior to the designation of a concurrency management  
30 area, the Department of Transportation shall be consulted by  
31 the local government to assess the impact that the proposed

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1 concurrency management area is expected to have on the adopted  
2 level of service standards established for Strategic  
3 Intermodal System facilities, as defined in s. 339.64.  
4 Further, the local government shall, in cooperation with the  
5 Department of Transportation, develop a plan to mitigate any  
6 impacts to the Strategic Intermodal System, including, if  
7 appropriate, the development of a long-term concurrency  
8 management system pursuant to ss. 163.3177(3)(d) and  
9 163.3180(9). Transportation concurrency management areas  
10 existing prior to July 1, 2005, shall meet, at a minimum, the  
11 provisions of this section by July 1, 2006, or at the time of  
12 the comprehensive plan update pursuant to the evaluation and  
13 appraisal report, whichever occurs last. The state land  
14 planning agency shall amend chapter 9J-5, Florida  
15 Administrative Code, to be consistent with this subsection.

16 (9) (a) Each local government may adopt as a part of  
17 its plan, ~~a~~ long-term transportation and school concurrency  
18 management systems ~~system~~ with a planning period of up to 10  
19 years for specially designated districts or areas where  
20 significant backlogs exist. The plan may include interim  
21 level-of-service standards on certain facilities and shall ~~may~~  
22 rely on the local government's schedule of capital  
23 improvements for up to 10 years as a basis for issuing  
24 development orders that authorize commencement of construction  
25 permits in these designated districts or areas. The  
26 concurrency management system. ~~It~~ must be designed to correct  
27 existing deficiencies and set priorities for addressing  
28 backlogged facilities. The concurrency management system ~~It~~  
29 must be financially feasible and consistent with other  
30 portions of the adopted local plan, including the future land  
31 use map.

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

- 9           1. The extent of the backlog.
- 10           2. For roads, whether the backlog is on local or state  
11 roads.
- 12           3. The cost of eliminating the backlog.
- 13           4. The local government's tax and other  
14 revenue-raising efforts.

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

19           (d) If the local government adopts a long-term  
20 concurrency management system, it must evaluate the system  
21 periodically. At a minimum, the local government must assess  
22 its progress toward improving levels of service within the  
23 long-term concurrency management district or area in the  
24 evaluation and appraisal report and determine any changes that  
25 are necessary to accelerate progress in meeting acceptable  
26 levels of service.

27           (10) With regard to roadway facilities on the  
28 Strategic Intermodal System designated in accordance with ss.  
29 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate  
30 Highway System as defined in s. 338.001, and roadway  
31 facilities funded in accordance with s. 339.2819 with

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

26 (13) ~~School concurrency, if imposed by local option,~~  
27 shall be established on a districtwide basis and shall include  
28 all public schools in the district and all portions of the  
29 district, whether located in a municipality or an  
30 unincorporated area unless exempt from the public school  
31 facilities element pursuant to s. 163.3177(12). The

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1 application of school concurrency to development shall be  
2 based upon the adopted comprehensive plan, as amended. All  
3 local governments within a county, except as provided in  
4 paragraph (f), shall adopt and transmit to the state land  
5 planning agency the necessary plan amendments, along with the  
6 interlocal agreement, for a compliance review pursuant to s.  
7 163.3184(7) and (8). ~~School concurrency shall not become~~  
8 ~~effective in a county until all local governments, except as~~  
9 ~~provided in paragraph (f), have adopted the necessary plan~~  
10 ~~amendments, which together with the interlocal agreement, are~~  
11 ~~determined to be in compliance with the requirements of this~~  
12 ~~part.~~ The minimum requirements for school concurrency are the  
13 following:

14 (a) Public school facilities element.--A local  
15 government shall adopt and transmit to the state land planning  
16 agency a plan or plan amendment which includes a public school  
17 facilities element which is consistent with the requirements  
18 of s. 163.3177(12) and which is determined to be in compliance  
19 as defined in s. 163.3184(1)(b). All local government public  
20 school facilities plan elements within a county must be  
21 consistent with each other as well as the requirements of this  
22 part.

23 (b) Level-of-service standards.--The Legislature  
24 recognizes that an essential requirement for a concurrency  
25 management system is the level of service at which a public  
26 facility is expected to operate.

27 1. Local governments and school boards imposing school  
28 concurrency shall exercise authority in conjunction with each  
29 other to establish jointly adequate level-of-service  
30 standards, as defined in chapter 9J-5, Florida Administrative  
31 Code, necessary to implement the adopted local government

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1 comprehensive plan, based on data and analysis.

2           2. Public school level-of-service standards shall be  
3 included and adopted into the capital improvements element of  
4 the local comprehensive plan and shall apply districtwide to  
5 all schools of the same type. Types of schools may include  
6 elementary, middle, and high schools as well as special  
7 purpose facilities such as magnet schools.

8           3. Local governments and school boards shall have the  
9 option to utilize tiered level-of-service standards to allow  
10 time to achieve an adequate and desirable level of service as  
11 circumstances warrant.

12           (c) Service areas.--The Legislature recognizes that an  
13 essential requirement for a concurrency system is a  
14 designation of the area within which the level of service will  
15 be measured when an application for a residential development  
16 permit is reviewed for school concurrency purposes. This  
17 delineation is also important for purposes of determining  
18 whether the local government has a financially feasible public  
19 school capital facilities program that will provide schools  
20 which will achieve and maintain the adopted level-of-service  
21 standards.

22           1. In order to balance competing interests, preserve  
23 the constitutional concept of uniformity, and avoid disruption  
24 of existing educational and growth management processes, local  
25 governments are encouraged to initially apply school  
26 concurrency to development only on a districtwide basis so  
27 that a concurrency determination for a specific development  
28 will be based upon the availability of school capacity  
29 districtwide. To ensure that development is coordinated with  
30 schools having available capacity, within 5 years after  
31 adoption of school concurrency, local governments shall apply

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1 school concurrency on a less than districtwide basis, such as  
2 using school attendance zones or concurrency service areas, as  
3 provided in subparagraph 2.

4           2. For local governments applying school concurrency  
5 on a less than districtwide basis, such as utilizing school  
6 attendance zones or larger school concurrency service areas,  
7 local governments and school boards shall have the burden to  
8 demonstrate that the utilization of school capacity is  
9 maximized to the greatest extent possible in the comprehensive  
10 plan and amendment, taking into account transportation costs  
11 and court-approved desegregation plans, as well as other  
12 factors. In addition, in order to achieve concurrency within  
13 the service area boundaries selected by local governments and  
14 school boards, the service area boundaries, together with the  
15 standards for establishing those boundaries, shall be  
16 identified ~~and~~, included as supporting data and analysis for,  
17 ~~and adopted as part of the comprehensive plan. Any subsequent~~  
18 ~~change to the service area boundaries for purposes of a school~~  
19 ~~concurrency system shall be by plan amendment and shall be~~  
20 ~~exempt from the limitation on the frequency of plan amendments~~  
21 ~~in s. 163.3187(1).~~

22           3. Where school capacity is available on a  
23 districtwide basis but school concurrency is applied on a less  
24 than districtwide basis in the form of concurrency service  
25 areas, if the adopted level-of-service standard cannot be met  
26 in a particular service area as applied to an application for  
27 a development permit and if the needed capacity for the  
28 particular service area is available in one or more contiguous  
29 service areas, as adopted by the local government, then the  
30 development order may not shall be denied on the basis of  
31 school concurrency, and if issued, development impacts shall

1 be shifted to contiguous service areas with schools having  
2 available capacity ~~and mitigation measures shall not be~~  
3 ~~exacted.~~

4 (d) Financial feasibility.--The Legislature recognizes  
5 that financial feasibility is an important issue because the  
6 premise of concurrency is that the public facilities will be  
7 provided in order to achieve and maintain the adopted  
8 level-of-service standard. This part and chapter 9J-5, Florida  
9 Administrative Code, contain specific standards to determine  
10 the financial feasibility of capital programs. These standards  
11 were adopted to make concurrency more predictable and local  
12 governments more accountable.

13 1. A comprehensive plan amendment seeking to impose  
14 school concurrency shall contain appropriate amendments to the  
15 capital improvements element of the comprehensive plan,  
16 consistent with the requirements of s. 163.3177(3) and rule  
17 9J-5.016, Florida Administrative Code. The capital  
18 improvements element shall set forth a financially feasible  
19 public school capital facilities program, established in  
20 conjunction with the school board, that demonstrates that the  
21 adopted level-of-service standards will be achieved and  
22 maintained.

23 2. Such amendments shall demonstrate that the public  
24 school capital facilities program meets all of the financial  
25 feasibility standards of this part and chapter 9J-5, Florida  
26 Administrative Code, that apply to capital programs which  
27 provide the basis for mandatory concurrency on other public  
28 facilities and services.

29 3. When the financial feasibility of a public school  
30 capital facilities program is evaluated by the state land  
31 planning agency for purposes of a compliance determination,

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1 the evaluation shall be based upon the service areas selected  
2 by the local governments and school board.

3 (e) Availability standard.--Consistent with the public  
4 welfare, a local government may not deny an application for  
5 site plan, final subdivision approval, or the functional  
6 equivalent for a development or phase of a development permit  
7 authorizing residential development for failure to achieve and  
8 maintain the level-of-service standard for public school  
9 capacity in a local ~~option~~ school concurrency management  
10 system where adequate school facilities will be in place or  
11 under actual construction within 3 years after the permit  
12 issuance of final subdivision or site plan approval, or the  
13 functional equivalent. School concurrency shall be satisfied  
14 if the developer executes a development order may be approved  
15 if the developer executes a legally binding commitment to  
16 provide mitigation proportionate to the demand for public  
17 school facilities to be created by actual development of the  
18 property, including, but not limited to, the options described  
19 in subparagraph 1. Options for proportionate-share mitigation  
20 of impacts on public school facilities shall be established in  
21 the public school facilities element and the interlocal  
22 agreement pursuant to s. 163.31777.

23 1. Appropriate mitigation options include the  
24 contribution of land; the construction, expansion, or payment  
25 for land acquisition or construction of a public school  
26 facility; or the creation of mitigation banking based on the  
27 construction of a public school facility in exchange for the  
28 right to sell capacity credits. Such options must include  
29 execution by the applicant and the local government of a  
30 binding development agreement that constitutes a legally  
31 binding commitment to pay proportionate-share mitigation for

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1 the additional residential units approved by the local  
2 government in a development order and actually developed on  
3 the property, taking into account residential density allowed  
4 on the property prior to the plan amendment that increased  
5 overall residential density. The district school board shall  
6 be a party to such an agreement. As a condition of its entry  
7 into such a development agreement, the local government may  
8 require the landowner to agree to continuing renewal of the  
9 agreement upon its expiration.

10 2. If the education facilities plan and the public  
11 educational facilities element authorize a contribution of  
12 land; the construction, expansion, or payment for land  
13 acquisition; or the construction or expansion of a public  
14 school facility, or a portion thereof, as proportionate-share  
15 mitigation, the local government shall credit such a  
16 contribution, construction, expansion, or payment toward any  
17 other impact fee or exaction imposed by local ordinance for  
18 the same need, on a dollar-for-dollar basis at fair market  
19 value.

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

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

29 (f) Intergovernmental coordination.--

30 1. When establishing concurrency requirements for  
31 public schools, a local government shall satisfy the

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1 requirements for intergovernmental coordination set forth in  
2 s. 163.3177(6)(h)1. and 2., except that a municipality is not  
3 required to be a signatory to the interlocal agreement  
4 required by ss. ~~s.~~ 163.3177(6)(h)2. and 163.31777(6), as a  
5 prerequisite for imposition of school concurrency, and as a  
6 nonsignatory, shall not participate in the adopted local  
7 school concurrency system, if the municipality meets all of  
8 the following criteria for having no significant impact on  
9 school attendance:

10 a. The municipality has issued development orders for  
11 fewer than 50 residential dwelling units during the preceding  
12 5 years, or the municipality has generated fewer than 25  
13 additional public school students during the preceding 5  
14 years.

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

18 c. The municipality has no public schools located  
19 within its boundaries.

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

22 2. A municipality which qualifies as having no  
23 significant impact on school attendance pursuant to the  
24 criteria of subparagraph 1. must review and determine at the  
25 time of its evaluation and appraisal report pursuant to s.  
26 163.3191 whether it continues to meet the criteria pursuant to  
27 s. 163.31777(6). If the municipality determines that it no  
28 longer meets the criteria, it must adopt appropriate school  
29 concurrency goals, objectives, and policies in its plan  
30 amendments based on the evaluation and appraisal report, and  
31 enter into the existing interlocal agreement required by ss.

1 ~~s.~~ 163.3177(6) (h)2. and 163.31777, in order to fully  
 2 participate in the school concurrency system. If such a  
 3 municipality fails to do so, it will be subject to the  
 4 enforcement provisions of s. 163.3191.

5 (g) Interlocal agreement for school concurrency.--When  
 6 establishing concurrency requirements for public schools, a  
 7 local government must enter into an interlocal agreement that  
 8 ~~which~~ satisfies the requirements in ss. ~~s.~~ 163.3177(6) (h)1.  
 9 and 2. and 163.31777 and the requirements of this subsection.  
 10 The interlocal agreement shall acknowledge both the school  
 11 board's constitutional and statutory obligations to provide a  
 12 uniform system of free public schools on a countywide basis,  
 13 and the land use authority of local governments, including  
 14 their authority to approve or deny comprehensive plan  
 15 amendments and development orders. The interlocal agreement  
 16 shall be submitted to the state land planning agency by the  
 17 local government as a part of the compliance review, along  
 18 with the other necessary amendments to the comprehensive plan  
 19 required by this part. In addition to the requirements of ss.  
 20 ~~s.~~ 163.3177(6) (h) and 163.31777, the interlocal agreement  
 21 shall meet the following requirements:

22 1. Establish the mechanisms for coordinating the  
 23 development, adoption, and amendment of each local  
 24 government's public school facilities element with each other  
 25 and the plans of the school board to ensure a uniform  
 26 districtwide school concurrency system.

27 ~~2. Establish a process by which each local government~~  
 28 ~~and the school board shall agree and base their plans on~~  
 29 ~~consistent projections of the amount, type, and distribution~~  
 30 ~~of population growth and coordinate and share information~~  
 31 ~~relating to existing and planned public school facilities~~

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1 ~~projections and proposals for development and redevelopment,~~  
2 ~~and infrastructure required to support public school~~  
3 ~~facilities.~~

4 ~~2.3.~~ Establish a process for the development of siting  
5 criteria which encourages the location of public schools  
6 proximate to urban residential areas to the extent possible  
7 and seeks to collocate schools with other public facilities  
8 such as parks, libraries, and community centers to the extent  
9 possible.

10 ~~3.4.~~ Specify uniform, districtwide level-of-service  
11 standards for public schools of the same type and the process  
12 for modifying the adopted level-of-service standards.

13 ~~4.5.~~ Establish a process for the preparation,  
14 amendment, and joint approval by each local government and the  
15 school board of a public school capital facilities program  
16 which is financially feasible, and a process and schedule for  
17 incorporation of the public school capital facilities program  
18 into the local government comprehensive plans on an annual  
19 basis.

20 ~~5.6.~~ Define the geographic application of school  
21 concurrency. If school concurrency is to be applied on a less  
22 than districtwide basis in the form of concurrency service  
23 areas, the agreement shall establish criteria and standards  
24 for the establishment and modification of school concurrency  
25 service areas. The agreement shall also establish a process  
26 and schedule for the mandatory incorporation of the school  
27 concurrency service areas and the criteria and standards for  
28 establishment of the service areas into the local government  
29 comprehensive plans. The agreement shall ensure maximum  
30 utilization of school capacity, taking into account  
31 transportation costs and court-approved desegregation plans,

1 as well as other factors. The agreement shall also ensure the  
 2 achievement and maintenance of the adopted level-of-service  
 3 standards for the geographic area of application throughout  
 4 the 5 years covered by the public school capital facilities  
 5 plan and thereafter by adding a new fifth year during the  
 6 annual update.

7 6.7. Establish a uniform districtwide procedure for  
 8 implementing school concurrency which provides for:

9 a. The evaluation of development applications for  
 10 compliance with school concurrency requirements, including  
 11 information provided by the school board on affected schools,  
 12 impact on levels of service, and programmed improvements for  
 13 affected schools and any options to provide sufficient  
 14 capacity;

15 b. An opportunity for the school board to review and  
 16 comment on the effect of comprehensive plan amendments and  
 17 rezonings on the public school facilities plan; and

18 c. The monitoring and evaluation of the school  
 19 concurrency system.

20 ~~7.8.~~ Include provisions relating to ~~termination,~~  
 21 ~~suspension, and~~ amendment of the agreement. ~~The agreement~~  
 22 ~~shall provide that if the agreement is terminated or~~  
 23 ~~suspended, the application of school concurrency shall be~~  
 24 ~~terminated or suspended.~~

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

27 (h) This subsection does not limit the authority of a  
 28 local government to grant or deny a development permit or its  
 29 functional equivalent prior to the implementation of school  
 30 concurrency.

31 (15) (a) Multimodal transportation districts may be

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1 established under a local government comprehensive plan in  
2 areas delineated on the future land use map for which the  
3 local comprehensive plan assigns secondary priority to vehicle  
4 mobility and primary priority to assuring a safe, comfortable,  
5 and attractive pedestrian environment, with convenient  
6 interconnection to transit. Such districts must incorporate  
7 community design features that will reduce the number of  
8 automobile trips or vehicle miles of travel and will support  
9 an integrated, multimodal transportation system. Prior to the  
10 designation of multimodal transportation districts, the  
11 Department of Transportation shall be consulted by the local  
12 government to assess the impact that the proposed multimodal  
13 district area is expected to have on the adopted level of  
14 service standards established for Strategic Intermodal System  
15 facilities, as defined in s. 339.64. Further, the local  
16 government shall, in cooperation with the Department of  
17 Transportation, develop a plan to mitigate any impacts to the  
18 Strategic Intermodal System, including the development of a  
19 long-term concurrency management system pursuant to ss.  
20 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
21 districts existing prior to July 1, 2005, shall meet, at a  
22 minimum, the provisions of this section by July 1, 2006, or at  
23 the time of the comprehensive plan update pursuant to the  
24 evaluation and appraisal report, whichever occurs last.

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

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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. ~~The analysis must~~  
13 ~~take into consideration the impact on the Florida Intrastate~~  
14 ~~Highway System.~~ The analysis must also demonstrate that the  
15 capital improvements required to promote community design are  
16 financially feasible over the development or redevelopment  
17 timeframe for the district and that community design features  
18 within the district provide convenient interconnection for a  
19 multimodal transportation system. Local governments may issue  
20 development permits in reliance upon all planned community  
21 design capital improvements that are financially feasible over  
22 the development or redevelopment timeframe for the district,  
23 without regard to the period of time between development or  
24 redevelopment and the scheduled construction of the capital  
25 improvements. A determination of financial feasibility shall  
26 be based upon currently available funding or funding sources  
27 that could reasonably be expected to become available over the  
28 planning period.

29 (d) Local governments may reduce impact fees or local  
30 access fees for development within multimodal transportation  
31 districts based on the reduction of vehicle trips per

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1 household or vehicle miles of travel expected from the  
2 development pattern planned for the district.

3 (16) It is the intent of the Legislature to provide an  
4 alternative method by which the impacts of development can be  
5 mitigated by the cooperative efforts of the public and private  
6 sector with respect to transportation, including transit where  
7 applicable, public schools, and parks and recreation. Any  
8 methodology used to calculate proportionate share  
9 contributions must ensure that a development is only assessed  
10 to fund improvements to facilities or services that are  
11 reasonably attributable to the impacts of such development.

12 (a) A local government shall specifically authorize in  
13 its comprehensive plan proportionate fair-share mitigation to  
14 satisfy concurrency requirements applicable to transportation,  
15 parks and recreation, and public schools.

16 (b) A local government's land development regulations  
17 must include methodologies that will be applied to calculate  
18 proportionate fair-share mitigation for individual projects.  
19 These methodologies must ensure that proportionate fair-share  
20 mitigation not exceed the mitigation required to mitigate  
21 impacts reasonably attributable to the impacts of a particular  
22 project.

23 (c) Proportionate fair-share mitigation shall include,  
24 without limitation, separately or collectively, cash payments,  
25 contribution of land, and construction and contribution of  
26 facilities.

27 (d) A local government may impose proportionate  
28 fair-share mitigation on projects prior to a failure of the  
29 facility to meet established levels of service. However, to  
30 the maximum extent feasible, such mitigation shall be applied  
31 to an impacted transportation facility commensurate to the

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1 degree of impact to the facility.

2 (e) Proportionate fair-share mitigation must be  
3 applied by the local government to mitigate impacts reasonably  
4 attributable to a project. The timing for application of  
5 mitigation and the methods by which it will be applied to  
6 concurrency requirements shall be established in the local  
7 plan amendment referenced in paragraph (a) and shall be  
8 consistent with the capital improvements element of the local  
9 plan.

10 (f) Mitigation for development impacts to facilities  
11 on the Strategic Intermodal System or other facilities by the  
12 local government, which are subject to the level-of-service  
13 standard established by the Department of Transportation,  
14 shall require the concurrence of the Department of  
15 Transportation.

16 (g) By December 1, 2006, each local government shall  
17 adopt by ordinance a transportation concurrency management  
18 system that shall include a methodology for assessing  
19 proportionate fair-share mitigation options. By December 1,  
20 2005, the Department of Transportation shall develop a model  
21 transportation concurrency management ordinance with  
22 methodologies for assessing proportionate fair-share  
23 mitigation options.

24 (h) Mitigation for development impacts to public  
25 schools shall require the concurrence of the local school  
26 board pursuant to subsection (13).

27 (i) Each school district shall adopt by rule  
28 methodologies for determining proportionate fair-share  
29 mitigation for public schools within a district. Once adopted,  
30 local governments shall apply these methodologies for public  
31 school facilities as part of a proportionate fair-share

1 mitigation agreement or development order for the project.

2 Section 6. Subsection (17) is added to section  
3 163.3184, Florida Statutes, to read:

4 163.3184 Process for adoption of comprehensive plan or  
5 plan amendment.--

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

24 Section 7. Subsections (2) and (10) of section  
25 163.3191, Florida Statutes, are amended to read:

26 163.3191 Evaluation and appraisal of comprehensive  
27 plan.--

28 (2) The report shall present an evaluation and  
29 assessment of the comprehensive plan and shall contain  
30 appropriate statements to update the comprehensive plan,  
31 including, but not limited to, words, maps, illustrations, or

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1 other media, related to:

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

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

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

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

18 (e) An identification of the major issues for the  
19 jurisdiction and, where pertinent, the potential social,  
20 economic, and environmental impacts.

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

27 (g) An assessment of whether the plan objectives  
28 within each element, as they relate to major issues, have been  
29 achieved. The report shall include, as appropriate, an  
30 identification as to whether unforeseen or unanticipated  
31 changes in circumstances have resulted in problems or

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1 opportunities with respect to major issues identified in each  
2 element and the social, economic, and environmental impacts of  
3 the issue.

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

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

17 (j) A summary of the public participation program and  
18 activities undertaken by the local government in preparing the  
19 report.

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

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1 facility element, the assessment shall determine whether the  
2 local government continues to meet the criteria of s.  
3 163.3177(12). If the county or municipality determines that it  
4 no longer meets the criteria, it must adopt appropriate school  
5 concurrency goals, objectives, and policies in its plan  
6 amendments pursuant to the requirements of the public school  
7 facility element, and enter into the existing interlocal  
8 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in  
9 order to fully participate in the school concurrency system.  
10 ~~If the issues are not relevant, the local government shall~~  
11 ~~demonstrate that they are not relevant.~~

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

28 (m) If any of the jurisdiction of the local government  
29 is located within the coastal high-hazard area, an evaluation  
30 of whether any past reduction in land use density impairs the  
31 property rights of current residents when redevelopment

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1 occurs, including, but not limited to, redevelopment following  
2 a natural disaster. The property rights of current residents  
3 shall be balanced with public safety considerations. The local  
4 government must identify strategies to address redevelopment  
5 feasibility and the property rights of affected residents.  
6 These strategies may include the authorization of  
7 redevelopment up to the actual built density in existence on  
8 the property prior to the natural disaster or redevelopment.

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

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

18 (p) An assessment of the extent to which changes are  
19 needed to develop a common methodology for measuring impacts  
20 on transportation facilities for the purpose of implementing  
21 its concurrency management system in coordination with the  
22 municipalities and counties, as appropriate pursuant to s.  
23 163.3180(10).

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

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

25 |       Section 8. Effective January 1, 2006, subsections (1),  
26 | (2), (3), and (6) of section 212.055, Florida Statutes, are  
27 | amended to read:

28 |       212.055 Discretionary sales surtaxes; legislative  
29 | intent; authorization and use of proceeds.--It is the  
30 | legislative intent that any authorization for imposition of a  
31 | discretionary sales surtax shall be published in the Florida

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1 Statutes as a subsection of this section, irrespective of the  
2 duration of the levy. Each enactment shall specify the types  
3 of counties authorized to levy; the rate or rates which may be  
4 imposed; the maximum length of time the surtax may be imposed,  
5 if any; the procedure which must be followed to secure voter  
6 approval, if required; the purpose for which the proceeds may  
7 be expended; and such other requirements as the Legislature  
8 may provide. Taxable transactions and administrative  
9 procedures shall be as provided in s. 212.054.

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

11 (a) 1. Each charter county ~~which adopted a charter~~  
12 ~~prior to January 1, 1984,~~ and each county the government of  
13 which is consolidated with that of one or more municipalities,  
14 may levy a discretionary sales surtax, subject to approval by  
15 a majority vote of the electorate of the county, a majority  
16 vote of the governing body, or ~~by~~ a charter amendment approved  
17 by a majority vote of the electorate of the county.

18 2. Notwithstanding paragraphs (e) and (f), if a  
19 noncharter county or a charter county has updated its capital  
20 improvements element no earlier than 2005 and if its  
21 comprehensive plan has been determined to be in compliance,  
22 the noncharter county or charter county may levy a  
23 discretionary sales surtax pursuant to this subsection by  
24 majority vote of the membership of its governing body or  
25 subject to a referendum. The use of the proceeds of the surtax  
26 shall be used by the county subject to the provisions of  
27 subparagraph (d)5. Surtaxes imposed by majority vote must be  
28 used to supplement, not supplant, existing infrastructure  
29 funding. A charter county may levy a surtax under both this  
30 subparagraph and subparagraph 1. for a combined rate up to 1  
31 percent.

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

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

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

10 1. Deposited by the county in the trust fund and shall  
11 be used for the purposes of development, construction,  
12 equipment, maintenance, operation, supportive services,  
13 including a countywide bus system, and related costs of a  
14 fixed guideway rapid transit system;

15 2. Remitted by the governing body of the county to an  
16 expressway or transportation authority created by law to be  
17 used, at the discretion of such authority, for the  
18 development, construction, operation, or maintenance of roads  
19 or bridges in the county, for the operation and maintenance of  
20 a bus system, for the payment of principal and interest on  
21 existing bonds issued for the construction of such roads or  
22 bridges, and, upon approval by the county commission, such  
23 proceeds may be pledged for bonds issued to refinance existing  
24 bonds or new bonds issued for the construction of such roads  
25 or bridges;

26 3. Used by the charter county for the development,  
27 construction, operation, and maintenance of roads and bridges  
28 in the county; for the expansion, operation, and maintenance  
29 of bus and fixed guideway systems; and for the payment of  
30 principal and interest on bonds issued for the construction of  
31 fixed guideway rapid transit systems, bus systems, roads, or

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1 bridges; and such proceeds may be pledged by the governing  
2 body of the county for bonds issued to refinance existing  
3 bonds or new bonds issued for the construction of such fixed  
4 guideway rapid transit systems, bus systems, roads, or bridges  
5 and no more than 25 percent used for nontransit uses; and

6       4. Used by the charter county for the planning,  
7 development, construction, operation, and maintenance of roads  
8 and bridges in the county; for the planning, development,  
9 expansion, operation, and maintenance of bus and fixed  
10 guideway systems; and for the payment of principal and  
11 interest on bonds issued for the construction of fixed  
12 guideway rapid transit systems, bus systems, roads, or  
13 bridges; and such proceeds may be pledged by the governing  
14 body of the county for bonds issued to refinance existing  
15 bonds or new bonds issued for the construction of such fixed  
16 guideway rapid transit systems, bus systems, roads, or  
17 bridges. Pursuant to an interlocal agreement entered into  
18 pursuant to chapter 163, the governing body of the charter  
19 county may distribute proceeds from the tax to a municipality,  
20 or an expressway or transportation authority created by law to  
21 be expended for the purpose authorized by this paragraph. If  
22 imposed by a majority vote of the governing body and there is  
23 no interlocal agreement with a municipality, distribution of  
24 the surtax proceeds from subparagraphs 1., 2., and 3. and this  
25 subparagraph shall be according to the formula provided in s.  
26 218.62.

27       5. Used by the county to fund regionally-significant  
28 transportation projects identified in a regional  
29 transportation plan developed in accordance with s.  
30 339.155(c), (d), and (e), and capital funding for projects  
31 under the New Starts Transit Program specified in s. 341.051.

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1 Projects to be funded shall be in compliance with part II of  
2 chapter 163 after the effective date of this act or to  
3 implement a long-term concurrency management system adopted by  
4 a local government in accordance with s. 163.3177(3) or (9).

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

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

31 2. After the advisory board submits the project list

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1 to the board of county commissioners, it may be amended by the  
2 board of county commissioners. A public notice must be given  
3 of the intent to add additional projects or remove projects  
4 recommended by the advisory board. Actions to amend the  
5 project list may be taken at the noticed public hearing. Once  
6 amended, the list may not be approved at the same meeting at  
7 which it was amended. Notice of the intent to adopt the  
8 project list must be given and the list must be approved at a  
9 subsequent public meeting that may not be held sooner than 14  
10 days after the meeting at which the project list was amended.

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

15 4. The capital improvements schedule of the local  
16 government comprehensive plan shall be updated to reflect the  
17 project list pursuant to s. 163.3177(3).

18 5. Once the project list has been adopted, the board  
19 may give notice of the intent to adopt the surtax by  
20 ordinance. The board of county commissioners shall conduct a  
21 public hearing to allow for public input on the proposed  
22 surtax. The ordinance enacting the surtax may not be adopted  
23 at the same meeting as that at which the project list is  
24 adopted.

25 6. Once the ordinance adopting the surtax has been  
26 enacted, the project list can be amended only in the following  
27 manner. The board of county commissioners must give notice of  
28 the intent to hold a public hearing to discuss adding or  
29 removing projects from the list. The board of county  
30 commissioners must take public testimony on the proposal.  
31 Action may not be taken at that meeting with regards to the

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1 proposal to amend the project list. Action may be taken at a  
2 subsequent noticed public meeting that must be held at least  
3 14 days after the meeting at which the proposed changes to the  
4 project list were discussed.

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

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

17 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

18 (a)1. The governing authority in each county may levy  
19 a discretionary sales surtax of 0.5 percent or 1 percent. The  
20 levy of the surtax shall be pursuant to ordinance enacted by a  
21 majority of the members of the county governing authority or  
22 ~~and~~ approved by a majority of the electors of the county  
23 voting in a referendum on the surtax. If the governing bodies  
24 of the municipalities representing a majority of the county's  
25 population adopt uniform resolutions establishing the rate of  
26 the surtax and calling for a referendum on the surtax, the  
27 levy of the surtax shall be placed on the ballot and shall  
28 take effect if approved by a majority of the electors of the  
29 county voting in the referendum on the surtax.

30 2. If the surtax was levied pursuant to a referendum  
31 held before July 1, 1993, the surtax may not be levied beyond

1 the time established in the ordinance, or, if the ordinance  
 2 did not limit the period of the levy, the surtax may not be  
 3 levied for more than 15 years. The levy of such surtax may be  
 4 extended only by approval of a majority of the electors of the  
 5 county voting in a referendum on the surtax.

6 (b) A statement which includes a brief general  
 7 description of the projects to be funded by the surtax and  
 8 which conforms to the requirements of s. 101.161 shall be  
 9 placed on the ballot by the governing authority of any county  
 10 which enacts an ordinance calling for a referendum on the levy  
 11 of the surtax or in which the governing bodies of the  
 12 municipalities representing a majority of the county's  
 13 population adopt uniform resolutions calling for a referendum  
 14 on the surtax. The following question shall be placed on the  
 15 ballot:

16  
 17 . . . .FOR the . . . .-cent sales tax

18 . . . .AGAINST the . . . .-cent sales tax

19  
 20 (c) Pursuant to s. 212.054(4), the proceeds of the  
 21 surtax levied under this subsection shall be distributed to  
 22 the county and the municipalities within such county in which  
 23 the surtax was collected, according to:

24 1. An interlocal agreement between the county  
 25 governing authority and the governing bodies of the  
 26 municipalities representing a majority of the county's  
 27 municipal population, which agreement may include a school  
 28 district with the consent of the county governing authority  
 29 and the governing bodies of the municipalities representing a  
 30 majority of the county's municipal population; or

31 2. If there is no interlocal agreement, according to

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1 the formula provided in s. 218.62.

2

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

7 (d)1. The proceeds of the surtax authorized by this  
8 subsection and any interest accrued thereto shall be expended  
9 by the school district or within the county and municipalities  
10 within the county, or, in the case of a negotiated joint  
11 county agreement, within another county, to finance, plan, and  
12 construct infrastructure and to acquire land for public  
13 recreation or conservation or protection of natural resources  
14 and to finance the closure of county-owned or municipally  
15 owned solid waste landfills that are already closed or are  
16 required to close by order of the Department of Environmental  
17 Protection. Any use of such proceeds or interest for purposes  
18 of landfill closure prior to July 1, 1993, is ratified.  
19 Neither the proceeds nor any interest accrued thereto shall be  
20 used for operational expenses of any infrastructure, except  
21 that any county with a population of less than 75,000 that is  
22 required to close a landfill by order of the Department of  
23 Environmental Protection may use the proceeds or any interest  
24 accrued thereto for long-term maintenance costs associated  
25 with landfill closure. Counties, as defined in s. 125.011(1),  
26 and charter counties may, in addition, use the proceeds and  
27 any interest accrued thereto to retire or service indebtedness  
28 incurred for bonds issued prior to July 1, 1987, for  
29 infrastructure purposes, and for bonds subsequently issued to  
30 refund such bonds. Any use of such proceeds or interest for  
31 purposes of retiring or servicing indebtedness incurred for

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1 such refunding bonds prior to July 1, 1999, is ratified.

2           2. For the purposes of this paragraph,

3 "infrastructure" means:

4           a. Any fixed capital expenditure or fixed capital  
5 outlay associated with the construction, reconstruction, or  
6 improvement of public facilities which have a life expectancy  
7 of 5 or more years and any land acquisition, land improvement,  
8 design, and engineering costs related thereto.

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

14           c. Any expenditure for the construction, lease, or  
15 maintenance of, or provision of utilities or security for,  
16 facilities as defined in s. 29.008.

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

29           (e) School districts, counties, and municipalities  
30 receiving proceeds under the provisions of this subsection may  
31 pledge such proceeds for the purpose of servicing new bond

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1 indebtedness incurred pursuant to law. Local governments may  
2 use the services of the Division of Bond Finance of the State  
3 Board of Administration pursuant to the State Bond Act to  
4 issue any bonds through the provisions of this subsection. In  
5 no case may a jurisdiction issue bonds pursuant to this  
6 subsection more frequently than once per year. Counties and  
7 municipalities may join together for the issuance of bonds  
8 authorized by this subsection.

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

- 15 a. The debt service obligations for any year are met;  
16 b. The county's comprehensive plan has been determined  
17 to be in compliance with part II of chapter 163; and  
18 c. The county has adopted an amendment to the surtax  
19 ordinance pursuant to the procedure provided in s. 125.66  
20 authorizing additional uses of the surtax proceeds and  
21 interest.

22 2. A municipality located within a county that has a  
23 population of 50,000 or less on April 1, 1992, or within a  
24 county designated as an area of critical state concern on the  
25 effective date of this act, and that imposed the surtax before  
26 July 1, 1992, may not use the proceeds and interest of the  
27 surtax for any purpose other than an infrastructure purpose  
28 authorized in paragraph (d) unless the municipality's  
29 comprehensive plan has been determined to be in compliance  
30 with part II of chapter 163 and the municipality has adopted  
31 an amendment to its surtax ordinance or resolution pursuant to

1 the procedure provided in s. 166.041 authorizing additional  
2 uses of the surtax proceeds and interest. Such municipality  
3 may expend the surtax proceeds and interest for any public  
4 purpose authorized in the amendment.

5 3. Those counties designated as an area of critical  
6 state concern which qualify to use the surtax for any public  
7 purpose may use only up to 10 percent of the surtax proceeds  
8 for any public purpose other than for infrastructure purposes  
9 authorized by this section.

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

22 (h) Notwithstanding any other provision of this  
23 section, a county shall not levy local option sales surtaxes  
24 authorized in this subsection and subsections (3), (4), and  
25 (5) in excess of a combined rate of 1 percent. However, a  
26 small county, as defined in paragraph (3)(a), may levy the  
27 local option sales surtax authorized in this subsection and  
28 subsection (3) for a combined rate of up to 2 percent.  
29 Surtaxes imposed by majority vote must be used to supplement,  
30 not supplant, existing infrastructure funding. In order to  
31 impose the surtax by a majority vote of the governing body,

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1 the county must go through the following process:

2       1. An advisory board must be created to make  
3 recommendations to the board of county commissioners regarding  
4 infrastructure projects to address the needs of the community.  
5 The governing body of the county shall appoint members to the  
6 advisory board who represent the diversity of the community  
7 and shall include individuals having an interest in business,  
8 economic development, the environment, transportation,  
9 municipal government, education, and public safety and growth  
10 management professionals. Based on the estimated amount of the  
11 surtax collections, the advisory board must conduct at least  
12 two public workshops to develop a project list. Priority shall  
13 be given to projects that address existing infrastructure  
14 deficits. A quorum shall consist of a majority of the advisory  
15 board members and is necessary to take any action regarding  
16 recommendations to the governing board of the local  
17 government. The board of county commissioners shall provide  
18 staff support to the advisory board. All advisory board  
19 meetings are open to the public, and minutes of the meetings  
20 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. A public notice must be given  
24 of the intent to add additional projects or remove projects  
25 recommended by the advisory board. Actions to amend the  
26 project list may be taken at the noticed public hearing. Once  
27 amended, the project list may not be approved at the same  
28 meeting at which it was amended. Notice of the intent to adopt  
29 the project list must be given and the list must be approved  
30 at a subsequent public meeting that may not be held sooner  
31 than 14 days after the meeting at which the list was amended.

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

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

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

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 infrastructure expenditures over the previous 5 years.

31       (j) A county may not levy this surtax by majority vote

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

8 (3) SMALL COUNTY SURTAX.--

9 (a) The governing authority in each county that has a  
 10 population of 50,000 or less on April 1, 1992, may levy a  
 11 discretionary sales surtax of 0.5 percent or 1 percent. The  
 12 levy of the surtax shall be pursuant to ordinance enacted by  
 13 an extraordinary vote of the members of the county governing  
 14 authority if the surtax revenues are expended for operating  
 15 purposes. If the surtax revenues are expended for the purpose  
 16 of servicing bond indebtedness, the surtax shall be approved  
 17 by a majority of the electors of the county voting in a  
 18 referendum on the surtax.

19 (b) A statement that includes a brief general  
 20 description of the projects to be funded by the surtax and  
 21 conforms to the requirements of s. 101.161 shall be placed on  
 22 the ballot by the governing authority of any county that  
 23 enacts an ordinance calling for a referendum on the levy of  
 24 the surtax for the purpose of servicing bond indebtedness.  
 25 The following question shall be placed on the ballot:

26  
 27 . . . .FOR the . . . .-cent sales tax  
 28 . . . .AGAINST the . . . .-cent sales tax  
 29

30 (c) Pursuant to s. 212.054(4), the proceeds of the  
 31 surtax levied under this subsection shall be distributed to

1 the county and the municipalities within the county in which  
2 the surtax was collected, according to:

3 1. An interlocal agreement between the county  
4 governing authority and the governing bodies of the  
5 municipalities representing a majority of the county's  
6 municipal population, which agreement may include a school  
7 district with the consent of the county governing authority  
8 and the governing bodies of the municipalities representing a  
9 majority of the county's municipal population; or

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

12

13 Any change in the distribution formula shall take effect on  
14 the first day of any month that begins at least 60 days after  
15 written notification of that change has been made to the  
16 department.

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

31 2. For the purposes of this paragraph,

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1 "infrastructure" means any fixed capital expenditure or fixed  
2 capital costs associated with the construction,  
3 reconstruction, or improvement of public facilities that have  
4 a life expectancy of 5 or more years and any land acquisition,  
5 land improvement, design, and engineering costs related  
6 thereto.

7 (e) A school district, county, or municipality that  
8 receives proceeds under this subsection following a referendum  
9 may pledge the proceeds for the purpose of servicing new bond  
10 indebtedness incurred pursuant to law. Local governments may  
11 use the services of the Division of Bond Finance pursuant to  
12 the State Bond Act to issue any bonds through the provisions  
13 of this subsection. A jurisdiction may not issue bonds  
14 pursuant to this subsection more frequently than once per  
15 year. A county and municipality may join together to issue  
16 bonds authorized by this subsection.

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

21 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

22 (a) The school board in each county may levy, pursuant  
23 to resolution conditioned to take effect only upon approval by  
24 a majority vote of the electors of the county voting in a  
25 referendum or by majority vote of the school board, a  
26 discretionary sales surtax at a rate that may not exceed 0.5  
27 percent.

28 (b) The resolution shall include a statement that  
29 provides a brief and general description of the school capital  
30 outlay projects to be funded by the surtax. The statement  
31 shall conform to the requirements of s. 101.161 and shall be



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1 the school board imposing the surtax in accordance with law.

2 (f) Surtaxes imposed by majority vote must be used to  
3 supplement, not supplant, existing school capital outlay  
4 funding. In order to impose the surtax by a majority vote of  
5 the school board, the board must go through the following  
6 process:

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

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1           2. After the advisory board submits the project list  
2 to the school board, it may be amended by the school board  
3 only in the following fashion. A public notice must be given  
4 of the intent to add additional projects or remove projects  
5 recommended by the advisory board. Actions to amend the  
6 project list may be taken at the noticed public hearing. Once  
7 amended, the project list must be approved at a subsequent  
8 meeting. Notice of the intent to adopt the project list must  
9 be given and the project list must be approved at a subsequent  
10 public meeting that cannot be held sooner than 14 days after  
11 the meeting at which the list was amended.

12           3. If the school board does not amend the recommended  
13 project list, it may adopt the proposed project list at a  
14 public meeting following public notice of the intent to adopt  
15 the recommendations of the advisory board.

16           4. Once the project list has been adopted, the school  
17 board may give notice of the intent to adopt the surtax by  
18 resolution. The school board shall conduct a public hearing to  
19 allow for public input on the proposed surtax. Enacting the  
20 resolution for the surtax and adopting the project list may  
21 not be accomplished at the same meeting.

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

1           6. If the tax is implemented, the advisory board shall  
 2 monitor the expenditure of the tax proceeds and shall hold  
 3 semiannual meetings. The advisory board shall also monitor  
 4 whether the school board has maintained or increased the level  
 5 of school capital outlay expenditures over the previous 5  
 6 years.

7           (g) If the surtax is levied by a majority vote of the  
 8 school board, the school board shall use due diligence and  
 9 sound business practices in the design, construction, and use  
 10 of educational facilities and may not exceed the maximum  
 11 cost-per-student station established in s. 1013.72(2).

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

14           206.41 State taxes imposed on motor fuel.--

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

17           (a) An excise or license tax of 2 cents per net  
 18 gallon, which is the tax as levied by s. 16, Art. IX of the  
 19 State Constitution of 1885, as amended, and continued by s.  
 20 9(c), Art. XII of the 1968 State Constitution, as amended,  
 21 which is therein referred to as the "second gas tax," and  
 22 which is hereby designated the "constitutional fuel tax."

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

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

29           (d)1. An additional tax of 1 cent per net gallon may  
 30 be imposed by each county on motor fuel, which shall be  
 31 designated as the "ninth-cent fuel tax." This tax shall be

1 levied and used as provided in s. 336.021.

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

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

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

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

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

30 (f)1. An additional tax designated as the State  
31 Comprehensive Enhanced Transportation System Tax is imposed on

1 each net gallon of motor fuel in each county. This tax shall  
2 be levied and used as provided in s. 206.608.

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

7 3. Beginning January 1, 1992, and on January 1 of each  
8 year thereafter, the tax rate provided in subparagraph 2.  
9 shall be adjusted by the percentage change in the average of  
10 the Consumer Price Index issued by the United States  
11 Department of Labor for the most recent 12-month period ending  
12 September 30, compared to the base year average, which is the  
13 average for the 12-month period ending September 30, 1990, and  
14 rounded to the nearest tenth of a cent.

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

19 (g)1. An additional tax is imposed on each net gallon  
20 of motor fuel, which tax is on the privilege of selling motor  
21 fuel and which is designated the "fuel sales tax," at a rate  
22 determined pursuant to this paragraph. Before January 1 of  
23 1997, and of each year thereafter, the department shall  
24 determine the tax rate applicable to the sale of fuel for the  
25 forthcoming 12-month period beginning January 1, rounded to  
26 the nearest tenth of a cent, by adjusting the initially  
27 established tax rate of 6.9 cents per gallon by the percentage  
28 change in the average of the Consumer Price Index issued by  
29 the United States Department of Labor for the most recent  
30 12-month period ending September 30, compared to the base year  
31 average, which is the average for the 12-month period ending

1 September 30, 1989. However, the tax rate shall not be lower  
2 than 6.9 cents per gallon.

3 2. The department is authorized to adopt rules and  
4 adopt such forms as may be necessary for the administration of  
5 this paragraph.

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

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

13 336.021 County transportation system; levy of  
14 ninth-cent fuel tax on motor fuel and diesel fuel.--

15 (1) (a) Any county in the state, by majority or  
16 extraordinary vote of the membership of its governing body or  
17 subject to a referendum, may levy the tax imposed by ss.

18 206.41(1) (d) and 206.87(1) (b). County and municipal  
19 governments may use the moneys received under this paragraph  
20 only for transportation expenditures as defined in s.

21 336.025(7). A county may not levy this surtax by majority vote  
22 of the governing body unless it has adopted a community vision  
23 under s. 163.3177(13). Municipalities within a county that  
24 levies the surtax by a majority vote may not receive surtax  
25 proceeds unless they have also completed this requirement.

26 Section 11. Paragraph (b) of subsection (1) of section  
27 336.025, Florida Statutes, is amended to read:

28 336.025 County transportation system; levy of local  
29 option fuel tax on motor fuel and diesel fuel.--

30 (1)

31 (b) In addition to other taxes allowed by law, there

1 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,  
 2 3-cent, 4-cent, or 5-cent local option fuel tax upon every  
 3 gallon of motor fuel sold in a county and taxed under the  
 4 provisions of part I of chapter 206. The tax shall be levied  
 5 by an ordinance adopted by a majority or majority plus one  
 6 vote of the membership of the governing body of the county or  
 7 by referendum.

8           1. All impositions and rate changes of the tax shall  
 9 be levied before July 1, to be effective January 1 of the  
 10 following year. However, levies of the tax which were in  
 11 effect on July 1, 2002, and which expire on August 31 of any  
 12 year may be reimposed at the current authorized rate effective  
 13 September 1 of the year of expiration.

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

1 reduced below the amount necessary for the payment of  
 2 principal and interest and reserves for principal and interest  
 3 as required under the covenants of any bond resolution  
 4 outstanding on the date of establishment of the new interlocal  
 5 agreement.

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

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

26           Section 12. Paragraph (b) of subsection (4) of section  
 27 339.135, Florida Statutes, is amended to read:

28           339.135 Work program; legislative budget request;  
 29 definitions; preparation, adoption, execution, and  
 30 amendment.--

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

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

13           2. The tentative work program shall be developed in  
14 accordance with the Florida Transportation Plan required in s.  
15 339.155 and must comply with the program funding levels  
16 contained in the program and resource plan.

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

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1 tentative work program shall be shown. It is the intent of  
2 the Legislature that ~~the first 5 years of the adopted work~~  
3 ~~program for facilities designated as part of the Florida~~  
4 ~~Intrastate Highway System~~ and the first 3 years of the adopted  
5 work program stand as the commitment of the state to undertake  
6 transportation projects that local governments may rely on for  
7 planning and concurrency purposes and in the development and  
8 amendment of the capital improvements elements of their local  
9 government comprehensive plans.

10 4. The tentative work program must include a balanced  
11 36-month forecast of cash and expenditures and a 5-year  
12 finance plan supporting the tentative work program.

13 Section 13. The Office of Program Policy Analysis and  
14 Government Accountability shall perform a study on adjustments  
15 to the boundaries of Florida Regional Planning Councils,  
16 Florida Water Management Districts, and Department of  
17 Transportation Districts. The purpose of this study is to  
18 organize these regional boundaries to be more coterminous with  
19 one another, creating a more unified system of regional  
20 boundaries. This study must be completed by December 31, 2005,  
21 and submitted to the President of the Senate, the Speaker of  
22 the House of Representatives, and the Governor by January 15,  
23 2006.

24 Section 14. Section 163.3247, Florida Statutes, is  
25 created to read:

26 163.3247 Century Commission.--

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

29 (2) FINDINGS AND INTENT.--The Legislature finds and  
30 declares that the population of this state is expected to more  
31 than double over the next 100 years, with commensurate impacts

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

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

19 (a) The 21-member commission shall be appointed by the  
20 Governor. Four members shall be members of the Legislature who  
21 shall be appointed with the advice and consultation of the  
22 President of the Senate and the Speaker of the House of  
23 Representatives. The Secretary of Community Affairs, the  
24 Commissioner of Agriculture, the Secretary of Transportation,  
25 the Secretary of Environmental Protection, and the Executive  
26 Director of the Fish and Wildlife Conservation Commission, or  
27 their designees, shall also serve as voting members. The other  
28 12 appointments shall reflect the diversity of this state's  
29 citizens, and must include individuals representing each of  
30 the following interests: growth management, business and  
31 economic development, environmental protection, agriculture,

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1 municipal governments, county governments, regional planning  
2 entities, education, public safety, planning professionals,  
3 transportation planners, and urban infill and redevelopment.  
4 One member shall be designated by the Governor as chair of the  
5 commission. Any vacancy that occurs on the commission must be  
6 filled in the same manner as the original appointment and  
7 shall be for the unexpired term of that commission seat.  
8 Members shall serve 4-year terms.

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

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

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

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

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

29       (b) Continuously review and consider statutory and  
30 regulatory provisions, governmental processes, and societal  
31 and economic trends in its inquiry of how state, regional, and

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1 local governments and entities and citizens of this state can  
2 best accommodate projected increased populations while  
3 maintaining the natural, historical, cultural, and manmade  
4 life qualities that best represent the state.

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

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

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

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

31 (g) Beginning with the 2007 Regular Session of the

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

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

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

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

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

17 Section 15. Section 339.2819, Florida Statutes, is  
18 created to read:

19 339.2819 Transportation Regional Incentive Program.--

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

25 (2) The percentage of matching funds provided from the  
26 Transportation Regional Incentive Program shall be 50 percent  
27 of project costs, or up to 50 percent of the nonfederal share  
28 of the eligible project cost for a public transportation  
29 facility project.

30 (3) The department shall allocate funding available  
31 for the Transportation Regional Incentive Program to the

1 districts based on a factor derived from equal parts of  
 2 population and motor fuel collections for eligible counties in  
 3 regional transportation areas created pursuant to s.  
 4 339.155(5).

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

7 1. Support those transportation facilities that serve  
 8 national, statewide, or regional functions and function as an  
 9 integrated regional transportation system.

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

15 Further, the project shall be in compliance with local  
 16 government comprehensive plan policies relative to corridor  
 17 management.

18 3. Be consistent with the Strategic Intermodal System  
 19 Plan developed under s. 339.64.

20 4. Have a commitment for local, regional, or private  
 21 financial matching funds as a percentage of the overall  
 22 project cost.

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

25 1. Provide connectivity to the Strategic Intermodal  
 26 System developed under s. 339.64.

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

30 3. Are subject to a local ordinance that establishes  
 31 corridor management techniques, including access management

1 strategies, right-of-way acquisition and protection measures,  
 2 appropriate land use strategies, zoning, and setback  
 3 requirements for adjacent land uses.

4 4. Improve connectivity between military installations  
 5 and the Strategic Highway Network or the Strategic Rail  
 6 Corridor Network.

7 Section 16. Section 337.107, Florida Statutes, is  
 8 amended to read:

9 337.107 Contracts for right-of-way services.--The  
 10 department may enter into contracts pursuant to s. 287.055 for  
 11 right-of-way services on transportation corridors and  
 12 transportation facilities, or the department may include  
 13 right-of-way services as part of design-build contracts  
 14 awarded under s. 337.11. Right-of-way services include  
 15 negotiation and acquisition services, appraisal services,  
 16 demolition and removal of improvements, and asbestos-abatement  
 17 services.

18 Section 17. Paragraph (a) of subsection (7) of section  
 19 337.11, Florida Statutes, is amended to read:

20 337.11 Contracting authority of department; bids;  
 21 emergency repairs, supplemental agreements, and change orders;  
 22 combined design and construction contracts; progress payments;  
 23 records; requirements of vehicle registration.--

24 (7) (a) If the head of the department determines that  
 25 it is in the best interests of the public, the department may  
 26 combine the design and construction phases of any a building,  
 27 a major bridge, a limited access facility, or a rail corridor  
 28 project into a single contract, except for a resurfacing or  
 29 minor bridge project, the design and construction phases of  
 30 which may be combined under s. 337.025. Such contract is  
 31 referred to as a design-build contract. Design-build contracts

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1 may be advertised and awarded notwithstanding the requirements  
2 of paragraph (3)(c). However, construction activities may not  
3 begin on any portion of such projects for which the department  
4 has not yet obtained ~~until~~ title to the necessary  
5 rights-of-way and easements for the construction of that  
6 portion of the project has vested in the state or a local  
7 governmental entity and all railroad crossing and utility  
8 agreements have been executed. Title to rights-of-way shall be  
9 deemed to have vested ~~vests~~ in the state when the title has  
10 been dedicated to the public or acquired by prescription.

11 Section 18. Effective July 1, 2007, section 337.107,  
12 Florida Statutes, as amended by this act is amended to read:

13 337.107 Contracts for right-of-way services.--The  
14 department may enter into contracts pursuant to s. 287.055 for  
15 right-of-way services on transportation corridors and  
16 transportation facilities, ~~or the department may include~~  
17 ~~right-of-way services as part of design-build contracts~~  
18 ~~awarded under s. 337.11.~~ Right-of-way services include  
19 negotiation and acquisition services, appraisal services,  
20 demolition and removal of improvements, and asbestos-abatement  
21 services.

22 Section 19. Effective July 1, 2007, paragraph (a) of  
23 subsection (7) of section 337.11, Florida Statutes, as amended  
24 by this act, is amended to read:

25 337.11 Contracting authority of department; bids;  
26 emergency repairs, supplemental agreements, and change orders;  
27 combined design and construction contracts; progress payments;  
28 records; requirements of vehicle registration.--

29 (7)(a) If the head of the department determines that  
30 it is in the best interests of the public, the department may  
31 combine the design and construction phases of a building, a

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1 major bridge, a limited access facility, or a rail corridor  
2 ~~any project into a single contract, except for a resurfacing~~  
3 ~~or minor bridge project, the design and construction phase of~~  
4 ~~which may be combined under s. 337.025. Such contract is~~  
5 referred to as a design-build contract. Design-build contracts  
6 may be advertised and awarded notwithstanding the requirements  
7 of paragraph (3)(c). However, construction activities may not  
8 begin on any portion of such projects until ~~for which the~~  
9 ~~department has not yet obtained~~ title to the necessary  
10 rights-of-way and easements for the construction of that  
11 portion of the project has vested in the state or a local  
12 governmental entity and all railroad crossing and utility  
13 agreements have been executed. Title to rights-of-way vests  
14 ~~shall be deemed to have vested~~ in the state when the title has  
15 been dedicated to the public or acquired by prescription.

16 Section 20. Paragraphs (l) and (m) are added to  
17 subsection (24) of section 380.06, Florida Statutes, to read:

18 380.06 Developments of regional impact.--

19 (24) STATUTORY EXEMPTIONS.--

20 (l) Any proposed development within an urban service  
21 boundary established under s. 163.3177(14) is exempt from the  
22 provisions of this section if the local government having  
23 jurisdiction over the area where the development is proposed  
24 has adopted the urban service boundary and has entered into a  
25 binding agreement with adjacent jurisdictions and the  
26 Department of Transportation regarding the mitigation of  
27 impacts on state and regional transportation facilities, and  
28 has adopted a proportionate share methodology pursuant to s.  
29 163.3180(16).

30 (m) Any proposed development within a rural land  
31 stewardship area created under s. 163.3177(11)(d) is exempt

1 from the provisions of this section if the local government  
 2 that has adopted the rural land stewardship area has entered  
 3 into a binding agreement with jurisdictions that would be  
 4 impacted and the Department of Transportation regarding the  
 5 mitigation of impacts on state and regional transportation  
 6 facilities, and has adopted a proportionate share methodology  
 7 pursuant to s. 163.3180(16).

8           Section 21. Subsections (3), (7), and (8) of section  
 9 1013.33, Florida Statutes, are amended to read:

10           1013.33 Coordination of planning with local governing  
 11 bodies.--

12           (3) At a minimum, the interlocal agreement must  
 13 address interlocal-agreement requirements in s.  
 14 163.3180(13)(g), except for exempt local governments as  
 15 provided in s. 163.3177(12), and must address the following  
 16 issues:

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

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

27           (c) Participation by affected local governments with  
 28 the district school board in the process of evaluating  
 29 potential school closures, significant renovations to existing  
 30 schools, and new school site selection before land  
 31 acquisition. Local governments shall advise the district

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1 school board as to the consistency of the proposed closure,  
2 renovation, or new site with the local comprehensive plan,  
3 including appropriate circumstances and criteria under which a  
4 district school board may request an amendment to the  
5 comprehensive plan for school siting.

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

11 (e) A process for the school board to inform the local  
12 government regarding the effect of comprehensive plan  
13 amendments on school capacity. The capacity reporting must be  
14 consistent with laws and rules regarding measurement of school  
15 facility capacity and must also identify how the district  
16 school board will meet the public school demand based on the  
17 facilities work program adopted pursuant to s. 1013.35.

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

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

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

29 (i) An oversight process, including an opportunity for  
30 public participation, for the implementation of the interlocal  
31 agreement.

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1  
2 ~~A signatory to the interlocal agreement may elect not to~~  
3 ~~include a provision meeting the requirements of paragraph (e);~~  
4 ~~however, such a decision may be made only after a public~~  
5 ~~hearing on such election, which may include the public hearing~~  
6 ~~in which a district school board or a local government adopts~~  
7 ~~the interlocal agreement. An interlocal agreement entered into~~  
8 ~~pursuant to this section must be consistent with the adopted~~  
9 ~~comprehensive plan and land development regulations of any~~  
10 ~~local government that is a signatory.~~

11           (7) Except as provided in subsection (8),  
12 municipalities meeting the exemption criteria in s.  
13 163.3177(12) ~~having no established need for a new facility and~~  
14 ~~meeting the following criteria~~ are exempt from the  
15 requirements of subsections (2), (3), and (4).~~;~~

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

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

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

1 continue to be exempt from the interlocal-agreement  
 2 requirement. Each municipality exempt under s. 163.3177(12)  
 3 ~~subsection (7)~~ must comply with the provisions of subsections  
 4 (2)-(8) within 1 year after the district school board  
 5 proposes, in its 5-year district facilities work program, a  
 6 new school within the municipality's jurisdiction.

7 Section 22. Subsection (2) of section 206.46, Florida  
 8 Statutes, is amended to read:

9 206.46 State Transportation Trust Fund.--

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

27 Section 23. Subsection (1) of section 339.08, Florida  
 28 Statutes, is amended to read:

29 339.08 Use of moneys in State Transportation Trust  
 30 Fund.--

31 (1) The department shall expend moneys in the State

1 Transportation Trust Fund accruing to the department, in  
 2 accordance with its annual budget. The use of such moneys  
 3 shall be restricted to the following purposes:

4 (a) To pay administrative expenses of the department,  
 5 including administrative expenses incurred by the several  
 6 state transportation districts, but excluding administrative  
 7 expenses of commuter rail authorities that do not operate rail  
 8 service.

9 (b) To pay the cost of construction of the State  
 10 Highway System.

11 (c) To pay the cost of maintaining the State Highway  
 12 System.

13 (d) To pay the cost of public transportation projects  
 14 in accordance with chapter 341 and ss. 332.003-332.007.

15 (e) To reimburse counties or municipalities for  
 16 expenditures made on projects in the State Highway System as  
 17 authorized by s. 339.12(4) upon legislative approval.

18 (f) To pay the cost of economic development  
 19 transportation projects in accordance with s. 288.063.

20 (g) To lend or pay a portion of the operating,  
 21 maintenance, and capital costs of a revenue-producing  
 22 transportation project that is located on the State Highway  
 23 System or that is demonstrated to relieve traffic congestion  
 24 on the State Highway System.

25 (h) To match any federal-aid funds allocated for any  
 26 other transportation purpose, including funds allocated to  
 27 projects not located in the State Highway System.

28 (i) To pay the cost of county road projects selected  
 29 in accordance with the Small County Road Assistance Program  
 30 created in s. 339.2816.

31 (j) To pay the cost of county or municipal road

1 projects selected in accordance with the County Incentive  
 2 Grant Program created in s. 339.2817 and the Small County  
 3 Outreach Program created in s. 339.2818.

4 (k) To provide loans and credit enhancements for use  
 5 in constructing and improving highway transportation  
 6 facilities selected in accordance with the state-funded  
 7 infrastructure bank created in s. 339.55.

8 (l) To pay the cost of projects on the Florida  
 9 Strategic Intermodal System created in s. 339.61.

10 (m) To pay the cost of transportation projects  
 11 selected in accordance with the Transportation Regional  
 12 Incentive Program created in s. 339.2819.

13 (n) ~~(m)~~ To pay other lawful expenditures of the  
 14 department.

15 Section 24. Paragraphs (c), (d), and (e) are added to  
 16 subsection (5) of section 339.155, Florida Statutes, to read:

17 339.155 Transportation planning.--

18 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

30 (d) The interlocal agreement must, at a minimum,  
 31 identify the entity that will coordinate the development of

1 the regional transportation plan; delineate the boundaries of  
 2 the regional transportation area; provide the duration of the  
 3 agreement and specify how the agreement may be terminated,  
 4 modified, or rescinded; describe the process by which the  
 5 regional transportation plan will be developed; and provide  
 6 how members of the entity will resolve disagreements regarding  
 7 interpretation of the interlocal agreement or disputes  
 8 relating to the development or content of the regional  
 9 transportation plan. Such interlocal agreement shall become  
 10 effective upon its recordation in the official public records  
 11 of each county in the regional transportation area.

12 (e) The regional transportation plan developed  
 13 pursuant to this section must, at a minimum, identify  
 14 regionally significant transportation facilities located  
 15 within a regional transportation area and contain a  
 16 prioritized list of regionally significant projects. The  
 17 level-of-service standards for facilities to be funded under  
 18 this subsection shall be adopted by the appropriate local  
 19 government in accordance with s. 163.3180(10). The projects  
 20 shall be adopted into the capital improvements schedule of the  
 21 local government comprehensive plan pursuant to s.  
 22 163.3177(3).

23 Section 25. Section 339.175, Florida Statutes, is  
 24 amended to read:

25 339.175 Metropolitan planning organization.--It is the  
 26 intent of the Legislature to encourage and promote the safe  
 27 and efficient management, operation, and development of  
 28 surface transportation systems that will serve the mobility  
 29 needs of people and freight within and through urbanized areas  
 30 of this state while minimizing transportation-related fuel  
 31 consumption and air pollution. To accomplish these objectives,

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

25 (1) DESIGNATION.--

26 (a)1. An M.P.O. shall be designated for each urbanized  
27 area of the state; however, this does not require that an  
28 individual M.P.O. be designated for each such area. Such  
29 designation shall be accomplished by agreement between the  
30 Governor and units of general-purpose local government  
31 representing at least 75 percent of the population of the

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1 urbanized area; however, the unit of general-purpose local  
2 government that represents the central city or cities within  
3 the M.P.O. jurisdiction, as defined by the United States  
4 Bureau of the Census, must be a party to such agreement.

5         2. More than one M.P.O. may be designated within an  
6 existing metropolitan planning area only if the Governor and  
7 the existing M.P.O. determine that the size and complexity of  
8 the existing metropolitan planning area makes the designation  
9 of more than one M.P.O. for the area appropriate.

10         (b) Each M.P.O. shall be created and operated under  
11 the provisions of this section pursuant to an interlocal  
12 agreement entered into pursuant to s. 163.01. The signatories  
13 to the interlocal agreement shall be the department and the  
14 governmental entities designated by the Governor for  
15 membership on the M.P.O. If there is a conflict between this  
16 section and s. 163.01, this section prevails.

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

25         (d) In the case of an urbanized area designated as a  
26 nonattainment area for ozone or carbon monoxide under the  
27 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
28 the metropolitan planning area in existence as of the date of  
29 enactment of this paragraph shall be retained, except that the  
30 boundaries may be adjusted by agreement of the Governor and  
31 affected metropolitan planning organizations in the manner

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1 described in this section. If more than one M.P.O. has  
2 authority within a metropolitan area or an area that is  
3 designated as a nonattainment area, each M.P.O. shall consult  
4 with other M.P.O.'s designated for such area and with the  
5 state in the coordination of plans and programs required by  
6 this section.

7

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

10 (2) VOTING MEMBERSHIP.--

11 (a) The voting membership of an M.P.O. shall consist  
12 of not fewer than 5 or more than 19 apportioned members, the  
13 exact number to be determined on an equitable  
14 geographic-population ratio basis by the Governor, based on an  
15 agreement among the affected units of general-purpose local  
16 government as required by federal rules and regulations. The  
17 Governor, in accordance with 23 U.S.C. s. 134, may also  
18 provide for M.P.O. members who represent municipalities to  
19 alternate with representatives from other municipalities  
20 within the metropolitan planning area that do not have members  
21 on the M.P.O. County commission members shall compose not less  
22 than one-third of the M.P.O. membership, except for an M.P.O.  
23 with more than 15 members located in a county with a  
24 five-member county commission or an M.P.O. with 19 members  
25 located in a county with no more than 6 county commissioners,  
26 in which case county commission members may compose less than  
27 one-third percent of the M.P.O. membership, but all county  
28 commissioners must be members. All voting members shall be  
29 elected officials of general-purpose governments, except that  
30 an M.P.O. may include, as part of its apportioned voting  
31 members, a member of a statutorily authorized planning board,

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1 an official of an agency that operates or administers a major  
2 mode of transportation, or an official of the Florida Space  
3 Authority. The county commission shall compose not less than  
4 20 percent of the M.P.O. membership if an official of an  
5 agency that operates or administers a major mode of  
6 transportation has been appointed to an M.P.O.

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

18 (c) Any other provision of this section to the  
19 contrary notwithstanding, a chartered county with over 1  
20 million population may elect to reapportion the membership of  
21 an M.P.O. whose jurisdiction is wholly within the county. The  
22 charter county may exercise the provisions of this paragraph  
23 if:

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

26 2. The M.P.O. and the charter county determine that  
27 the reapportionment plan is needed to fulfill specific goals  
28 and policies applicable to that metropolitan planning area;  
29 and

30 3. The charter county determines the reapportionment  
31 plan otherwise complies with all federal requirements

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1 | pertaining to M.P.O. membership.

2 |

3 | Any charter county that elects to exercise the provisions of  
4 | this paragraph shall notify the Governor in writing.

5 |         (d) Any other provision of this section to the  
6 | contrary notwithstanding, any county chartered under s. 6(e),  
7 | Art. VIII of the State Constitution may elect to have its  
8 | county commission serve as the M.P.O., if the M.P.O.  
9 | jurisdiction is wholly contained within the county. Any  
10 | charter county that elects to exercise the provisions of this  
11 | paragraph shall so notify the Governor in writing. Upon  
12 | receipt of such notification, the Governor must designate the  
13 | county commission as the M.P.O. The Governor must appoint  
14 | four additional voting members to the M.P.O., one of whom must  
15 | be an elected official representing a municipality within the  
16 | county, one of whom must be an expressway authority member,  
17 | one of whom must be a person who does not hold elected public  
18 | office and who resides in the unincorporated portion of the  
19 | county, and one of whom must be a school board member.

20 |         (3) APPORTIONMENT.--

21 |         (a) The Governor shall, with the agreement of the  
22 | affected units of general-purpose local government as required  
23 | by federal rules and regulations, apportion the membership on  
24 | the applicable M.P.O. among the various governmental entities  
25 | within the area and shall prescribe a method for appointing  
26 | alternate members who may vote at any M.P.O. meeting that an  
27 | alternate member attends in place of a regular member. An  
28 | appointed alternate member must be an elected official serving  
29 | the same governmental entity or a general-purpose local  
30 | government with jurisdiction within all or part of the area  
31 | that the regular member serves. The governmental entity so

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1 designated shall appoint the appropriate number of members to  
2 the M.P.O. from eligible officials. Representatives of the  
3 department shall serve as nonvoting members of the M.P.O.  
4 Nonvoting advisers may be appointed by the M.P.O. as deemed  
5 necessary. The Governor shall review the composition of the  
6 M.P.O. membership in conjunction with the decennial census as  
7 prepared by the United States Department of Commerce, Bureau  
8 of the Census, and reapportion it as necessary to comply with  
9 subsection (2).

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

27 (c) If a governmental entity fails to fill an assigned  
28 appointment to an M.P.O. within 60 days after notification by  
29 the Governor of its duty to appoint, that appointment shall be  
30 made by the Governor from the eligible representatives of that  
31 governmental entity.

1           (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
 2 responsibility of an M.P.O. is to manage a continuing,  
 3 cooperative, and comprehensive transportation planning process  
 4 that, based upon the prevailing principles provided in s.  
 5 334.046(1), results in the development of plans and programs  
 6 which are consistent, to the maximum extent feasible, with the  
 7 approved local government comprehensive plans of the units of  
 8 local government the boundaries of which are within the  
 9 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
 10 for cooperative decisionmaking by officials of the affected  
 11 governmental entities in the development of the plans and  
 12 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

31           3. An annual unified planning work program pursuant to

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1 the requirements of subsection (8).

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

6 1. Support the economic vitality of the metropolitan  
7 area, especially by enabling global competitiveness,  
8 productivity, and efficiency;

9 2. Increase the safety and security of the  
10 transportation system for motorized and nonmotorized users;

11 3. Increase the accessibility and mobility options  
12 available to people and for freight;

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

15 5. Enhance the integration and connectivity of the  
16 transportation system, across and between modes, for people  
17 and freight;

18 6. Promote efficient system management and operation;  
19 and

20 7. Emphasize the preservation of the existing  
21 transportation system.

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

25 1. Prepare a congestion management system for the  
26 metropolitan area and cooperate with the department in the  
27 development of all other transportation management systems  
28 required by state or federal law;

29 2. Assist the department in mapping transportation  
30 planning boundaries required by state or federal law;

31 3. Assist the department in performing its duties

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1 relating to access management, functional classification of  
2 roads, and data collection;

3         4. Execute all agreements or certifications necessary  
4 to comply with applicable state or federal law;

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

8         6. Perform all other duties required by state or  
9 federal law.

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

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1 transportation service.

2 (e)1. Each M.P.O. shall appoint a citizens' advisory  
3 committee, the members of which serve at the pleasure of the  
4 M.P.O. The membership on the citizens' advisory committee must  
5 reflect a broad cross section of local residents with an  
6 interest in the development of an efficient, safe, and  
7 cost-effective transportation system. Minorities, the elderly,  
8 and the handicapped must be adequately represented.

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

14 (f) The department shall allocate to each M.P.O., for  
15 the purpose of accomplishing its transportation planning and  
16 programming duties, an appropriate amount of federal  
17 transportation planning funds.

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

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

27 1. Coordinate transportation projects deemed to be  
28 regionally significant by the committee.

29 2. Review the impact of regionally significant land  
30 use decisions on the region.

31 3. Review all proposed regionally significant

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1 transportation projects in the respective transportation  
2 improvement programs which affect more than one of the  
3 M.P.O.'s represented on the committee.

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

7           (i)1. The Legislature finds that the state's rapid  
8 growth in recent decades has caused many urbanized areas  
9 subject to M.P.O. jurisdiction to become contiguous to each  
10 other. As a result, various transportation projects may cross  
11 from the jurisdiction of one M.P.O. into the jurisdiction of  
12 another M.P.O. To more fully accomplish the purposes for which  
13 M.P.O.'s have been mandated, M.P.O.'s shall develop  
14 coordination mechanisms with one another to expand and improve  
15 transportation within the state. The appropriate method of  
16 coordination between M.P.O.'s shall vary depending upon the  
17 project involved and given local and regional needs.  
18 Consequently, it is appropriate to set forth a flexible  
19 methodology that can be used by M.P.O.'s to coordinate with  
20 other M.P.O.'s and appropriate political subdivisions as  
21 circumstances demand.

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

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

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

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1 maximum extent feasible, with future land use elements and the  
2 goals, objectives, and policies of the approved local  
3 government comprehensive plans of the units of local  
4 government located within the jurisdiction of the M.P.O. The  
5 approved long-range transportation plan must be considered by  
6 local governments in the development of the transportation  
7 elements in local government comprehensive plans and any  
8 amendments thereto. The long-range transportation plan must,  
9 at a minimum:

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

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

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1 M.P.O. and the department shall cooperatively develop  
2 estimates of funds that will be available to support the plan  
3 implementation. Innovative financing techniques may be used to  
4 fund needed projects and programs. Such techniques may  
5 include the assessment of tolls, the use of value capture  
6 financing, or the use of value pricing.

7 (c) Assess capital investment and other measures  
8 necessary to:

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

15 2. Make the most efficient use of existing  
16 transportation facilities to relieve vehicular congestion and  
17 maximize the mobility of people and goods.

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

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

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1 In the development of its long-range transportation plan, each  
2 M.P.O. must provide the public, affected public agencies,  
3 representatives of transportation agency employees, freight  
4 shippers, providers of freight transportation services,  
5 private providers of transportation, representatives of users  
6 of public transit, and other interested parties with a  
7 reasonable opportunity to comment on the long-range  
8 transportation plan. The long-range transportation plan must  
9 be approved by the M.P.O.

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

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

1 transportation facilities and improvements including transit,  
 2 rail, aviation, spaceport, and port facilities to be funded  
 3 from the State Transportation Trust Fund within its  
 4 metropolitan area in accordance with existing and subsequent  
 5 federal and state laws and rules and regulations related  
 6 thereto. The transportation improvement program shall be  
 7 consistent, to the maximum extent feasible, with the approved  
 8 local government comprehensive plans of the units of local  
 9 government whose boundaries are within the metropolitan area  
 10 of the M.P.O. and include those projects programmed pursuant  
 11 to s. 339.2819(4).

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

- 26 1. The approved M.P.O. long-range transportation plan;
- 27 2. The Strategic Intermodal System Plan developed
- 28 under s. 339.64.

29 3. The priorities developed pursuant to s.  
 30 339.2819(4).

31 4.3- The results of the transportation management

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1 systems; and

2 ~~5.4.~~ The M.P.O.'s public-involvement procedures.

3 (c) The transportation improvement program must, at a  
4 minimum:

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

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

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

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1 improvement program may include a project or project phase  
2 only if full funding can reasonably be anticipated to be  
3 available for the project or project phase within the time  
4 period contemplated for completion of the project or project  
5 phase.

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

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

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

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

28 (d) Projects included in the transportation  
29 improvement program and that have advanced to the design stage  
30 of preliminary engineering may be removed from or rescheduled  
31 in a subsequent transportation improvement program only by the

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1 joint action of the M.P.O. and the department. Except when  
2 recommended in writing by the district secretary for good  
3 cause, any project removed from or rescheduled in a subsequent  
4 transportation improvement program shall not be rescheduled by  
5 the M.P.O. in that subsequent program earlier than the 5th  
6 year of such program.

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

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

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

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

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

27           (9) AGREEMENTS.--

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

31           1. An agreement with the department clearly

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1 establishing the cooperative relationship essential to  
2 accomplish the transportation planning requirements of state  
3 and federal law.

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

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

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

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

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

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

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1 compensation for their services, but may be reimbursed from  
2 funds made available to council members for travel and per  
3 diem expenses incurred in the performance of their council  
4 duties as provided in s. 112.061.

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

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

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

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

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

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

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

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

1 direction of the department.

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

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

15 Section 26. Section 339.55, Florida Statutes, is  
16 amended to read:

17 339.55 State-funded infrastructure bank.--

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

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

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

31 (b) Projects of the Transportation Regional Incentive

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1 Program which are identified pursuant to s. 339.2819(4).

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

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

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

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

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

24           (a) The credit worthiness of the project.

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

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

30           (d) The extent to which assistance would foster  
31 innovative public-private partnerships and attract private

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1 debt or equity investment.

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

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

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

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

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

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

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

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

25 1013.64 Funds for comprehensive educational plant  
26 needs; construction cost maximums for school district capital  
27 projects.--Allocations from the Public Education Capital  
28 Outlay and Debt Service Trust Fund to the various boards for  
29 capital outlay projects shall be determined as follows:

30 (7) Moneys distributed to the Public Education Capital  
31 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)

1 shall be expended to fund the Classrooms for Kids Program  
 2 created in s. 1013.735 and shall be distributed as provided by  
 3 that section.

4 Section 28. Paragraph (a) of subsection (2) of section  
 5 1013.65, Florida Statutes, is amended to read:

6 1013.65 Educational and ancillary plant construction  
 7 funds; Public Education Capital Outlay and Debt Service Trust  
 8 Fund; allocation of funds.--

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

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

17 2. General revenue funds appropriated to the fund for  
 18 educational capital outlay purposes.

19 3. All capital outlay funds previously appropriated  
 20 and certified forward pursuant to s. 216.301.

21 4. Funds paid pursuant to s. 201.15(1)(d). Such funds  
 22 shall be appropriated annually for expenditure to fund the  
 23 Classrooms for Kids Program created in s. 1013.735 and shall  
 24 be distributed as provided by that section.

25 Section 29. Subsection (1) of section 201.15, Florida  
 26 Statutes, is amended to read:

27 201.15 Distribution of taxes collected.--All taxes  
 28 collected under this chapter shall be distributed as follows  
 29 and shall be subject to the service charge imposed in s.  
 30 215.20(1), except that such service charge shall not be levied  
 31 against any portion of taxes pledged to debt service on bonds

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1 to the extent that the amount of the service charge is  
2 required to pay any amounts relating to the bonds:

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

6 (a) Amounts as shall be necessary to pay the debt  
7 service on, or fund debt service reserve funds, rebate  
8 obligations, or other amounts payable with respect to  
9 Preservation 2000 bonds issued pursuant to s. 375.051 and  
10 Florida Forever bonds issued pursuant to s. 215.618, shall be  
11 paid into the State Treasury to the credit of the Land  
12 Acquisition Trust Fund to be used for such purposes. The  
13 amount transferred to the Land Acquisition Trust Fund for such  
14 purposes shall not exceed \$300 million in fiscal year  
15 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
16 issued to refund Preservation 2000 bonds, and \$300 million in  
17 fiscal year 2000-2001 and thereafter for Florida Forever  
18 bonds. The annual amount transferred to the Land Acquisition  
19 Trust Fund for Florida Forever bonds shall not exceed \$30  
20 million in the first fiscal year in which bonds are issued.  
21 The limitation on the amount transferred shall be increased by  
22 an additional \$30 million in each subsequent fiscal year, but  
23 shall not exceed a total of \$300 million in any fiscal year  
24 for all bonds issued. It is the intent of the Legislature that  
25 all bonds issued to fund the Florida Forever Act be retired by  
26 December 31, 2030. Except for bonds issued to refund  
27 previously issued bonds, no series of bonds may be issued  
28 pursuant to this paragraph unless such bonds are approved and  
29 the debt service for the remainder of the fiscal year in which  
30 the bonds are issued is specifically appropriated in the  
31 General Appropriations Act. For purposes of refunding

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1 Preservation 2000 bonds, amounts designated within this  
2 section for Preservation 2000 and Florida Forever bonds may be  
3 transferred between the two programs to the extent provided  
4 for in the documents authorizing the issuance of the bonds.  
5 The Preservation 2000 bonds and Florida Forever bonds shall be  
6 equally and ratably secured by moneys distributable to the  
7 Land Acquisition Trust Fund pursuant to this section, except  
8 to the extent specifically provided otherwise by the documents  
9 authorizing the issuance of the bonds. No moneys transferred  
10 to the Land Acquisition Trust Fund pursuant to this paragraph,  
11 or earnings thereon, shall be used or made available to pay  
12 debt service on the Save Our Coast revenue bonds.

13 (b) The remainder of the moneys distributed under this  
14 subsection, after the required payment under paragraph (a),  
15 shall be paid into the State Treasury to the credit of the  
16 Save Our Everglades Trust Fund in amounts necessary to pay  
17 debt service, provide reserves, and pay rebate obligations and  
18 other amounts due with respect to bonds issued under s.  
19 215.619.

20 (c) The remainder of the moneys distributed under this  
21 subsection, after the required payments under paragraphs (a)  
22 and (b), shall be paid into the State Treasury to the credit  
23 of the Land Acquisition Trust Fund and may be used for any  
24 purpose for which funds deposited in the Land Acquisition  
25 Trust Fund may lawfully be used. Payments made under this  
26 paragraph shall continue until the cumulative amount credited  
27 to the Land Acquisition Trust Fund for the fiscal year under  
28 this paragraph and paragraph (2)(b) equals 70 percent of the  
29 current official forecast for distributions of taxes collected  
30 under this chapter pursuant to subsection (2). As used in this  
31 paragraph, the term "current official forecast" means the most

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1 recent forecast as determined by the Revenue Estimating  
2 Conference. If the current official forecast for a fiscal year  
3 changes after payments under this paragraph have ended during  
4 that fiscal year, no further payments are required under this  
5 paragraph during the fiscal year.

6 (d) The remainder of the moneys distributed under this  
7 subsection, after the required payments under paragraphs (a),  
8 (b), and (c), shall be paid into the State Treasury to the  
9 credit of:

10 1. The State Transportation Trust Fund in the  
11 Department of Transportation in the amount of \$575 million in  
12 each fiscal year, to be paid in quarterly installments and  
13 used for the following specified purposes notwithstanding any  
14 other law to the contrary:

15 a. For the purposes of capital funding for the New  
16 Starts Transit Program specified in s. 341.051, 10 percent of  
17 these funds;

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

20 c. For the purposes of the Strategic Intermodal System  
21 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75  
22 percent of these funds after allocating for the New Starts  
23 Transit Program described in sub-subparagraph a. and the Small  
24 County Outreach Program described in sub-subparagraph b.; and

25 d. For the purposes of the Transportation Regional  
26 Incentive Program specified in s. 339.2819, 25 percent of  
27 these funds after allocating for the New Starts Transit  
28 Program described in sub-subparagraph a. and the Small County  
29 Outreach Program described in sub-subparagraph b.

30 2. The Water Protection and Sustainability Program  
31 Trust Fund in the Department of Environmental Protection in

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1 the amount of \$100 million in each fiscal year, to be paid in  
2 quarterly installments and used as required by s. 403.890.

3 3. The Public Education Capital Outlay and Debt  
4 Service Trust Fund in the Department of Education in the  
5 amount of \$75 million in each fiscal year, to be paid in  
6 monthly installments and used to fund the Classrooms for Kids  
7 Program created in s. 1013.735.

8  
9 Moneys distributed pursuant to this paragraph may not be  
10 pledged for debt service unless such pledge is approved by  
11 referendum of the voters.

12 (e) ~~(d)~~ The remainder of the moneys distributed under  
13 this subsection, after the required payments under paragraphs  
14 (a), (b), and (c), shall be paid into the State Treasury to  
15 the credit of the General Revenue Fund of the state to be used  
16 and expended for the purposes for which the General Revenue  
17 Fund was created and exists by law or to the Ecosystem  
18 Management and Restoration Trust Fund or to the Marine  
19 Resources Conservation Trust Fund as provided in subsection  
20 (11).

21 Section 30. (1) The following appropriations are made  
22 for the 2005-2006 fiscal year only from the General Revenue  
23 Fund, from revenues deposited into the fund pursuant to  
24 section 201.15(1)(e), Florida Statutes, on a nonrecurring  
25 basis and in quarterly installments:

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

28 (b) To the Water Protection and Sustainability Program  
29 Trust Fund in the Department of Environmental Protection, \$100  
30 million.

31 (c) To the Public Education Capital Outlay and Debt

1 Service Trust Fund in the Department of Education, \$73.75  
2 million.

3 (d) To the Grants and Donations Trust Fund in the  
4 Department of Community Affairs, \$1.25 million.

5 (2) The following appropriations are made for the  
6 2005-2006 fiscal year only on a nonrecurring basis:

7 (a) From the State Transportation Trust Fund in the  
8 Department of Transportation:

9 1. Four hundred million dollars for the purposes  
10 specified in sections 339.61, 339.62, 339.63, and 339.64,  
11 Florida Statutes.

12 2. Seventy-five million dollars for the purposes  
13 specified in section 339.2819, Florida Statutes.

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

16 (b) From the Water Protection and Sustainability  
17 Program Trust Fund in the Department of Environmental  
18 Protection, \$100 million for the purposes specified in section  
19 403.890, Florida Statutes.

20 (c) From the Public Education Capital Outlay and Debt  
21 Service Trust Fund in the Department of Education, the sum of  
22 \$73.75 million for the purpose of funding the Classrooms for  
23 Kids Program created in section 1013.735, Florida Statutes.  
24 Notwithstanding the requirements of sections 1013.64 and  
25 1013.65, Florida Statutes, these moneys may not be distributed  
26 as part of the comprehensive plan for the Public Education  
27 Capital Outlay and Debt Service Trust Fund.

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

30 1. One million dollars to provide technical assistance  
31 to local governments and school boards on the requirements and

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1 implementation of this act. The department shall provide a  
2 report to the Governor, the President of the Senate, and the  
3 Speaker of the House of Representatives by February 1, 2006,  
4 on the progress made toward implementing this act and a  
5 recommendation on whether additional funds should be  
6 appropriated to provide additional technical assistance.

7 2. Two hundred and fifty thousand dollars to support  
8 the Century Commission, created by section 163.3247, Florida  
9 Statutes.

10 Section 31. Except as otherwise expressly provided in  
11 this act, this act shall take effect July 1, 2005.

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