

By the Committees on Ways and Means; Transportation; Community Affairs; and Senator Bennett

576-2328-05

1 A bill to be entitled
2 An act relating to infrastructure planning and
3 funding; amending s. 163.3164, F.S.; defining
4 the term "financial feasibility"; amending s.
5 163.3177, F.S.; revising requirements for the
6 capital improvements element of a comprehensive
7 plan; requiring a schedule of capital
8 improvements; providing a deadline for certain
9 amendments; providing an exception; providing
10 for sanctions; requiring incorporation of
11 selected water supply projects in the
12 comprehensive plan; authorizing planning for
13 multijurisdictional water supply facilities;
14 providing requirements for counties and
15 municipalities with respect to the public
16 school facilities element; requiring an
17 interlocal agreement; exempting certain
18 municipalities from such requirements;
19 requiring that the state land planning agency
20 establish a schedule for adopting and updating
21 the public school facilities element;
22 encouraging local governments to include a
23 community vision and an urban service boundary
24 as a component of their comprehensive plans;
25 prescribing taxing authority of local
26 governments doing so; repealing s. 163.31776,
27 F.S., relating to the public educational
28 facilities element; amending s. 163.31777,
29 F.S.; revising the requirements for the public
30 schools interlocal agreement to conform to
31 changes made by the act; requiring the school

1 board to provide certain information to the
2 local government; amending s. 163.3180, F.S.;
3 revising requirements for concurrency;
4 providing for schools to be subject to
5 concurrency requirements; requiring that an
6 adequate water supply be available for new
7 development; revising requirements for
8 transportation facilities; requiring that the
9 Department of Transportation be consulted
10 regarding certain level-of-service standards;
11 revising criteria and providing guidelines for
12 transportation concurrency exception areas;
13 requiring a local government to consider the
14 transportation level-of-service standards of
15 adjacent jurisdictions for certain roads;
16 providing a process to monitor de minimis
17 impacts; revising the requirements for a
18 long-term transportation concurrency management
19 system; providing for a long-term school
20 concurrency management system; requiring that
21 school concurrency be established on less than
22 a districtwide basis within 5 years; providing
23 certain exceptions; authorizing a local
24 government to approve a development order if
25 the developer executes a commitment to mitigate
26 the impacts on public school facilities;
27 providing requirements for such proportionate
28 fair-share mitigation; requiring the adoption
29 of a transportation concurrency management
30 system by ordinances; amending s. 163.3184,
31 F.S.; prescribing authority of local

1 governments to adopt plan amendments after
2 adopting community vision and an urban service
3 boundary; providing for small scale plan
4 amendment review under certain circumstances;
5 providing an exemption; amending s. 163.3191,
6 F.S.; providing additional requirements for the
7 evaluation and assessment of the comprehensive
8 plan for counties and municipalities that do
9 not have a public schools interlocal agreement;
10 revising requirements for the evaluation and
11 appraisal report; providing time limit for
12 amendments relating to the report; amending s.
13 212.055, F.S.; revising permissible rates for
14 charter county transit system surtax; revising
15 methods for approving such a surtax; providing
16 for a noncharter county to levy this surtax
17 under certain circumstances; limiting the
18 expenditure of the proceeds to a specified area
19 under certain circumstances; revising methods
20 for approving a local government infrastructure
21 surtax; limiting the expenditure of the
22 proceeds to a specified area under certain
23 circumstances; revising a ceiling on rates of
24 small county surtaxes; revising methods for
25 approving a school capital outlay surtax;
26 amending s. 206.41, F.S.; providing for annual
27 adjustment of the ninth-cent fuel tax and local
28 option fuel tax; amending s. 336.021, F.S.;
29 revising methods for approving such a fuel tax;
30 limiting authority of a county to impose the
31 ninth-cent fuel tax without adopting a

1 community vision; amending s. 336.025, F.S.;
2 limiting authority of a county to impose the
3 local option fuel tax without adopting a
4 community vision; revising methods for
5 approving such a fuel tax; amending s. 339.135,
6 F.S., relating to tentative work programs of
7 the Department of Transportation; conforming
8 provisions to changes made by the act;
9 requiring the Office of Program Policy Analysis
10 and Government Accountability to perform a
11 study of the boundaries of specified state
12 entities; requiring a report to the
13 Legislature; creating s. 163.3247, F.S.;
14 providing a popular name; providing legislative
15 findings and intent; creating the Century
16 Commission for certain purposes; providing for
17 appointment of commission members; providing
18 for terms; providing for meetings and votes of
19 members; requiring members to serve without
20 compensation; providing for per diem and travel
21 expenses; providing powers and duties of the
22 commission; requiring the creation of a joint
23 select committee of the Legislature; providing
24 purposes; requiring the Secretary of Community
25 Affairs to select an executive director of the
26 commission; requiring the Department of
27 Community Affairs to provide staff for the
28 commission; providing for other agency staff
29 support for the commission; creating s.
30 339.2819, F.S.; creating the Transportation
31 Regional Incentive Program within the

1 Department of Transportation; providing
2 matching funds for projects meeting certain
3 criteria; amending s. 337.107, F.S.; allowing
4 the inclusion of right-of-way services in
5 certain design-build contracts; amending s.
6 337.11, F.S.; allowing the Department of
7 Transportation to include right-of-way services
8 and design and construction into a single
9 contract; providing an exception; delaying
10 construction activities in certain
11 circumstances; amending s. 337.107, F.S.,
12 effective July 1, 2007; eliminating the
13 inclusion of right-of-way services as part of
14 design-build contracts under certain
15 circumstances; amending s. 337.11, F.S.,
16 effective July 1, 2007; allowing design and
17 construction phases to be combined for certain
18 projects; deleting an exception; amending s.
19 380.06, F.S.; providing exceptions; amending s.
20 1013.33, F.S.; conforming provisions to changes
21 made by the act; amending s. 206.46, F.S.;
22 increasing the threshold for maximum debt
23 service for transfers in the State
24 Transportation Trust Fund; amending s. 339.08,
25 F.S.; providing for expenditure of moneys in
26 the State Transportation Trust Fund; amending
27 s. 339.155, F.S.; providing for the development
28 of regional transportation plans in Regional
29 Transportation Areas; amending s. 339.175,
30 F.S.; making conforming changes to provisions
31 of the act; amending s. 339.55, F.S.; providing

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

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (32) is added to section
19 163.3164, Florida Statutes, to read:

20 163.3164 Local Government Comprehensive Planning and
21 Land Development Regulation Act; definitions.--As used in this
22 act:

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

1 standards are achieved and maintained within the period
2 covered by the 5-year schedule of capital improvements.

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

7 163.3177 Required and optional elements of
8 comprehensive plan; studies and surveys.--

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

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

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

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

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

1 4. Standards for the management of debt.

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

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

29 (b)1. The capital improvements element shall be
30 reviewed on an annual basis and modified as necessary in
31 accordance with s. 163.3187 or s. 163.3189 in order to

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

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

1 not in compliance, the local government may challenge that
2 determination pursuant to s. 163.3184(10).

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

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

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

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

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

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

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

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

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

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

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

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

1 Affairs shall provide technical assistance to the local
2 governments in identifying deficits or duplication.

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

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

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

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

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

1 single school to exceed the 100-percent limitation if it can
2 be demonstrated that the capacity rate for that single school
3 is not greater than 105 percent. A municipality in a nonexempt
4 county is exempt if the municipality meets all of the
5 following criteria for having no significant impact on school
6 attendance:

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

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

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

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

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

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

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

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

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

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

1 6. Provision for location of schools proximate to
2 residential areas and to complement patterns of development,
3 including the location of future school sites so they serve as
4 community focal points;

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

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

11 9. Coordination with the future land use element.

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

22 (h) The state land planning agency shall establish a
23 phased schedule for adoption of the public school facilities
24 element and the required updates to the public schools
25 interlocal agreement pursuant to s. 163.31777. The schedule
26 shall provide for each county and local government within the
27 county to adopt the element and update to the agreement no
28 later than December 1, 2008. Plan amendments to adopt a public
29 school facilities element are exempt from the provisions of s.
30 163.3187(1).

31

1 (i) Failure to adopt the public school facility
2 element, to enter into an approved interlocal agreement as
3 required by subparagraph (6)(h)2. and 163.31777, or to amend
4 the comprehensive plan as necessary to implement school
5 concurrency, according to the phased schedule, shall result in
6 a local government being prohibited from adopting amendments
7 to the comprehensive plan which increase residential density
8 until the necessary amendments have been adopted and
9 transmitted to the state land planning agency.

10 (j) The state land planning agency may issue the
11 school board a notice to show cause why sanctions should not
12 be enforced for failure to enter into an approved interlocal
13 agreement as required by s. 163.31777 or for failure to
14 implement the provisions of this act relating to public school
15 concurrency. The school board may be subject to sanctions
16 imposed by the Administration Commission directing the
17 Department of Education to withhold from the district school
18 board an equivalent amount of funds for school construction
19 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
20 1013.72.

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

27 (a) As part of the process of developing a community
28 vision under this section, the local government must hold two
29 public meetings with at least one of those meetings before the
30 local planning agency. Before those public meetings, the local
31 government must hold at least one public workshop with

1 stakeholder groups such as neighborhood associations,
2 community organizations, businesses, private property owners,
3 housing and development interests, and environmental
4 organizations.

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

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

10 2. Priorities for economic development;

11 3. Preservation of open space, environmentally
12 sensitive lands, and agricultural lands;

13 4. Appropriate areas and standards for mixed-use
14 development;

15 5. Appropriate areas and standards for high-density
16 commercial and residential development;

17 6. Appropriate areas and standards for
18 economic-development opportunities and employment centers;

19 7. Provisions for adequate workforce housing;

20 8. An efficient, interconnected multimodal
21 transportation system; and

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

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

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

1 2. Incentives for mixed-use development, including
2 increased height and intensity standards for buildings that
3 provide residential use in combination with office or
4 commercial space;

5 3. Incentives for workforce housing;

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

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

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

19 (e) After the workshops and public meetings required
20 under paragraph (a) are held, the local government may amend
21 its comprehensive plan to include the community vision as a
22 component in the plan. This plan amendment must be transmitted
23 and adopted pursuant to the procedures in ss. 163.3184 and
24 163.3189 at public hearings of the governing body other than
25 those identified in paragraph (a).

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

29 (g) A county that has adopted a community vision and
30 the plan amendment incorporating the vision has been found in
31

1 compliance may levy a local option fuel tax under s.
2 336.025(1)(b) by a majority vote of its governing body.

3 (h) A county that has adopted a community vision as a
4 component of the comprehensive plan and the plan amendment
5 incorporating the community vision as a component has been
6 found in compliance may levy the ninth-cent fuel tax under s.
7 336.021(1)(a) by a majority vote of its governing body.

8 (i) A local government that has developed a community
9 vision or completed a visioning process after July 1, 2000,
10 and before July 1, 2005, which substantially accomplishes the
11 goals set forth in this subsection and the appropriate goals,
12 policies, or objectives have been adopted as part of the
13 comprehensive plan or reflected in subsequently adopted land
14 development regulations and the plan amendment incorporating
15 the community vision as a component has been found in
16 compliance may levy the local option fuel tax under s.
17 336.025(1)(b) and the ninth-cent fuel tax under s.
18 336.021(1)(a) by a majority vote of its governing body.

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

1 needed to accommodate the projected population growth at
2 densities consistent with the adopted comprehensive plan
3 within the 10-year planning timeframe.

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

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

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

28 (c) Amendments submitted under this subsection are
29 exempt from the limitation on the frequency of plan amendments
30 in s. 163.3187.

31

1 (d) A county that has adopted a community vision under
2 subsection (13) and an urban service boundary under this
3 subsection as part of its comprehensive plan and the plan
4 amendments incorporating the vision and the urban service
5 boundary have been found in compliance may levy the charter
6 county transit system surtax under s. 212.055(1) by a majority
7 vote of the governing body.

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

14 (f) A small county that has adopted a community vision
15 under subsection (13) and an urban service boundary under this
16 subsection and the plan amendment incorporating the vision and
17 the urban service boundary has been found in compliance may
18 levy the local government infrastructure surtax under s.
19 212.055(2) and the small county surtax under s. 212.055(3) by
20 a majority vote of its governing body for a combined rate of
21 up to 2 percent.

22 Section 3. Section 163.31776, Florida Statutes, is
23 repealed.

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

26 163.31777 Public schools interlocal agreement.--

27 (2) At a minimum, the interlocal agreement must
28 address interlocal-agreement requirements in s.
29 163.3180(13)(g), except for exempt local governments as
30 provided in s. 163.3177(12), and must address the following
31 issues:

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

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

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

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

26 (e) A process for the school board to inform the local
27 government regarding the effect of comprehensive plan
28 amendments on school capacity. The capacity reporting must be
29 consistent with laws and rules relating to measurement of
30 school facility capacity and must also identify how the
31

1 district school board will meet the public school demand based
2 on the facilities work program adopted pursuant to s. 1013.35.

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

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

10 (h) A procedure for the resolution of disputes between
11 the district school board and local governments, which may
12 include the dispute resolution processes contained in chapters
13 164 and 186.

14 (i) An oversight process, including an opportunity for
15 public participation, for the implementation of the interlocal
16 agreement.

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

27 (5) Any local government transmitting a public school
28 element to implement school concurrency pursuant to the
29 requirements of s. 163.3180 before the effective date of this
30 section is not required to amend the element or any interlocal
31 agreement to conform with the provisions of this section if

1 the element is adopted prior to or within 1 year after the
2 effective date of this section and remains in effect until the
3 county conducts its evaluation and appraisal report and
4 identifies changes necessary to more fully conform to the
5 provisions of this section.

6 (6) Except as provided in subsection (7),
7 municipalities meeting the exemption criteria in s.
8 163.3177(12) having no established need for a new school
9 facility and meeting the following criteria are exempt from
10 the requirements of subsections (1), (2), and (3).⁺

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

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

20 (7) At the time of the evaluation and appraisal
21 report, each exempt municipality shall assess the extent to
22 which it continues to meet the criteria for exemption under s.
23 163.3177(12) subsection (6). If the municipality continues to
24 meet these criteria ~~and the district school board verifies in~~
25 ~~writing that no new school facilities will be needed within~~
26 ~~the 5 year and 10 year timeframes,~~ the municipality shall
27 continue to be exempt from the interlocal-agreement
28 requirement. Each municipality exempt under s. 163.3177(12)
29 ~~subsection (6)~~ must comply with the provisions of this section
30 within 1 year after the district school board proposes, in its
31

1 5-year district facilities work program, a new school within
2 the municipality's jurisdiction.

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

8 163.3180 Concurrency.--

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

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

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

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

27 (4)

28 (c) The concurrency requirement, except as it relates
29 to transportation facilities and public schools, as
30 implemented in local government comprehensive plans, may be
31 waived by a local government for urban infill and

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

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

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

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

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

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

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

29 (f) Prior to the designation of a concurrency
30 exception area, the Department of Transportation shall be
31 consulted by the local government to assess the impact that

1 the proposed exception 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). in the comprehensive plan. These guidelines must
10 include consideration of the impacts on the Florida Intrastate
11 Highway System, as defined in s. 338.001. The exceptions may
12 be available only within the specific geographic area of the
13 jurisdiction designated in the plan. Pursuant to s. 163.3184,
14 any affected person may challenge a plan amendment
15 establishing these guidelines and the areas within which an
16 exception could be granted.

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

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

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

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

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

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

1 existing deficiencies and set priorities for addressing
2 backlogged facilities. The concurrency management system ~~it~~
3 must be financially feasible and consistent with other
4 portions of the adopted local plan, including the future land
5 use map.

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

- 14 1. The extent of the backlog.
- 15 2. For roads, whether the backlog is on local or state
16 roads.
- 17 3. The cost of eliminating the backlog.
- 18 4. The local government's tax and other
19 revenue-raising efforts.

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

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

1 (10) With regard to roadway facilities on the
2 Strategic Intermodal System designated in accordance with ss.
3 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate
4 Highway System as defined in s. 338.001, and roadway
5 facilities funded in accordance with s. 339.2819 with
6 ~~concurrence from the Department of Transportation, the~~
7 ~~level of service standard for general lanes in urbanized~~
8 ~~areas, as defined in s. 334.03(36), may be established by the~~
9 ~~local government in the comprehensive plan. For all other~~
10 ~~facilities on the Florida Intrastate Highway System, local~~
11 ~~governments shall adopt the level-of-service standard~~
12 ~~established by the Department of Transportation by rule. For~~
13 ~~all other roads on the State Highway System, local governments~~
14 ~~shall establish an adequate level-of-service standard that~~
15 ~~need not be consistent with any level-of-service standard~~
16 ~~established by the Department of Transportation. In~~
17 establishing adequate level-of-service standards for any
18 arterial roads, or collector roads as appropriate, which
19 traverse multiple jurisdictions, local governments shall
20 consider compatibility with the roadway facility's adopted
21 level-of-service standards in adjacent jurisdictions. Each
22 local government within a county shall use a professionally
23 accepted methodology for measuring impacts on transportation
24 facilities for the purposes of implementing its concurrency
25 management system. Counties are encouraged to coordinate with
26 adjacent counties, and local governments within a county are
27 encouraged to coordinate, for the purpose of using common
28 methodologies for measuring impacts on transportation
29 facilities for the purpose of implementing their concurrency
30 management systems.
31

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

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

29 (b) Level-of-service standards.--The Legislature
30 recognizes that an essential requirement for a concurrency
31

1 management system is the level of service at which a public
2 facility is expected to operate.

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

9 2. Public school level-of-service standards shall be
10 included and adopted into the capital improvements element of
11 the local comprehensive plan and shall apply districtwide to
12 all schools of the same type. Types of schools may include
13 elementary, middle, and high schools as well as special
14 purpose facilities such as magnet schools.

15 3. Local governments and school boards shall have the
16 option to utilize tiered level-of-service standards to allow
17 time to achieve an adequate and desirable level of service as
18 circumstances warrant.

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

29 1. In order to balance competing interests, preserve
30 the constitutional concept of uniformity, and avoid disruption
31 of existing educational and growth management processes, local

1 governments are encouraged to initially apply school
2 concurrency to development only on a districtwide basis so
3 that a concurrency determination for a specific development
4 will be based upon the availability of school capacity
5 districtwide. To ensure that development is coordinated with
6 schools having available capacity, within 5 years after
7 adoption of school concurrency, local governments shall apply
8 school concurrency on a less than districtwide basis, such as
9 using school attendance zones or concurrency service areas, as
10 provided in subparagraph 2.

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

29 3. Where school capacity is available on a
30 districtwide basis but school concurrency is applied on a less
31 than districtwide basis in the form of concurrency service

1 areas, if the adopted level-of-service standard cannot be met
2 in a particular service area as applied to an application for
3 a development permit and if the needed capacity for the
4 particular service area is available in one or more contiguous
5 service areas, as adopted by the local government, then the
6 development order ~~may not shall~~ be denied on the basis of
7 school concurrency, and if issued, development impacts shall
8 be shifted to contiguous service areas with schools having
9 available capacity and mitigation measures shall not be
10 ~~exacted.~~

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

20 1. A comprehensive plan amendment seeking to impose
21 school concurrency shall contain appropriate amendments to the
22 capital improvements element of the comprehensive plan,
23 consistent with the requirements of s. 163.3177(3) and rule
24 9J-5.016, Florida Administrative Code. The capital
25 improvements element shall set forth a financially feasible
26 public school capital facilities program, established in
27 conjunction with the school board, that demonstrates that the
28 adopted level-of-service standards will be achieved and
29 maintained.

30 2. Such amendments shall demonstrate that the public
31 school capital facilities program meets all of the financial

1 feasibility standards of this part and chapter 9J-5, Florida
2 Administrative Code, that apply to capital programs which
3 provide the basis for mandatory concurrency on other public
4 facilities and services.

5 3. When the financial feasibility of a public school
6 capital facilities program is evaluated by the state land
7 planning agency for purposes of a compliance determination,
8 the evaluation shall be based upon the service areas selected
9 by the local governments and school board.

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

29 1. Appropriate mitigation options include the
30 contribution of land; the construction, expansion, or payment
31 for land acquisition or construction of a public school

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

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

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

31

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

5 (f) Intergovernmental coordination.--

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

17 a. The municipality has issued development orders for
18 fewer than 50 residential dwelling units during the preceding
19 5 years, or the municipality has generated fewer than 25
20 additional public school students during the preceding 5
21 years.

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

25 c. The municipality has no public schools located
26 within its boundaries.

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

29 2. A municipality which qualifies as having no
30 significant impact on school attendance pursuant to the
31 criteria of subparagraph 1. must review and determine at the

1 | time of its evaluation and appraisal report pursuant to s.
2 | 163.3191 whether it continues to meet the criteria pursuant to
3 | s. 163.31777(6). If the municipality determines that it no
4 | longer meets the criteria, it must adopt appropriate school
5 | concurrency goals, objectives, and policies in its plan
6 | amendments based on the evaluation and appraisal report, and
7 | enter into the existing interlocal agreement required by ss.
8 | ~~s.~~ 163.3177(6)(h)2. and 163.31777, in order to fully
9 | participate in the school concurrency system. If such a
10 | municipality fails to do so, it will be subject to the
11 | enforcement provisions of s. 163.3191.

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

29 | 1. Establish the mechanisms for coordinating the
30 | development, adoption, and amendment of each local
31 | government's public school facilities element with each other

1 and the plans of the school board to ensure a uniform
2 districtwide school concurrency system.

3 ~~2. Establish a process by which each local government~~
4 ~~and the school board shall agree and base their plans on~~
5 ~~consistent projections of the amount, type, and distribution~~
6 ~~of population growth and coordinate and share information~~
7 ~~relating to existing and planned public school facilities~~
8 ~~projections and proposals for development and redevelopment,~~
9 ~~and infrastructure required to support public school~~
10 ~~facilities.~~

11 2.3. Establish a process for the development of siting
12 criteria which encourages the location of public schools
13 proximate to urban residential areas to the extent possible
14 and seeks to collocate schools with other public facilities
15 such as parks, libraries, and community centers to the extent
16 possible.

17 3.4. Specify uniform, districtwide level-of-service
18 standards for public schools of the same type and the process
19 for modifying the adopted level-of-service standards.

20 4.5. Establish a process for the preparation,
21 amendment, and joint approval by each local government and the
22 school board of a public school capital facilities program
23 which is financially feasible, and a process and schedule for
24 incorporation of the public school capital facilities program
25 into the local government comprehensive plans on an annual
26 basis.

27 5.6. Define the geographic application of school
28 concurrency. If school concurrency is to be applied on a less
29 than districtwide basis in the form of concurrency service
30 areas, the agreement shall establish criteria and standards
31 for the establishment and modification of school concurrency

1 service areas. The agreement shall also establish a process
2 and schedule for the mandatory incorporation of the school
3 concurrency service areas and the criteria and standards for
4 establishment of the service areas into the local government
5 comprehensive plans. The agreement shall ensure maximum
6 utilization of school capacity, taking into account
7 transportation costs and court-approved desegregation plans,
8 as well as other factors. The agreement shall also ensure the
9 achievement and maintenance of the adopted level-of-service
10 standards for the geographic area of application throughout
11 the 5 years covered by the public school capital facilities
12 plan and thereafter by adding a new fifth year during the
13 annual update.

14 ~~6.7.~~ Establish a uniform districtwide procedure for
15 implementing school concurrency which provides for:

16 a. The evaluation of development applications for
17 compliance with school concurrency requirements, including
18 information provided by the school board on affected schools,
19 impact on levels of service, and programmed improvements for
20 affected schools and any options to provide sufficient
21 capacity;

22 b. An opportunity for the school board to review and
23 comment on the effect of comprehensive plan amendments and
24 rezonings on the public school facilities plan; and

25 c. The monitoring and evaluation of the school
26 concurrency system.

27 ~~7.8.~~ Include provisions relating to ~~termination,~~
28 ~~suspension, and~~ amendment of the agreement. ~~The agreement~~
29 ~~shall provide that if the agreement is terminated or~~
30 ~~suspended, the application of school concurrency shall be~~
31 ~~terminated or suspended.~~

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

3 (h) This subsection does not limit the authority of a
4 local government to grant or deny a development permit or its
5 functional equivalent prior to the implementation of school
6 concurrency.

7 (15)(a) Multimodal transportation districts may be
8 established under a local government comprehensive plan in
9 areas delineated on the future land use map for which the
10 local comprehensive plan assigns secondary priority to vehicle
11 mobility and primary priority to assuring a safe, comfortable,
12 and attractive pedestrian environment, with convenient
13 interconnection to transit. Such districts must incorporate
14 community design features that will reduce the number of
15 automobile trips or vehicle miles of travel and will support
16 an integrated, multimodal transportation system. Prior to the
17 designation of multimodal transportation districts, the
18 Department of Transportation shall be consulted by the local
19 government to assess the impact that the proposed multimodal
20 district area is expected to have on the adopted level of
21 service standards established for Strategic Intermodal System
22 facilities, as defined in s. 339.64. Further, the local
23 government shall, in cooperation with the Department of
24 Transportation, develop a plan to mitigate any impacts to the
25 Strategic Intermodal System, including the development of a
26 long-term concurrency management system pursuant to ss.
27 163.3177(3)(d) and 163.3180(9). Multimodal transportation
28 districts existing prior to July 1, 2005, shall meet, at a
29 minimum, the provisions of this section by July 1, 2006, or at
30 the time of the comprehensive plan update pursuant to the
31 evaluation and appraisal report, whichever occurs last.

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

13 (c) Local governments may establish multimodal
14 level-of-service standards that rely primarily on nonvehicular
15 modes of transportation within the district, when justified by
16 an analysis demonstrating that the existing and planned
17 community design will provide an adequate level of mobility
18 within the district based upon professionally accepted
19 multimodal level-of-service methodologies. ~~The analysis must~~
20 ~~take into consideration the impact on the Florida Intrastate~~
21 ~~Highway System.~~ The analysis must also demonstrate that the
22 capital improvements required to promote community design are
23 financially feasible over the development or redevelopment
24 timeframe for the district and that community design features
25 within the district provide convenient interconnection for a
26 multimodal transportation system. Local governments may issue
27 development permits in reliance upon all planned community
28 design capital improvements that are financially feasible over
29 the development or redevelopment timeframe for the district,
30 without regard to the period of time between development or
31 redevelopment and the scheduled construction of the capital

1 improvements. A determination of financial feasibility shall
2 be based upon currently available funding or funding sources
3 that could reasonably be expected to become available over the
4 planning period.

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

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

19 (a) A local government shall specifically authorize in
20 its comprehensive plan proportionate fair-share mitigation to
21 satisfy concurrency requirements applicable to transportation,
22 parks and recreation, and public schools.

23 (b) A local government's land development regulations
24 must include methodologies that will be applied to calculate
25 proportionate fair-share mitigation for individual projects.
26 These methodologies must ensure that proportionate fair-share
27 mitigation not exceed the mitigation required to mitigate
28 impacts reasonably attributable to the impacts of a particular
29 project.

30 (c) Proportionate fair-share mitigation shall include,
31 without limitation, separately or collectively, cash payments,

1 contribution of land, and construction and contribution of
2 facilities.

3 (d) A local government may impose proportionate
4 fair-share mitigation on projects prior to a failure of the
5 facility to meet established levels of service. However, to
6 the maximum extent feasible, such mitigation shall be applied
7 to an impacted facility commensurate to the degree of impact
8 to the facility.

9 (e) Proportionate fair-share mitigation must be
10 applied by the local government to mitigate impacts reasonably
11 attributable to a project. The timing for application of
12 mitigation and the methods by which it will be applied to
13 concurrency requirements shall be established in the local
14 plan amendment referenced in paragraph (a) and shall be
15 consistent with the capital improvements element of the local
16 plan.

17 (f) Mitigation for development impacts to facilities
18 on the Strategic Intermodal System or other facilities by the
19 local government, which are subject to the level-of-service
20 standard established by the Department of Transportation,
21 shall require the concurrence of the Department of
22 Transportation.

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

31

1 (h) Mitigation for development impacts to public
2 schools shall require the concurrence of the local school
3 board pursuant to subsection (13).

4 (i) Each school district shall adopt by resolution
5 methodologies for determining proportionate fair-share
6 mitigation for public schools within a district. Once adopted,
7 local governments shall apply these methodologies for public
8 school facilities as part of a proportionate fair-share
9 mitigation agreement or development order for the project.

10 Section 6. Subsection (17) is added to section
11 163.3184, Florida Statutes, to read:

12 163.3184 Process for adoption of comprehensive plan or
13 plan amendment.--

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

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

3 163.3191 Evaluation and appraisal of comprehensive
4 plan.--

5 (2) The report shall present an evaluation and
6 assessment of the comprehensive plan and shall contain
7 appropriate statements to update the comprehensive plan,
8 including, but not limited to, words, maps, illustrations, or
9 other media, related to:

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

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

14 (c) The financial feasibility of implementing the
15 comprehensive plan and of providing needed infrastructure to
16 achieve and maintain adopted level-of-service standards and
17 sustain concurrency management systems through the capital
18 improvements element, as well as the ability to address
19 infrastructure backlogs and meet the demands of growth on
20 public services and facilities.

21 (d) The location of existing development in relation
22 to the location of development as anticipated in the original
23 plan, or in the plan as amended by the most recent evaluation
24 and appraisal report update amendments, such as within areas
25 designated for urban growth.

26 (e) An identification of the major issues for the
27 jurisdiction and, where pertinent, the potential social,
28 economic, and environmental impacts.

29 (f) Relevant changes to the state comprehensive plan,
30 the requirements of this part, the minimum criteria contained
31 in chapter 9J-5, Florida Administrative Code, and the

1 appropriate strategic regional policy plan since the adoption
2 of the original plan or the most recent evaluation and
3 appraisal report update amendments.

4 (g) An assessment of whether the plan objectives
5 within each element, as they relate to major issues, have been
6 achieved. The report shall include, as appropriate, an
7 identification as to whether unforeseen or unanticipated
8 changes in circumstances have resulted in problems or
9 opportunities with respect to major issues identified in each
10 element and the social, economic, and environmental impacts of
11 the issue.

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

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

25 (j) A summary of the public participation program and
26 activities undertaken by the local government in preparing the
27 report.

28 (k) The coordination of the comprehensive plan with
29 existing public schools and those identified in the applicable
30 educational facilities plan adopted pursuant to s. 1013.35.
31 The assessment shall address, where relevant, the success or

1 failure of the coordination of the future land use map and
2 associated planned residential development with public schools
3 and their capacities, as well as the joint decisionmaking
4 processes engaged in by the local government and the school
5 board in regard to establishing appropriate population
6 projections and the planning and siting of public school
7 facilities. For those counties or municipalities that do not
8 have a public schools interlocal agreement or public school
9 facility element, the assessment shall determine whether the
10 local government continues to meet the criteria of s.
11 163.3177(12). If the county or municipality determines that it
12 no longer meets the criteria, it must adopt appropriate school
13 concurrency goals, objectives, and policies in its plan
14 amendments pursuant to the requirements of the public school
15 facility element, and enter into the existing interlocal
16 agreement required by ss. 163.3177(6)(h)2. and 163.31777 in
17 order to fully participate in the school concurrency system.
18 ~~If the issues are not relevant, the local government shall~~
19 ~~demonstrate that they are not relevant.~~

20 (1) The extent to which the local government has been
21 successful in identifying alternative water supply projects
22 and traditional water supply projects, including conservation
23 and reuse, necessary to meet the water needs identified in s.
24 373.0361(2)(a) within the local government's jurisdiction. The
25 report must evaluate the degree to which the local government
26 has implemented the work plan for building public, private,
27 and regional water supply facilities, including development of
28 alternative water supplies. The evaluation must consider the
29 ~~appropriate water management district's regional water supply~~
30 ~~plan approved pursuant to s. 373.0361. The potable water~~
31 ~~element must be revised to include a work plan, covering at~~

1 ~~least a 10 year planning period, for building any water supply~~
2 ~~facilities that are~~ identified in the element as necessary to
3 serve existing and new development ~~and for which the local~~
4 ~~government is responsible.~~

5 (m) If any of the jurisdiction of the local government
6 is located within the coastal high-hazard area, an evaluation
7 of whether any past reduction in land use density impairs the
8 property rights of current residents when redevelopment
9 occurs, including, but not limited to, redevelopment following
10 a natural disaster. The property rights of current residents
11 shall be balanced with public safety considerations. The local
12 government must identify strategies to address redevelopment
13 feasibility and the property rights of affected residents.
14 These strategies may include the authorization of
15 redevelopment up to the actual built density in existence on
16 the property prior to the natural disaster or redevelopment.

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

20 (o) The extent to which a concurrency exception area
21 designated pursuant to s. 163.3180(5), a concurrency
22 management area designated pursuant to s. 163.3180(7), or a
23 multimodal transportation district designated pursuant to s.
24 163.3180(15) has achieved the purpose for which it was created
25 and otherwise complies with the provisions of s. 163.3180.

26 (p) An assessment of the extent to which changes are
27 needed to develop a common methodology for measuring impacts
28 on transportation facilities for the purpose of implementing
29 its concurrency management system in coordination with the
30 municipalities and counties, as appropriate pursuant to s.
31 163.3180(10).

1 (10) The governing body shall amend its comprehensive
2 plan based on the recommendations in the report and shall
3 update the comprehensive plan based on the components of
4 subsection (2), pursuant to the provisions of ss. 163.3184,
5 163.3187, and 163.3189. Amendments to update a comprehensive
6 plan based on the evaluation and appraisal report shall be
7 adopted during a single amendment cycle within 18 months after
8 the report is determined to be sufficient by the state land
9 planning agency, except the state land planning agency may
10 grant an extension for adoption of a portion of such
11 amendments. The state land planning agency may grant a
12 6-month extension for the adoption of such amendments if the
13 request is justified by good and sufficient cause as
14 determined by the agency. An additional extension may also be
15 granted if the request will result in greater coordination
16 between transportation and land use, for the purposes of
17 improving Florida's transportation system, as determined by
18 the agency in coordination with the Metropolitan Planning
19 Organization program. Failure to timely adopt update
20 amendments to the comprehensive plan based on the evaluation
21 and appraisal report shall result in a local government being
22 prohibited from adopting amendments to the comprehensive plan
23 until the evaluation and appraisal report update amendments
24 have been adopted and transmitted to the state land planning
25 agency. The prohibition on plan amendments shall commence when
26 the update amendments to the comprehensive plan are past due.
27 The comprehensive plan as amended shall be in compliance as
28 defined in s. 163.3184(1)(b). Within 6 months after the
29 effective date of the update amendments to the comprehensive
30 plan, the local government shall provide to the state land
31

1 planning agency and to all agencies designated by rule a
2 complete copy of the updated comprehensive plan.

3 Section 8. Effective January 1, 2006, subsections (1),
4 (2), (3), and (6) of section 212.055, Florida Statutes, are
5 amended to read:

6 212.055 Discretionary sales surtaxes; legislative
7 intent; authorization and use of proceeds.--It is the
8 legislative intent that any authorization for imposition of a
9 discretionary sales surtax shall be published in the Florida
10 Statutes as a subsection of this section, irrespective of the
11 duration of the levy. Each enactment shall specify the types
12 of counties authorized to levy; the rate or rates which may be
13 imposed; the maximum length of time the surtax may be imposed,
14 if any; the procedure which must be followed to secure voter
15 approval, if required; the purpose for which the proceeds may
16 be expended; and such other requirements as the Legislature
17 may provide. Taxable transactions and administrative
18 procedures shall be as provided in s. 212.054.

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

20 (a)1. Each charter county ~~which adopted a charter~~
21 ~~prior to January 1, 1984,~~ and each county the government of
22 which is consolidated with that of one or more municipalities,
23 may levy a discretionary sales surtax, subject to approval by
24 a majority vote of the electorate of the county, a majority
25 vote of the governing body, or ~~by~~ a charter amendment approved
26 by a majority vote of the electorate of the county.

27 2. Notwithstanding paragraphs (e) and (f), if a
28 noncharter county or a charter county has updated its capital
29 improvements element no earlier than 2005 and if its
30 comprehensive plan has been determined to be in compliance,
31 the noncharter county or charter county may levy a

1 discretionary sales surtax pursuant to this subsection by
2 majority vote of the membership of its governing body or
3 subject to a referendum. The use of the proceeds of the surtax
4 shall be used by the county subject to the provisions of
5 subparagraph (d)5. Surtaxes imposed by majority vote must be
6 used to supplement, not supplant, existing infrastructure
7 funding. A charter county may levy a surtax under both this
8 subparagraph and subparagraph 1. for a combined rate up to 1
9 percent.

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

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

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

19 1. Deposited by the county in the trust fund and shall
20 be used for the purposes of development, construction,
21 equipment, maintenance, operation, supportive services,
22 including a countywide bus system, and related costs of a
23 fixed guideway rapid transit system;

24 2. Remitted by the governing body of the county to an
25 expressway or transportation authority created by law to be
26 used, at the discretion of such authority, for the
27 development, construction, operation, or maintenance of roads
28 or bridges in the county, for the operation and maintenance of
29 a bus system, for the payment of principal and interest on
30 existing bonds issued for the construction of such roads or
31 bridges, and, upon approval by the county commission, such

1 | proceeds may be pledged for bonds issued to refinance existing
2 | bonds or new bonds issued for the construction of such roads
3 | or bridges;

4 | 3. Used by the charter county for the development,
5 | construction, operation, and maintenance of roads and bridges
6 | in the county; for the expansion, operation, and maintenance
7 | of bus and fixed guideway systems; and for the payment of
8 | principal and interest on bonds issued for the construction of
9 | fixed guideway rapid transit systems, bus systems, roads, or
10 | bridges; and such proceeds may be pledged by the governing
11 | body of the county for bonds issued to refinance existing
12 | bonds or new bonds issued for the construction of such fixed
13 | guideway rapid transit systems, bus systems, roads, or bridges
14 | and no more than 25 percent used for nontransit uses; and

15 | 4. Used by the charter county for the planning,
16 | development, construction, operation, and maintenance of roads
17 | and bridges in the county; for the planning, development,
18 | expansion, operation, and maintenance of bus and fixed
19 | guideway systems; and for the payment of principal and
20 | interest on bonds issued for the construction of fixed
21 | guideway rapid transit systems, bus systems, roads, or
22 | bridges; and such proceeds may be pledged by the governing
23 | body of the county for bonds issued to refinance existing
24 | bonds or new bonds issued for the construction of such fixed
25 | guideway rapid transit systems, bus systems, roads, or
26 | bridges. Pursuant to an interlocal agreement entered into
27 | pursuant to chapter 163, the governing body of the charter
28 | county may distribute proceeds from the tax to a municipality,
29 | or an expressway or transportation authority created by law to
30 | be expended for the purpose authorized by this paragraph. If
31 | imposed by a majority vote of the governing body and there is

1 no interlocal agreement with a municipality, distribution of
2 the surtax proceeds from subparagraphs 1., 2., and 3. and this
3 subparagraph shall be according to the formula provided in s.
4 218.62.

5 5. Used by the county to fund regionally-significant
6 transportation projects identified in a regional
7 transportation plan developed in accordance with s.
8 339.155(c), (d), and (e), and capital funding for projects
9 under the New Starts Transit Program specified in s. 341.051.
10 Projects to be funded shall be in compliance with part II of
11 chapter 163 after the effective date of this act or to
12 implement a long-term concurrency management system adopted by
13 a local government in accordance with s. 163.3177(3) or (9).

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

18 1. An advisory board must be created to make
19 recommendations to the board of county commissioners regarding
20 infrastructure projects to address the needs of the community.
21 The governing body of the county shall appoint members to the
22 advisory board who represent the diversity of the community
23 and shall include individuals having an interest in business,
24 finance and accounting, economic development, the environment,
25 transportation, municipal government, education, and public
26 safety and growth management professionals. Based on the
27 estimated amount of the surtax collections, the advisory board
28 must conduct at least two public workshops to develop a
29 project list. Priority shall be given to projects that address
30 existing infrastructure deficits identified in a long-term
31 concurrency management system adopted by a local government in

1 accordance with s. 163.3177(3) or (9) or identified in the
2 capital improvements element. A quorum shall consist of a
3 majority of the advisory board members and is necessary to
4 take any action regarding recommendations to the governing
5 board of the local government. The board of county
6 commissioners shall provide staff support to the advisory
7 board. All advisory board meetings are open to the public, and
8 minutes of the meetings shall be available to the public.

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

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

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

27 5. Once the project list has been adopted, the board
28 may give notice of the intent to adopt the surtax by
29 ordinance. The board of county commissioners shall conduct a
30 public hearing to allow for public input on the proposed
31 surtax. The ordinance enacting the surtax may not be adopted

1 at the same meeting as that at which the project list is
2 adopted.

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

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

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

26 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

27 (a)1. The governing authority in each county may levy
28 a discretionary sales surtax of 0.5 percent or 1 percent. The
29 levy of the surtax shall be pursuant to ordinance enacted by a
30 majority of the members of the county governing authority or
31 ~~and~~ approved by a majority of the electors of the county

1 voting in a referendum on the surtax. If the governing bodies
2 of the municipalities representing a majority of the county's
3 population adopt uniform resolutions establishing the rate of
4 the surtax and calling for a referendum on the surtax, the
5 levy of the surtax shall be placed on the ballot and shall
6 take effect if approved by a majority of the electors of the
7 county voting in the referendum on the surtax.

8 2. If the surtax was levied pursuant to a referendum
9 held before July 1, 1993, the surtax may not be levied beyond
10 the time established in the ordinance, or, if the ordinance
11 did not limit the period of the levy, the surtax may not be
12 levied for more than 15 years. The levy of such surtax may be
13 extended only by approval of a majority of the electors of the
14 county voting in a referendum on the surtax.

15 (b) A statement which includes a brief general
16 description of the projects to be funded by the surtax and
17 which conforms to the requirements of s. 101.161 shall be
18 placed on the ballot by the governing authority of any county
19 which enacts an ordinance calling for a referendum on the levy
20 of the surtax or in which the governing bodies of the
21 municipalities representing a majority of the county's
22 population adopt uniform resolutions calling for a referendum
23 on the surtax. The following question shall be placed on the
24 ballot:

25
26 FOR the -cent sales tax
27 AGAINST the -cent sales tax

28
29 (c) Pursuant to s. 212.054(4), the proceeds of the
30 surtax levied under this subsection shall be distributed to
31

1 the county and the municipalities within such 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 must take effect on the
14 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. The proceeds of the surtax authorized by this
18 subsection and any interest accrued thereto shall be expended
19 by the school district or within the county and municipalities
20 within the county, or, in the case of a negotiated joint
21 county agreement, within another county, to finance, plan, and
22 construct infrastructure and to acquire land for public
23 recreation or conservation or protection of natural resources
24 and to finance the closure of county-owned or municipally
25 owned solid waste landfills that are already closed or are
26 required to close by order of the Department of Environmental
27 Protection. Any use of such proceeds or interest for purposes
28 of landfill closure prior to July 1, 1993, is ratified.
29 Neither the proceeds nor any interest accrued thereto shall be
30 used for operational expenses of any infrastructure, except
31 that any county with a population of less than 75,000 that is

1 required to close a landfill by order of the Department of
2 Environmental Protection may use the proceeds or any interest
3 accrued thereto for long-term maintenance costs associated
4 with landfill closure. Counties, as defined in s. 125.011(1),
5 and charter counties may, in addition, use the proceeds and
6 any interest accrued thereto to retire or service indebtedness
7 incurred for bonds issued prior to July 1, 1987, for
8 infrastructure purposes, and for bonds subsequently issued to
9 refund such bonds. Any use of such proceeds or interest for
10 purposes of retiring or servicing indebtedness incurred for
11 such refunding bonds prior to July 1, 1999, is ratified.

12 2. For the purposes of this paragraph,
13 "infrastructure" means:

14 a. Any fixed capital expenditure or fixed capital
15 outlay associated with the construction, reconstruction, or
16 improvement of public facilities which have a life expectancy
17 of 5 or more years and any land acquisition, land improvement,
18 design, and engineering costs related thereto.

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

24 c. Any expenditure for the construction, lease, or
25 maintenance of, or provision of utilities or security for,
26 facilities as defined in s. 29.008.

27 3. Notwithstanding any other provision of this
28 subsection, a discretionary sales surtax imposed or extended
29 after the effective date of this act may provide for an amount
30 not to exceed 15 percent of the local option sales surtax
31 proceeds to be allocated for deposit to a trust fund within

1 | the county's accounts created for the purpose of funding
2 | economic development projects of a general public purpose
3 | targeted to improve local economies, including the funding of
4 | operational costs and incentives related to such economic
5 | development. The ballot statement must indicate the intention
6 | to make an allocation under the authority of this
7 | subparagraph.

8 | (e) School districts, counties, and municipalities
9 | receiving proceeds under the provisions of this subsection may
10 | pledge such proceeds for the purpose of servicing new bond
11 | indebtedness incurred pursuant to law. Local governments may
12 | use the services of the Division of Bond Finance of the State
13 | Board of Administration pursuant to the State Bond Act to
14 | issue any bonds through the provisions of this subsection. In
15 | no case may a jurisdiction issue bonds pursuant to this
16 | subsection more frequently than once per year. Counties and
17 | municipalities may join together for the issuance of bonds
18 | authorized by this subsection.

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

- 25 | a. The debt service obligations for any year are met;
26 | b. The county's comprehensive plan has been determined
27 | to be in compliance with part II of chapter 163; and
28 | c. The county has adopted an amendment to the surtax
29 | ordinance pursuant to the procedure provided in s. 125.66
30 | authorizing additional uses of the surtax proceeds and
31 | interest.

1 2. A municipality located within a county that has a
2 population of 50,000 or less on April 1, 1992, or within a
3 county designated as an area of critical state concern on the
4 effective date of this act, and that imposed the surtax before
5 July 1, 1992, may not use the proceeds and interest of the
6 surtax for any purpose other than an infrastructure purpose
7 authorized in paragraph (d) unless the municipality's
8 comprehensive plan has been determined to be in compliance
9 with part II of chapter 163 and the municipality has adopted
10 an amendment to its surtax ordinance or resolution pursuant to
11 the procedure provided in s. 166.041 authorizing additional
12 uses of the surtax proceeds and interest. Such municipality
13 may expend the surtax proceeds and interest for any public
14 purpose authorized in the amendment.

15 3. Those counties designated as an area of critical
16 state concern which qualify to use the surtax for any public
17 purpose may use only up to 10 percent of the surtax proceeds
18 for any public purpose other than for infrastructure purposes
19 authorized by this section.

20 (g) Notwithstanding paragraph (d), a county having a
21 population greater than 75,000 in which the taxable value of
22 real property is less than 60 percent of the just value of
23 real property for ad valorem tax purposes for the tax year in
24 which an infrastructure surtax referendum is placed before the
25 voters, and the municipalities within such a county, may use
26 the proceeds and interest of the surtax for operation and
27 maintenance of parks and recreation programs and facilities
28 established with the proceeds of the surtax throughout the
29 duration of the surtax levy or while interest earnings
30 accruing from the proceeds of the surtax are available for
31 such use, whichever period is longer.

1 (h) Notwithstanding any other provision of this
2 section, a county shall not levy local option sales surtaxes
3 authorized in this subsection and subsections (3), (4), and
4 (5) in excess of a combined rate of 1 percent. However, a
5 small county, as defined in paragraph (3)(a), may levy the
6 local option sales surtax authorized in this subsection and
7 subsection (3) for a combined rate of up to 2 percent.
8 Surtaxes imposed by majority vote must be used to supplement,
9 not supplant, existing infrastructure funding. In order to
10 impose the surtax by a majority vote of the governing body,
11 the county must go through the following process:
12 1. An advisory board must be created to make
13 recommendations to the board of county commissioners regarding
14 infrastructure projects to address the needs of the community.
15 The governing body of the county shall appoint members to the
16 advisory board who represent the diversity of the community
17 and shall include individuals having an interest in business,
18 economic development, the environment, transportation,
19 municipal government, education, and public safety and growth
20 management professionals. Based on the estimated amount of the
21 surtax collections, the advisory board must conduct at least
22 two public workshops to develop a project list. Priority shall
23 be given to projects that address existing infrastructure
24 deficits. A quorum shall consist of a majority of the advisory
25 board members and is necessary to take any action regarding
26 recommendations to the governing board of the local
27 government. The board of county commissioners shall provide
28 staff support to the advisory board. All advisory board
29 meetings are open to the public, and minutes of the meetings
30 shall be available to the public.
31

1 2. After the advisory board submits the project list
2 to the board of county commissioners, it may be amended by the
3 board of county commissioners. 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 may not be approved at the same
8 meeting at which it was amended. Notice of the intent to adopt
9 the project list must be given and the list must be approved
10 at a subsequent public meeting that may not be held sooner
11 than 14 days after the meeting at which the list was amended.

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

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

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

26 6. Once the ordinance adopting the surtax has been
27 enacted, the project list can be amended only in the following
28 manner. The board of county commissioners must give notice of
29 the intent to hold a public hearing to discuss adding or
30 removing projects from the list. The board of county
31 commissioners must take public testimony on the proposal.

1 Action may not be taken at that meeting with regards to the
2 proposal to amend the project list. Action may be taken at a
3 subsequent noticed public meeting that must be held at least
4 14 days after the meeting at which the proposed changes to the
5 project list were discussed.

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

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

19 (3) SMALL COUNTY SURTAX.--

20 (a) The governing authority in each county that has a
21 population of 50,000 or less on April 1, 1992, may levy a
22 discretionary sales surtax of 0.5 percent or 1 percent. The
23 levy of the surtax shall be pursuant to ordinance enacted by
24 an extraordinary vote of the members of the county governing
25 authority if the surtax revenues are expended for operating
26 purposes. If the surtax revenues are expended for the purpose
27 of servicing bond indebtedness, the surtax shall be approved
28 by a majority of the electors of the county voting in a
29 referendum on the surtax.

30 (b) A statement that includes a brief general
31 description of the projects to be funded by the surtax and

1 conforms to the requirements of s. 101.161 shall be placed on
2 the ballot by the governing authority of any county that
3 enacts an ordinance calling for a referendum on the levy of
4 the surtax for the purpose of servicing bond indebtedness.

5 The following question shall be placed on the ballot:

6
7 FOR the -cent sales tax
8 AGAINST the -cent sales tax
9

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

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

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

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

28 (d)1. If the surtax is levied pursuant to a
29 referendum, the proceeds of the surtax and any interest
30 accrued thereto may be expended by the school district or
31 within the county and municipalities within the county, or, in

1 the case of a negotiated joint county agreement, within
2 another county, for the purpose of servicing bond indebtedness
3 to finance, plan, and construct infrastructure and to acquire
4 land for public recreation or conservation or protection of
5 natural resources. However, if the surtax is levied pursuant
6 to an ordinance approved by an extraordinary vote of the
7 members of the county governing authority, the proceeds and
8 any interest accrued thereto may be used for operational
9 expenses of any infrastructure or for any public purpose
10 authorized in the ordinance under which the surtax is levied.

11 2. For the purposes of this paragraph,
12 "infrastructure" means any fixed capital expenditure or fixed
13 capital costs associated with the construction,
14 reconstruction, or improvement of public facilities that have
15 a life expectancy of 5 or more years and any land acquisition,
16 land improvement, design, and engineering costs related
17 thereto.

18 (e) A school district, county, or municipality that
19 receives proceeds under this subsection following a referendum
20 may pledge the proceeds for the purpose of servicing new bond
21 indebtedness incurred pursuant to law. Local governments may
22 use the services of the Division of Bond Finance pursuant to
23 the State Bond Act to issue any bonds through the provisions
24 of this subsection. A jurisdiction may not issue bonds
25 pursuant to this subsection more frequently than once per
26 year. A county and municipality may join together to issue
27 bonds authorized by this subsection.

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

1 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

2 (a) The school board in each county may levy, pursuant
3 to resolution conditioned to take effect only upon approval by
4 a majority vote of the electors of the county voting in a
5 referendum or by majority vote of the school board, a
6 discretionary sales surtax at a rate that may not exceed 0.5
7 percent.

8 (b) The resolution shall include a statement that
9 provides a brief and general description of the school capital
10 outlay projects to be funded by the surtax. The statement
11 shall conform to the requirements of s. 101.161 and shall be
12 placed on the ballot by the governing body of the county. The
13 following question shall be placed on the ballot:

14
15 FOR THE CENTS TAX
16 AGAINST THE CENTS TAX
17

18 (c) The resolution providing for the imposition of the
19 surtax shall set forth a plan for use of the surtax proceeds
20 for fixed capital expenditures or fixed capital costs
21 associated with the construction, reconstruction, or
22 improvement of school facilities and campuses which have a
23 useful life expectancy of 5 or more years, and any land
24 acquisition, land improvement, design, and engineering costs
25 related thereto. Additionally, the plan shall include the
26 costs of retrofitting and providing for technology
27 implementation, including hardware and software, for the
28 various sites within the school district. Surtax revenues may
29 be used for the purpose of servicing bond indebtedness to
30 finance projects authorized by this subsection, and any
31 interest accrued thereto may be held in trust to finance such

1 projects. Neither the proceeds of the surtax nor any interest
2 accrued thereto shall be used for operational expenses.

3 (d) Any school board ~~receiving proceeds from imposing~~
4 the surtax shall implement a freeze on noncapital local school
5 property taxes, at the millage rate imposed in the year prior
6 to the implementation of the surtax, for a period of at least
7 3 years from the date of imposition of the surtax. This
8 provision shall not apply to existing debt service or required
9 state taxes.

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

13 (f) Surtaxes imposed by majority vote must be used to
14 supplement, not supplant, existing school capital outlay
15 funding. In order to impose the surtax by a majority vote of
16 the school board, the board must go through the following
17 process:

18 1. An advisory board must be created to make
19 recommendations to the school board regarding the use of the
20 surtax proceeds for fixed capital expenditures or fixed
21 capital costs associated with the construction,
22 reconstruction, or improvement of school facilities and
23 campuses that have a useful life expectancy of 5 or more years
24 and any land acquisition, land improvement, design, and
25 engineering costs related thereto. The school board shall
26 appoint members to the advisory board who represent the
27 diversity of the community and shall include individuals with
28 an interest in business, economic development, the
29 environment, municipal government, education, and public
30 safety and growth management professionals. Based on the
31 estimated amount of the surtax collections, the advisory board

1 will conduct at least two public workshops to develop a
2 project list. A quorum shall consist of a majority of the
3 advisory board members and is necessary to take any action
4 regarding recommendations to the school board. The school
5 board shall provide staff support to the advisory board. All
6 advisory board meetings are open to the public, and minutes of
7 the meetings shall be available to the public. The advisory
8 board shall submit the project list to the school board. The
9 school board must adopt or amend the project list by
10 resolution, and must submit the resolution to the board of
11 county commissioners.

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

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

27 4. Once the project list has been adopted, the school
28 board may give notice of the intent to adopt the surtax by
29 resolution. The school board shall conduct a public hearing to
30 allow for public input on the proposed surtax. Enacting the
31

1 resolution for the surtax and adopting the project list may
2 not be accomplished at the same meeting.

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

13 6. If the tax is implemented, the advisory board shall
14 monitor the expenditure of the tax proceeds and shall hold
15 semiannual meetings. The advisory board shall also monitor
16 whether the school board has maintained or increased the level
17 of school capital outlay expenditures over the previous 5
18 years.

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

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

26 206.41 State taxes imposed on motor fuel.--

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

29 (a) An excise or license tax of 2 cents per net
30 gallon, which is the tax as levied by s. 16, Art. IX of the
31 State Constitution of 1885, as amended, and continued by s.

1 9(c), Art. XII of the 1968 State Constitution, as amended,
2 which is therein referred to as the "second gas tax," and
3 which is hereby designated the "constitutional fuel tax."

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

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

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

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

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

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

30 2. Beginning January 1, 2006, and on January 1 of each
31 year thereafter, the tax rate set forth in subparagraph 1.

1 shall be adjusted by the percentage change in the average
2 consumer price index issued by the United States Department of
3 Labor for the most recent 12-month period ending September 30,
4 compared to the base year, which is the 12-month period ending
5 September 30, 2005, and rounded to the nearest tenth of a
6 cent.

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

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

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

19 3. Beginning January 1, 1992, and on January 1 of each
20 year thereafter, the tax rate provided in subparagraph 2.
21 shall be adjusted by the percentage change in the average of
22 the Consumer Price Index issued by the United States
23 Department of Labor for the most recent 12-month period ending
24 September 30, compared to the base year average, which is the
25 average for the 12-month period ending September 30, 1990, and
26 rounded to the nearest tenth of a cent.

27 4. The department shall notify each terminal supplier,
28 position holder, wholesaler, and importer of the tax rate
29 applicable under this paragraph for the 12-month period
30 beginning January 1.
31

1 (g)1. An additional tax is imposed on each net gallon
2 of motor fuel, which tax is on the privilege of selling motor
3 fuel and which is designated the "fuel sales tax," at a rate
4 determined pursuant to this paragraph. Before January 1 of
5 1997, and of each year thereafter, the department shall
6 determine the tax rate applicable to the sale of fuel for the
7 forthcoming 12-month period beginning January 1, rounded to
8 the nearest tenth of a cent, by adjusting the initially
9 established tax rate of 6.9 cents per gallon by the percentage
10 change in the average of the Consumer Price Index issued by
11 the United States Department of Labor for the most recent
12 12-month period ending September 30, compared to the base year
13 average, which is the average for the 12-month period ending
14 September 30, 1989. However, the tax rate shall not be lower
15 than 6.9 cents per gallon.

16 2. The department is authorized to adopt rules and
17 adopt such forms as may be necessary for the administration of
18 this paragraph.

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

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

26 336.021 County transportation system; levy of
27 ninth-cent fuel tax on motor fuel and diesel fuel.--

28 (1)(a) Any county in the state, by majority or
29 extraordinary vote of the membership of its governing body or
30 subject to a referendum, may levy the tax imposed by ss.
31 206.41(1)(d) and 206.87(1)(b). County and municipal

1 governments may use the moneys received under this paragraph
2 only for transportation expenditures as defined in s.
3 336.025(7). A county may not levy this surtax by majority vote
4 of the governing body unless it has adopted a community vision
5 under s. 163.3177(13). Municipalities within a county that
6 levies the surtax by a majority vote may not receive surtax
7 proceeds unless they have also completed this requirement.

8 Section 11. Paragraph (b) of subsection (1) of section
9 336.025, Florida Statutes, is amended to read:

10 336.025 County transportation system; levy of local
11 option fuel tax on motor fuel and diesel fuel.--

12 (1)

13 (b) In addition to other taxes allowed by law, there
14 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
15 3-cent, 4-cent, or 5-cent local option fuel tax upon every
16 gallon of motor fuel sold in a county and taxed under the
17 provisions of part I of chapter 206. The tax shall be levied
18 by an ordinance adopted by a majority or majority plus one
19 vote of the membership of the governing body of the county or
20 by referendum.

21 1. All impositions and rate changes of the tax shall
22 be levied before July 1, to be effective January 1 of the
23 following year. However, levies of the tax which were in
24 effect on July 1, 2002, and which expire on August 31 of any
25 year may be reimposed at the current authorized rate effective
26 September 1 of the year of expiration.

27 2. The county may, prior to levy of the tax, establish
28 by interlocal agreement with one or more municipalities
29 located therein, representing a majority of the population of
30 the incorporated area within the county, a distribution
31 formula for dividing the entire proceeds of the tax among

1 county government and all eligible municipalities within the
2 county. If no interlocal agreement is adopted before the
3 effective date of the tax, tax revenues shall be distributed
4 pursuant to the provisions of subsection (4). If no interlocal
5 agreement exists, a new interlocal agreement may be
6 established prior to June 1 of any year pursuant to this
7 subparagraph. However, any interlocal agreement agreed to
8 under this subparagraph after the initial levy of the tax or
9 change in the tax rate authorized in this section shall under
10 no circumstances materially or adversely affect the rights of
11 holders of outstanding bonds which are backed by taxes
12 authorized by this paragraph, and the amounts distributed to
13 the county government and each municipality shall not be
14 reduced below the amount necessary for the payment of
15 principal and interest and reserves for principal and interest
16 as required under the covenants of any bond resolution
17 outstanding on the date of establishment of the new interlocal
18 agreement.

19 3. County and municipal governments shall use moneys
20 received pursuant to this paragraph for transportation
21 expenditures needed to meet the requirements of the capital
22 improvements element of an adopted comprehensive plan or for
23 expenditures needed to meet immediate local transportation
24 problems and for other transportation-related expenditures
25 that are critical for building comprehensive roadway networks
26 by local governments. For purposes of this paragraph,
27 expenditures for the construction of new roads, the
28 reconstruction or resurfacing of existing paved roads, or the
29 paving of existing graded roads shall be deemed to increase
30 capacity and such projects shall be included in the capital
31 improvements element of an adopted comprehensive plan.

1 Expenditures for purposes of this paragraph shall not include
2 routine maintenance of roads.

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

8 Section 12. Paragraph (b) of subsection (4) of section
9 339.135, Florida Statutes, is amended to read:

10 339.135 Work program; legislative budget request;
11 definitions; preparation, adoption, execution, and
12 amendment.--

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

14 (b)1. A tentative work program, including the ensuing
15 fiscal year and the successive 4 fiscal years, shall be
16 prepared for the State Transportation Trust Fund and other
17 funds managed by the department, unless otherwise provided by
18 law. The tentative work program shall be based on the
19 district work programs and shall set forth all projects by
20 phase to be undertaken during the ensuing fiscal year and
21 planned for the successive 4 fiscal years. The total amount of
22 the liabilities accruing in each fiscal year of the tentative
23 work program may not exceed the revenues available for
24 expenditure during the respective fiscal year based on the
25 cash forecast for that respective fiscal year.

26 2. The tentative work program shall be developed in
27 accordance with the Florida Transportation Plan required in s.
28 339.155 and must comply with the program funding levels
29 contained in the program and resource plan.

30 3. The department may include in the tentative work
31 program proposed changes to the programs contained in the

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

23 4. The tentative work program must include a balanced
24 36-month forecast of cash and expenditures and a 5-year
25 finance plan supporting the tentative work program.

26 Section 13. The Office of Program Policy Analysis and
27 Government Accountability shall perform a study on adjustments
28 to the boundaries of Florida Regional Planning Councils,
29 Florida Water Management Districts, and Department of
30 Transportation Districts. The purpose of this study is to
31 organize these regional boundaries to be more coterminous with

1 one another, creating a more unified system of regional
2 boundaries. This study must be completed by December 31, 2005,
3 and submitted to the President of the Senate, the Speaker of
4 the House of Representatives, and the Governor by January 15,
5 2006.

6 Section 14. Section 163.3247, Florida Statutes, is
7 created to read:

8 163.3247 Century Commission.--

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

11 (2) FINDINGS AND INTENT.--The Legislature finds and
12 declares that the population of this state is expected to more
13 than double over the next 100 years, with commensurate impacts
14 to the state's natural resources and public infrastructure.
15 Consequently, it is in the best interests of the people of the
16 state to ensure sound planning for the proper placement of
17 this growth and protection of the state's land, water, and
18 other natural resources since such resources are essential to
19 our collective quality of life and a strong economy. The
20 state's growth management system should foster economic
21 stability through regional solutions and strategies, urban
22 renewal and infill, and the continued viability of
23 agricultural economies, while allowing for rural economic
24 development and protecting the unique characteristics of rural
25 areas, and should reduce the complexity of the regulatory
26 process while carrying out the intent of the laws and
27 encouraging greater citizen participation.

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

1 (a) The 21-member commission shall be appointed by the
2 Governor. Four members shall be members of the Legislature who
3 shall be appointed with the advice and consultation of the
4 President of the Senate and the Speaker of the House of
5 Representatives. The Secretary of Community Affairs, the
6 Commissioner of Agriculture, the Secretary of Transportation,
7 the Secretary of Environmental Protection, and the Executive
8 Director of the Fish and Wildlife Conservation Commission, or
9 their designees, shall also serve as voting members. The other
10 12 appointments shall reflect the diversity of this state's
11 citizens, and must include individuals representing each of
12 the following interests: growth management, business and
13 economic development, environmental protection, agriculture,
14 municipal governments, county governments, regional planning
15 entities, education, public safety, planning professionals,
16 transportation planners, and urban infill and redevelopment.
17 One member shall be designated by the Governor as chair of the
18 commission. Any vacancy that occurs on the commission must be
19 filled in the same manner as the original appointment and
20 shall be for the unexpired term of that commission seat.
21 Members shall serve 4-year terms.

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

28 (c) Each member of the commission is entitled to one
29 vote and action of the commission is not binding unless taken
30 by a three-fifths vote of the members present. A majority of
31

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

3 (d) Members of the commission shall serve without
4 compensation but shall be entitled to receive per diem and
5 travel expenses in accordance with s. 112.061 while in
6 performance of their duties.

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

8 (a) Annually conduct a process through which the
9 commission envisions the future for the state, and then
10 develops and recommends policies, plans, action steps, or
11 strategies to assist in achieving the vision.

12 (b) Continuously review and consider statutory and
13 regulatory provisions, governmental processes, and societal
14 and economic trends in its inquiry of how state, regional, and
15 local governments and entities and citizens of this state can
16 best accommodate projected increased populations while
17 maintaining the natural, historical, cultural, and manmade
18 life qualities that best represent the state.

19 (c) Bring together people representing varied
20 interests to develop a shared image of the state and its
21 developed and natural areas. The process should involve
22 exploring the impact of the estimated population increase and
23 other emerging trends and issues; creating a vision for the
24 future; and developing a strategic action plan to achieve that
25 vision using 25-year and 50-year intermediate planning
26 timeframes.

27 (d) Focus on essential state interests, defined as
28 those interests that transcend local or regional boundaries
29 and are most appropriately conserved, protected, and promoted
30 at the state level.

31

1 (e) Serve as an objective, nonpartisan repository of
2 exemplary community-building ideas and as a source to
3 recommend strategies and practices to assist others in working
4 collaboratively to solve problems concerning issues relating
5 to growth management.

6 (f) Annually, beginning January 15, 2007, and every
7 year thereafter on the same date, provide to the Governor, the
8 President of the Senate, and the Speaker of the House of
9 Representatives a written report containing specific
10 recommendations for addressing growth management in the state,
11 including executive and legislative recommendations. This
12 report shall be verbally presented to a joint session of both
13 houses annually as scheduled by the President of the Senate
14 and the Speaker of the House of Representatives.

15 (g) Beginning with the 2007 Regular Session of the
16 Legislature, the President of the Senate and Speaker of the
17 House of Representatives shall create a joint select
18 committee, the task of which shall be to review the findings
19 and recommendations of the Century Commission for potential
20 action.

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

22 (a) The Secretary of Community Affairs shall select an
23 executive director of the commission, and the executive
24 director shall serve at the pleasure of the secretary under
25 the supervision and control of the commission.

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

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

1 Section 15. Section 339.2819, Florida Statutes, is
2 created to read:

3 339.2819 Transportation Regional Incentive Program.--

4 (1) There is created within the Department of
5 Transportation a Transportation Regional Incentive Program for
6 the purpose of providing funds to improve regionally
7 significant transportation facilities in regional
8 transportation areas created pursuant to s. 339.155(5).

9 (2) The percentage of matching funds provided from the
10 Transportation Regional Incentive Program shall be 50 percent
11 of project costs, or up to 50 percent of the nonfederal share
12 of the eligible project cost for a public transportation
13 facility project.

14 (3) The department shall allocate funding available
15 for the Transportation Regional Incentive Program to the
16 districts based on a factor derived from equal parts of
17 population and motor fuel collections for eligible counties in
18 regional transportation areas created pursuant to s.
19 339.155(5).

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

22 1. Support those transportation facilities that serve
23 national, statewide, or regional functions and function as an
24 integrated regional transportation system.

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

30 Further, the project shall be in compliance with local
31

1 government comprehensive plan policies relative to corridor
2 management.

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

5 4. Have a commitment for local, regional, or private
6 financial matching funds as a percentage of the overall
7 project cost.

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

10 1. Provide connectivity to the Strategic Intermodal
11 System developed under s. 339.64.

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

15 3. Are subject to a local ordinance that establishes
16 corridor management techniques, including access management
17 strategies, right-of-way acquisition and protection measures,
18 appropriate land use strategies, zoning, and setback
19 requirements for adjacent land uses.

20 4. Improve connectivity between military installations
21 and the Strategic Highway Network or the Strategic Rail
22 Corridor Network.

23 Section 16. Section 337.107, Florida Statutes, is
24 amended to read:

25 337.107 Contracts for right-of-way services.--The
26 department may enter into contracts pursuant to s. 287.055 for
27 right-of-way services on transportation corridors and
28 transportation facilities, or the department may include
29 right-of-way services as part of design-build contracts
30 awarded under s. 337.11. Right-of-way services include
31 negotiation and acquisition services, appraisal services,

1 demolition and removal of improvements, and asbestos-abatement
2 services.

3 Section 17. Paragraph (a) of subsection (7) of section
4 337.11, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

3 380.06 Developments of regional impact.--

4 (24) STATUTORY EXEMPTIONS.--

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

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

24 Section 21. Subsections (3), (7), and (8) of section
25 1013.33, Florida Statutes, are amended to read:

26 1013.33 Coordination of planning with local governing
27 bodies.--

28 (3) At a minimum, the interlocal agreement must
29 address interlocal-agreement requirements in s.
30 163.3180(13)(g), except for exempt local governments as
31

1 provided in s. 163.3177(12), and must address the following
2 issues:

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

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

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

23 (d) A process for determining the need for and timing
24 of onsite and offsite improvements to support new
25 construction, proposed expansion, or redevelopment of existing
26 schools. The process shall address identification of the party
27 or parties responsible for the improvements.

28 (e) A process for the school board to inform the local
29 government regarding the effect of comprehensive plan
30 amendments on school capacity. The capacity reporting must be
31 consistent with laws and rules regarding measurement of school

1 facility capacity and must also identify how the district
2 school board will meet the public school demand based on the
3 facilities work program adopted pursuant to s. 1013.35.

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

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

11 (h) A procedure for the resolution of disputes between
12 the district school board and local governments, which may
13 include the dispute resolution processes contained in chapters
14 164 and 186.

15 (i) An oversight process, including an opportunity for
16 public participation, for the implementation of the interlocal
17 agreement.

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

28 (7) Except as provided in subsection (8),
29 municipalities meeting the exemption criteria in s.
30 163.3177(12) ~~having no established need for a new facility and~~
31

1 ~~meeting the following criteria~~ are exempt from the
2 requirements of subsections (2), (3), and (4).~~+~~

3 ~~(a) The municipality has no public schools located~~
4 ~~within its boundaries.~~

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

12 (8) At the time of the evaluation and appraisal
13 report, each exempt municipality shall assess the extent to
14 which it continues to meet the criteria for exemption under s.
15 163.3177(12) ~~subsection (7)~~. If the municipality continues to
16 meet these criteria ~~and the district school board verifies in~~
17 ~~writing that no new school facilities will be needed within~~
18 ~~the 5 year and 10 year timeframes~~, the municipality shall
19 continue to be exempt from the interlocal-agreement
20 requirement. Each municipality exempt under s. 163.3177(12)
21 ~~subsection (7)~~ must comply with the provisions of subsections
22 (2)-(8) within 1 year after the district school board
23 proposes, in its 5-year district facilities work program, a
24 new school within the municipality's jurisdiction.

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

27 206.46 State Transportation Trust Fund.--

28 (2) Notwithstanding any other provisions of law, from
29 the revenues deposited into the State Transportation Trust
30 Fund a maximum of 7 percent in each fiscal year shall be
31 transferred into the Right-of-Way Acquisition and Bridge

1 Construction Trust Fund created in s. 215.605, as needed to
2 meet the requirements of the documents authorizing the bonds
3 issued or proposed to be issued under ss. 215.605 and 337.276
4 or at a minimum amount sufficient to pay for the debt service
5 coverage requirements of outstanding bonds. Notwithstanding
6 the 7 percent annual transfer authorized in this subsection,
7 the annual amount transferred under this subsection shall not
8 exceed an amount necessary to provide the required debt
9 service coverage levels for a maximum debt service not to
10 exceed ~~\$275~~\$200 million. Such transfer shall be payable
11 primarily from the motor and diesel fuel taxes transferred to
12 the State Transportation Trust Fund from the Fuel Tax
13 Collection Trust Fund.

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

16 339.08 Use of moneys in State Transportation Trust
17 Fund.--

18 (1) The department shall expend moneys in the State
19 Transportation Trust Fund accruing to the department, in
20 accordance with its annual budget. The use of such moneys
21 shall be restricted to the following purposes:

22 (a) To pay administrative expenses of the department,
23 including administrative expenses incurred by the several
24 state transportation districts, but excluding administrative
25 expenses of commuter rail authorities that do not operate rail
26 service.

27 (b) To pay the cost of construction of the State
28 Highway System.

29 (c) To pay the cost of maintaining the State Highway
30 System.

31

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

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

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

8 (g) To lend or pay a portion of the operating,
9 maintenance, and capital costs of a revenue-producing
10 transportation project that is located on the State Highway
11 System or that is demonstrated to relieve traffic congestion
12 on the State Highway System.

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

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

19 (j) To pay the cost of county or municipal road
20 projects selected in accordance with the County Incentive
21 Grant Program created in s. 339.2817 and the Small County
22 Outreach Program created in s. 339.2818.

23 (k) To provide loans and credit enhancements for use
24 in constructing and improving highway transportation
25 facilities selected in accordance with the state-funded
26 infrastructure bank created in s. 339.55.

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

29 (m) To pay the cost of transportation projects
30 selected in accordance with the Transportation Regional
31 Incentive Program created in s. 339.2819.

1 ~~(n)(m)~~ To pay other lawful expenditures of the
2 department.

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

5 339.155 Transportation planning.--

6 (5) ADDITIONAL TRANSPORTATION PLANS.--

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

18 (d) The interlocal agreement must, at a minimum,
19 identify the entity that will coordinate the development of
20 the regional transportation plan; delineate the boundaries of
21 the regional transportation area; provide the duration of the
22 agreement and specify how the agreement may be terminated,
23 modified, or rescinded; describe the process by which the
24 regional transportation plan will be developed; and provide
25 how members of the entity will resolve disagreements regarding
26 interpretation of the interlocal agreement or disputes
27 relating to the development or content of the regional
28 transportation plan. Such interlocal agreement shall become
29 effective upon its recordation in the official public records
30 of each county in the regional transportation area.

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

12 Section 25. Section 339.175, Florida Statutes, is
13 amended to read:

14 339.175 Metropolitan planning organization.--It is the
15 intent of the Legislature to encourage and promote the safe
16 and efficient management, operation, and development of
17 surface transportation systems that will serve the mobility
18 needs of people and freight within and through urbanized areas
19 of this state while minimizing transportation-related fuel
20 consumption and air pollution. To accomplish these objectives,
21 metropolitan planning organizations, referred to in this
22 section as M.P.O.'s, shall develop, in cooperation with the
23 state and public transit operators, transportation plans and
24 programs for metropolitan areas. The plans and programs for
25 each metropolitan area must provide for the development and
26 integrated management and operation of transportation systems
27 and facilities, including pedestrian walkways and bicycle
28 transportation facilities that will function as an intermodal
29 transportation system for the metropolitan area, based upon
30 the prevailing principles provided in s. 334.046(1). The
31 process for developing such plans and programs shall provide

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

14 | (1) DESIGNATION.--

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

25 | 2. More than one M.P.O. may be designated within an
26 | existing metropolitan planning area only if the Governor and
27 | the existing M.P.O. determine that the size and complexity of
28 | the existing metropolitan planning area makes the designation
29 | of more than one M.P.O. for the area appropriate.

30 | (b) Each M.P.O. shall be created and operated under
31 | the provisions of this section pursuant to an interlocal

1 | agreement entered into pursuant to s. 163.01. The signatories
2 | to the interlocal agreement shall be the department and the
3 | governmental entities designated by the Governor for
4 | membership on the M.P.O. If there is a conflict between this
5 | section and s. 163.01, this section prevails.

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

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

27 |
28 | Each M.P.O. required under this section must be fully
29 | operative no later than 6 months following its designation.

30 | (2) VOTING MEMBERSHIP.--
31 |

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

28 (b) In metropolitan areas in which authorities or
29 other agencies have been or may be created by law to perform
30 transportation functions and are performing transportation
31 functions that are not under the jurisdiction of a general

1 | purpose local government represented on the M.P.O., they shall
2 | be provided voting membership on the M.P.O. In all other
3 | M.P.O.'s where transportation authorities or agencies are to
4 | be represented by elected officials from general purpose local
5 | governments, the M.P.O. shall establish a process by which the
6 | collective interests of such authorities or other agencies are
7 | expressed and conveyed.

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

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

16 | 2. The M.P.O. and the charter county determine that
17 | the reapportionment plan is needed to fulfill specific goals
18 | and policies applicable to that metropolitan planning area;
19 | and

20 | 3. The charter county determines the reapportionment
21 | plan otherwise complies with all federal requirements
22 | pertaining to M.P.O. membership.

23 |
24 | Any charter county that elects to exercise the provisions of
25 | this paragraph shall notify the Governor in writing.

26 | (d) Any other provision of this section to the
27 | contrary notwithstanding, any county chartered under s. 6(e),
28 | Art. VIII of the State Constitution may elect to have its
29 | county commission serve as the M.P.O., if the M.P.O.
30 | jurisdiction is wholly contained within the county. Any
31 | charter county that elects to exercise the provisions of this

1 paragraph shall so notify the Governor in writing. Upon
2 receipt of such notification, the Governor must designate the
3 county commission as the M.P.O. The Governor must appoint
4 four additional voting members to the M.P.O., one of whom must
5 be an elected official representing a municipality within the
6 county, one of whom must be an expressway authority member,
7 one of whom must be a person who does not hold elected public
8 office and who resides in the unincorporated portion of the
9 county, and one of whom must be a school board member.

10 (3) APPORTIONMENT.--

11 (a) The Governor shall, with the agreement of the
12 affected units of general-purpose local government as required
13 by federal rules and regulations, apportion the membership on
14 the applicable M.P.O. among the various governmental entities
15 within the area and shall prescribe a method for appointing
16 alternate members who may vote at any M.P.O. meeting that an
17 alternate member attends in place of a regular member. An
18 appointed alternate member must be an elected official serving
19 the same governmental entity or a general-purpose local
20 government with jurisdiction within all or part of the area
21 that the regular member serves. The governmental entity so
22 designated shall appoint the appropriate number of members to
23 the M.P.O. from eligible officials. Representatives of the
24 department shall serve as nonvoting members of the M.P.O.
25 Nonvoting advisers may be appointed by the M.P.O. as deemed
26 necessary. The Governor shall review the composition of the
27 M.P.O. membership in conjunction with the decennial census as
28 prepared by the United States Department of Commerce, Bureau
29 of the Census, and reapportion it as necessary to comply with
30 subsection (2).
31

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

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

23 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
24 responsibility of an M.P.O. is to manage a continuing,
25 cooperative, and comprehensive transportation planning process
26 that, based upon the prevailing principles provided in s.
27 334.046(1), results in the development of plans and programs
28 which are consistent, to the maximum extent feasible, with the
29 approved local government comprehensive plans of the units of
30 local government the boundaries of which are within the
31 metropolitan area of the M.P.O. An M.P.O. shall be the forum

1 | for cooperative decisionmaking by officials of the affected
2 | governmental entities in the development of the plans and
3 | programs required by subsections (5), (6), (7), and (8).

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

16 | (a) Each M.P.O. shall, in cooperation with the
17 | department, develop:

18 | 1. A long-range transportation plan pursuant to the
19 | requirements of subsection (6);

20 | 2. An annually updated transportation improvement
21 | program pursuant to the requirements of subsection (7); and

22 | 3. An annual unified planning work program pursuant to
23 | the requirements of subsection (8).

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

28 | 1. Support the economic vitality of the metropolitan
29 | area, especially by enabling global competitiveness,
30 | productivity, and efficiency;

31 |

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

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

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

7 5. Enhance the integration and connectivity of the
8 transportation system, across and between modes, for people
9 and freight;

10 6. Promote efficient system management and operation;
11 and

12 7. Emphasize the preservation of the existing
13 transportation system.

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

17 1. Prepare a congestion management system for the
18 metropolitan area and cooperate with the department in the
19 development of all other transportation management systems
20 required by state or federal law;

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

23 3. Assist the department in performing its duties
24 relating to access management, functional classification of
25 roads, and data collection;

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

28 5. Represent all the jurisdictional areas within the
29 metropolitan area in the formulation of transportation plans
30 and programs required by this section; and
31

1 6. Perform all other duties required by state or
2 federal law.

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

26 (e)1. Each M.P.O. shall appoint a citizens' advisory
27 committee, the members of which serve at the pleasure of the
28 M.P.O. The membership on the citizens' advisory committee must
29 reflect a broad cross section of local residents with an
30 interest in the development of an efficient, safe, and
31

1 cost-effective transportation system. Minorities, the elderly,
2 and the handicapped must be adequately represented.

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

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

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

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

21 1. Coordinate transportation projects deemed to be
22 regionally significant by the committee.

23 2. Review the impact of regionally significant land
24 use decisions on the region.

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

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

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

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

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

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

1 elements in local government comprehensive plans and any
2 amendments thereto. The long-range transportation plan must,
3 at a minimum:

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

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

1 (c) Assess capital investment and other measures
2 necessary to:

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

9 2. Make the most efficient use of existing
10 transportation facilities to relieve vehicular congestion and
11 maximize the mobility of people and goods.

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

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

25

26 In the development of its long-range transportation plan, each
27 M.P.O. must provide the public, affected public agencies,
28 representatives of transportation agency employees, freight
29 shippers, providers of freight transportation services,
30 private providers of transportation, representatives of users
31 of public transit, and other interested parties with a

1 reasonable opportunity to comment on the long-range
2 transportation plan. The long-range transportation plan must
3 be approved by the M.P.O.

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

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

1 consistent, to the maximum extent feasible, with the approved
2 local government comprehensive plans of the units of local
3 government whose boundaries are within the metropolitan area
4 of the M.P.O. and include those projects programmed pursuant
5 to s. 339.2819(4).

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

20 1. The approved M.P.O. long-range transportation plan;
21 2. The Strategic Intermodal System Plan developed
22 under s. 339.64.

23 3. The priorities developed pursuant to s.
24 339.2819(4).

25 ~~4.3-~~ The results of the transportation management
26 systems; and

27 ~~5.4-~~ The M.P.O.'s public-involvement procedures.

28 (c) The transportation improvement program must, at a
29 minimum:

30 1. Include projects and project phases to be funded
31 with state or federal funds within the time period of the

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

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

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

31

1 4. Group projects and project phases of similar
2 urgency and anticipated staging into appropriate staging
3 periods.

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

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

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

23 (d) Projects included in the transportation
24 improvement program and that have advanced to the design stage
25 of preliminary engineering may be removed from or rescheduled
26 in a subsequent transportation improvement program only by the
27 joint action of the M.P.O. and the department. Except when
28 recommended in writing by the district secretary for good
29 cause, any project removed from or rescheduled in a subsequent
30 transportation improvement program shall not be rescheduled by
31

1 | the M.P.O. in that subsequent program earlier than the 5th
2 | year of such program.

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

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

28 | (g) The Department of Community Affairs shall review
29 | the annual transportation improvement program of each M.P.O.
30 | for consistency with the approved local government
31 | comprehensive plans of the units of local government whose

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

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

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

23 | (9) AGREEMENTS.--

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

27 | 1. An agreement with the department clearly
28 | establishing the cooperative relationship essential to
29 | accomplish the transportation planning requirements of state
30 | and federal law.

31 |

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

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

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

18 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
19 COUNCIL.--

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

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

1 diem expenses incurred in the performance of their council
2 duties as provided in s. 112.061.

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

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

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

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

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

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

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

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

31

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

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

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

16 339.55 State-funded infrastructure bank.--

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

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

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

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

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

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

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

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

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

23 (a) The credit worthiness of the project.

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

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

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

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

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

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

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

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

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

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

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

24 1013.64 Funds for comprehensive educational plant
25 needs; construction cost maximums for school district capital
26 projects.--Allocations from the Public Education Capital
27 Outlay and Debt Service Trust Fund to the various boards for
28 capital outlay projects shall be determined as follows:

29 (7) Moneys distributed to the Public Education Capital
30 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
31 shall be expended to fund the Classrooms for Kids Program

1 created in s. 1013.735 and shall be distributed as provided by
2 that section.

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

5 1013.65 Educational and ancillary plant construction
6 funds; Public Education Capital Outlay and Debt Service Trust
7 Fund; allocation of funds.--

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

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

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

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

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

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

26 201.15 Distribution of taxes collected.--All taxes
27 collected under this chapter shall be distributed as follows
28 and shall be subject to the service charge imposed in s.
29 215.20(1), except that such service charge shall not be levied
30 against any portion of taxes pledged to debt service on bonds
31

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

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

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

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

1 (c) To the Public Education Capital Outlay and Debt
2 Service Trust Fund in the Department of Education, \$73.75
3 million.

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

6 (2) The following appropriations are made for the
7 2005-2006 fiscal year only on a nonrecurring basis:

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

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

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

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

17 (b) From the Water Protection and Sustainability
18 Program Trust Fund in the Department of Environmental
19 Protection, \$100 million for the purposes specified in section
20 403.890, Florida Statutes.

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

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

31

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

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS Senate Bill 360

4 The committee substitute for committee substitute for
5 committee substitute (CS) for SB 360 appropriates \$750 million
6 recurring and \$750 million on a non-recurring basis, for a
7 combined \$1.5 billion, in 2005-2006 to fund specified
8 transportation, school, and water projects. Specifically, it
9 appropriates \$750 million from the General Revenue Fund for
10 the 2005-2006 fiscal year on a non-recurring basis and in
11 quarterly installments for the following: \$575 million to the
12 State Transportation Trust Fund, \$100 million to the
13 Department of Environmental Protection for the Water
14 Protection and Sustainability Program Trust Fund, and \$73.75
15 million to the Public Education Capital Outlay and Debt
16 Service Trust Fund within the Department of Education. The CS
17 then appropriates the amounts from the trust funds above for
18 the 2005-2006 fiscal year on a non-recurring basis to be
19 expended as follows:

- 12 - \$400 million for the Strategic Intermodal System.
- 13 - \$75 million for the Transportation Regional Incentive
14 Program.
- 15 - \$100 million to the State-funded Infrastructure Bank for
16 local projects with a 25 percent match.
- 17 - \$100 million to the Department of Environmental
18 Protection from the Water Protection and Sustainability
19 Program Trust Fund.
- 20 - \$73.75 million from the Public Education Capital Outlay
21 and Debt Service Trust Fund within the Department of
22 Education to fund the Classrooms for Kids Program.

23 The recurring \$750 million appropriation from the taxes
24 collected under s. 201.15, F.S., will be distributed as
25 follows:

- 23 - \$575 million for the New Starts Transit Program, the
24 Small County Outreach Program, the Strategic Intermodal
25 System, and the Transportation Regional Incentive
26 Program.
- 27 - \$100 million to the Water Protection and Sustainability
28 Program Trust Fund in the Department of Environmental
29 Protection.
- 30 - \$75 million to the Public Education Capital Outlay and
31 Debt Service Trust Fund to fund the Classroom for Kids
Program.

32 These monies may not be pledged for debt service unless the
33 pledge is approved by referendum.

34 The CS revises concurrency requirements in this act. School
35 facilities must be available within 3 years after the issuance
of final subdivision or site plan approval, or the functional

1 equivalent. Water supply projects identified by the local
2 government from the regional water supply plan or proposed by
3 the local government must be incorporated into the
4 comprehensive plan within 18 months after the update of the
5 regional water supply plan. Adequate water supplies must be
6 available when the local government issues a certificate of
7 occupancy. Prior to the approval of a building permit, a local
8 government must confirm that adequate water supplies will be
9 available to serve the new development on the anticipated date
10 of issuance of the certificate of occupancy. It requires
11 transportation facilities to be under actual construction
12 within 3 years after a local government approves a building
13 permit or its functional equivalent that results in traffic
14 generation. Also, by December 1, 2006, a local government is
15 required to adopt a transportation concurrency management
16 system by ordinance. By December 1, 2005, the Department of
17 Transportation must provide a model transportation concurrency
18 management system ordinance.

19 Under this CS, a local government's comprehensive plan must
20 include proportionate fair-share mitigation for schools, parks
21 and recreation, and transportation. A local government's land
22 development regulations must include methodologies that will
23 be applied to calculate proportionate fair-share mitigation.

24 As an incentive for development within urban service
25 boundaries established under the act, the CS provides an
26 exemption from DRI review for proposed development within an
27 urban service boundary. It also provides an exemption from DRI
28 review for proposed development within a Rural Land
29 Stewardship Area under certain circumstances. Finally, the CS
30 establishes the Transportation Regional Incentive Program for
31 the purpose of providing funds to improve regionally
significant facilities in regional transportation areas. For a
2-year period, the CS allows the Department of Transportation
to include right-of-way services as part of certain
design-build contracts and to combine the design and
construction phases of any project into a single contract.