

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; providing for a waiver  
18          under certain circumstances; exempting certain  
19          municipalities from such requirements;  
20          requiring that the state land planning agency  
21          establish a schedule for adopting and updating  
22          the public school facilities element; revising  
23          the requirements and criteria for establishing  
24          a rural land stewardship area; revising the  
25          requirements for designating a stewardship  
26          receiving area to address listed species;  
27          revising requirements for an ordinance adopting  
28          a plan amendment to create a rural land  
29          stewardship area; encouraging local governments  
30          to include a community vision and an urban  
31          service boundary as a component of their

1 comprehensive plans; providing an exception;  
2 repealing s. 163.31776, F.S., relating to the  
3 public educational facilities element; amending  
4 s. 163.31777, F.S.; revising the requirements  
5 for the public schools interlocal agreement to  
6 conform to changes made by the act; requiring  
7 the school board to provide certain information  
8 to the local government; amending s. 163.3180,  
9 F.S.; revising requirements for concurrency;  
10 providing for schools to be subject to  
11 concurrency requirements; requiring that an  
12 adequate water supply be available for new  
13 development; revising requirements for  
14 transportation facilities; requiring that the  
15 Department of Transportation be consulted  
16 regarding certain level-of-service standards;  
17 revising criteria and providing guidelines for  
18 transportation concurrency exception areas;  
19 requiring a local government to consider the  
20 transportation level-of-service standards of  
21 adjacent jurisdictions for certain roads;  
22 providing a process to monitor de minimis  
23 impacts; revising the requirements for a  
24 long-term transportation concurrency management  
25 system; providing for a long-term school  
26 concurrency management system; requiring that  
27 school concurrency be established on less than  
28 a districtwide basis within 5 years; providing  
29 certain exceptions; authorizing a local  
30 government to approve a development order if  
31 the developer executes a commitment to mitigate

1 the impacts on public school facilities;  
2 providing for the adoption of a transportation  
3 concurrency management system by ordinance;  
4 providing requirements for proportionate  
5 fair-share mitigation; providing an exception;  
6 amending s. 163.3184, F.S.; prescribing  
7 authority of local governments to adopt plan  
8 amendments after adopting community vision and  
9 an urban service boundary; providing for small  
10 scale plan amendment review under certain  
11 circumstances; providing exemptions; providing  
12 concurrency exemption for certain DRI projects;  
13 amending s. 163.3191, F.S.; providing  
14 additional requirements for the evaluation and  
15 assessment of the comprehensive plan for  
16 counties and municipalities that do not have a  
17 public schools interlocal agreement; revising  
18 requirements for the evaluation and appraisal  
19 report; providing time limit for amendments  
20 relating to the report; amending s. 339.135,  
21 F.S., relating to tentative work programs of  
22 the Department of Transportation; conforming  
23 provisions to changes made by the act;  
24 requiring the Office of Program Policy Analysis  
25 and Government Accountability to perform a  
26 study of the boundaries of specified state  
27 entities; requiring a report to the  
28 Legislature; creating s. 163.3247, F.S.;  
29 providing a popular name; providing legislative  
30 findings and intent; creating the Century  
31 Commission for certain purposes; providing for

1 | appointment of commission members; providing  
2 | for terms; providing for meetings and votes of  
3 | members; requiring members to serve without  
4 | compensation; providing for per diem and travel  
5 | expenses; providing powers and duties of the  
6 | commission; requiring the creation of a joint  
7 | select committee of the Legislature; providing  
8 | purposes; requiring the Secretary of Community  
9 | Affairs to select an executive director of the  
10 | commission; requiring the Department of  
11 | Community Affairs to provide staff for the  
12 | commission; providing for other agency staff  
13 | support for the commission; creating s.  
14 | 339.2819, F.S.; creating the Transportation  
15 | Regional Incentive Program within the  
16 | Department of Transportation; providing  
17 | matching funds for projects meeting certain  
18 | criteria; amending s. 337.107, F.S.; allowing  
19 | the inclusion of right-of-way services in  
20 | certain design-build contracts; amending s.  
21 | 337.107, F.S., effective July 1, 2007;  
22 | eliminating the inclusion of right-of-way  
23 | services and as part of design-build contracts  
24 | under certain circumstances; amending s.  
25 | 337.11, F.S.; allowing the Department of  
26 | Transportation to include right-of-way services  
27 | and design and construction into a single  
28 | contract; providing an exception; delaying  
29 | construction activities in certain  
30 | circumstances; amending s. 337.11, F.S.,  
31 | effective July 1, 2007; deleting language

1 | allowing right-of-way services and design and  
2 | construction phases to be combined for certain  
3 | projects; deleting an exception; amending s.  
4 | 380.06, F.S.; providing exceptions; amending s.  
5 | 1013.33, F.S.; conforming provisions to changes  
6 | made by the act; amending s. 206.46, F.S.;  
7 | increasing the threshold for maximum debt  
8 | service for transfers in the State  
9 | Transportation Trust Fund; amending s. 339.08,  
10 | F.S.; providing for expenditure of moneys in  
11 | the State Transportation Trust Fund; amending  
12 | s. 339.155, F.S.; providing for the development  
13 | of regional transportation plans in Regional  
14 | Transportation Areas; amending s. 339.175,  
15 | F.S.; making conforming changes to provisions  
16 | of the act; amending s. 339.55, F.S.; providing  
17 | for loans for certain projects from the  
18 | state-funded infrastructure bank within the  
19 | Department of Transportation; amending s.  
20 | 1013.64, F.S.; providing for the expenditure of  
21 | funds in the Public Education Capital Outlay  
22 | and Debt Service Trust Fund; amending s.  
23 | 1013.65, F.S.; providing funding for the  
24 | Classrooms for Kids Program; amending s.  
25 | 201.15, F.S.; providing for the expenditure of  
26 | certain excise taxes on documents; providing  
27 | for appropriations for the 2005-2006 fiscal  
28 | year on a nonrecurring basis for certain  
29 | purposes; specifying the evidentiary standard a  
30 | local government must meet when defending a  
31 | challenge to an ordinance establishing an

1 impact fee; requiring the Department of  
2 Transportation to amend the tentative work  
3 program and budget for 2005-2006; prohibits  
4 reversion of certain funds; providing a  
5 declaration of important state interest;  
6 creating s. 1013.789, F.S.; establishing the  
7 High Growth County Construction Account  
8 program; amending s. 339.2818, F.S.; providing  
9 for an annual appropriation from the State  
10 Transportation Trust Fund for purposes of  
11 funding the Small County Outreach Program;  
12 amending s. 341.051, F.S.; providing for an  
13 annual appropriation from the State  
14 Transportation Trust Fund for purposes of  
15 funding the New Starts Transit Program;  
16 amending s. 339.61, F.S.; providing for  
17 appropriations from the State Transportation  
18 Trust Fund; creating s. 403.891, F.S.;  
19 appropriating funds to the Water Protection and  
20 Sustainability Trust Fund; creating s. 1013.78,  
21 F.S.; creating the High Growth District Capital  
22 Outlay Assistance Grant Program; providing for  
23 grants to school districts meeting certain  
24 criteria; Amending s. 380.115, F.S.; allowing  
25 an applicant under the development-of-regional  
26 impact program to proceed under that program  
27 after an optional sector plan is adopted;  
28 grandfathering certain developments of regional  
29 impact from the provisions of this act relating  
30 to chs. 163 and 380, F.S.; providing annual  
31 appropriations from the Grants and Donations

1 Trust Fund for purposes of implementing the act  
2 and supporting the Century Commission;  
3 providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Subsection (32) is added to section  
8 163.3164, Florida Statutes, to read:

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

12 (32) "Financial feasibility" means that sufficient  
13 revenues are currently available or will be available from  
14 committed funding sources for the first 3 years, or will be  
15 available from committed or planned funding sources for years  
16 4 and 5, of a 5-year capital improvement schedule for  
17 financing capital improvements, such as ad valorem taxes,  
18 bonds, state and federal funds, tax revenues, impact fees, and  
19 developer contributions, which are adequate to fund the  
20 projected costs of the capital improvements identified in the  
21 comprehensive plan necessary to ensure that adopted  
22 level-of-service standards are achieved and maintained within  
23 the period covered by the 5-year schedule of capital  
24 improvements. The requirement that level-of-service standards  
25 be achieved and maintained shall not apply if the  
26 proportionate-share process set forth in s. 163.3180(12) and  
27 (16) is used.

28 Section 2. Subsections (2) and (3), paragraphs (a),  
29 (c), and (h) of subsection (6), paragraph (d) of subsection  
30 (11), and subsection (12) of section 163.3177, Florida  
31

1 Statutes, are amended, and subsections (13) and (14) are added  
2 to that section, to read:

3 163.3177 Required and optional elements of  
4 comprehensive plan; studies and surveys.--

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

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

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

21 2. Estimated public facility costs, including a  
22 delineation of when facilities will be needed, the general  
23 location of the facilities, and projected revenue sources to  
24 fund the facilities.

25 3. Standards to ensure the availability of public  
26 facilities and the adequacy of those facilities including  
27 acceptable levels of service.

28 4. Standards for the management of debt.

29 5. A schedule of capital improvements which includes  
30 publicly funded projects, and which may include privately  
31 funded projects for which the local government has no fiscal



1 responsibility, necessary to ensure that adopted  
2 level-of-service standards are achieved and maintained. For  
3 capital improvements that will be funded by the developer,  
4 financial feasibility shall be demonstrated by being  
5 guaranteed in an enforceable development agreement or  
6 interlocal agreement pursuant to paragraph (10)(h), or other  
7 enforceable agreement. These development agreements and  
8 interlocal agreements shall be reflected in the schedule of  
9 capital improvements if the capital improvement is necessary  
10 to serve development within the 5-year schedule. If the local  
11 government uses planned revenue sources that require referenda  
12 or other actions to secure the revenue source, the plan must,  
13 in the event the referenda are not passed or actions do not  
14 secure the planned revenue source, identify other existing  
15 revenue sources that will be used to fund the capital projects  
16 or otherwise amend the plan to ensure financial feasibility.

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

25 (b)1. The capital improvements element shall be  
26 reviewed on an annual basis and modified as necessary in  
27 accordance with s. 163.3187 or s. 163.3189 in order to  
28 maintain a financially feasible 5-year schedule of capital  
29 improvements., ~~except that~~ Corrections, ~~updates,~~ and  
30 modifications concerning costs; revenue sources; or acceptance  
31 of facilities pursuant to dedications which are consistent

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

19 2. Capital improvements element amendments adopted  
20 after the effective date of this act shall require only a  
21 single public hearing before the governing board which shall  
22 be an adoption hearing as described in s. 163.3184(7). Such  
23 amendments are not subject to the requirements of s.  
24 163.3184(3)-(6).

25 (c) If the local government does not adopt the  
26 required annual update to the schedule of capital improvements  
27 or the annual update is found not in compliance, the state  
28 land planning agency must notify the Administration  
29 Commission. A local government that has a demonstrated lack of  
30 commitment to meeting its obligations identified in the  
31

1 capital improvement element may be subject to sanctions by the  
2 Administration Commission pursuant to s. 163.3184(11).

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

9 (6) In addition to the requirements of subsections  
10 (1)-(5) and (12), the comprehensive plan shall include the  
11 following elements:

12 (a) A future land use plan element designating  
13 proposed future general distribution, location, and extent of  
14 the uses of land for residential uses, commercial uses,  
15 industry, agriculture, recreation, conservation, education,  
16 public buildings and grounds, other public facilities, and  
17 other categories of the public and private uses of land.  
18 Counties are encouraged to designate rural land stewardship  
19 areas, pursuant to the provisions of paragraph (11)(d), as  
20 overlays on the future land use map. Each future land use  
21 category must be defined in terms of uses included, and must  
22 include standards to be followed in the control and  
23 distribution of population densities and building and  
24 structure intensities. The proposed distribution, location,  
25 and extent of the various categories of land use shall be  
26 shown on a land use map or map series which shall be  
27 supplemented by goals, policies, and measurable objectives.  
28 The future land use plan shall be based upon surveys, studies,  
29 and data regarding the area, including the amount of land  
30 required to accommodate anticipated growth; the projected  
31 population of the area; the character of undeveloped land; the

1 availability of water supplies, public facilities, and  
2 services; the need for redevelopment, including the renewal of  
3 blighted areas and the elimination of nonconforming uses which  
4 are inconsistent with the character of the community; the  
5 compatibility of uses on lands adjacent to or closely  
6 proximate to military installations; and, in rural  
7 communities, the need for job creation, capital investment,  
8 and economic development that will strengthen and diversify  
9 the community's economy. The future land use plan may  
10 designate areas for future planned development use involving  
11 combinations of types of uses for which special regulations  
12 may be necessary to ensure development in accord with the  
13 principles and standards of the comprehensive plan and this  
14 act. The future land use plan element shall include criteria  
15 to be used to achieve the compatibility of adjacent or closely  
16 proximate lands with military installations. In addition, for  
17 rural communities, the amount of land designated for future  
18 planned industrial use shall be based upon surveys and studies  
19 that reflect the need for job creation, capital investment,  
20 and the necessity to strengthen and diversify the local  
21 economies, and shall not be limited solely by the projected  
22 population of the rural community. The future land use plan of  
23 a county may also designate areas for possible future  
24 municipal incorporation. The land use maps or map series shall  
25 generally identify and depict historic district boundaries and  
26 shall designate historically significant properties meriting  
27 protection. The future land use element must clearly identify  
28 the land use categories in which public schools are an  
29 allowable use. When delineating the land use categories in  
30 which public schools are an allowable use, a local government  
31 shall include in the categories sufficient land proximate to

1 residential development to meet the projected needs for  
2 schools in coordination with public school boards and may  
3 establish differing criteria for schools of different type or  
4 size. Each local government shall include lands contiguous to  
5 existing school sites, to the maximum extent possible, within  
6 the land use categories in which public schools are an  
7 allowable use. ~~All comprehensive plans must comply with the~~  
8 ~~school siting requirements of this paragraph no later than~~  
9 ~~October 1, 1999.~~ The failure by a local government to comply  
10 with these school siting requirements ~~by October 1, 1999,~~ will  
11 result in the prohibition of the local government's ability to  
12 amend the local comprehensive plan, except for plan amendments  
13 described in s. 163.3187(1)(b), until the school siting  
14 requirements are met. Amendments proposed by a local  
15 government for purposes of identifying the land use categories  
16 in which public schools are an allowable use ~~or for adopting~~  
17 ~~or amending the school siting maps pursuant to s. 163.31776(3)~~  
18 are exempt from the limitation on the frequency of plan  
19 amendments contained in s. 163.3187. The future land use  
20 element shall include criteria that encourage the location of  
21 schools proximate to urban residential areas to the extent  
22 possible and shall require that the local government seek to  
23 collocate public facilities, such as parks, libraries, and  
24 community centers, with schools to the extent possible and to  
25 encourage the use of elementary schools as focal points for  
26 neighborhoods. For schools serving predominantly rural  
27 counties, defined as a county with a population of 100,000 or  
28 fewer, an agricultural land use category shall be eligible for  
29 the location of public school facilities if the local  
30 comprehensive plan contains school siting criteria and the  
31 location is consistent with such criteria. Local governments

1 required to update or amend their comprehensive plan to  
2 include criteria and address compatibility of adjacent or  
3 closely proximate lands with existing military installations  
4 in their future land use plan element shall transmit the  
5 update or amendment to the department by June 30, 2006.

6 (c) A general sanitary sewer, solid waste, drainage,  
7 potable water, and natural groundwater aquifer recharge  
8 element correlated to principles and guidelines for future  
9 land use, indicating ways to provide for future potable water,  
10 drainage, sanitary sewer, solid waste, and aquifer recharge  
11 protection requirements for the area. The element may be a  
12 detailed engineering plan including a topographic map  
13 depicting areas of prime groundwater recharge. The element  
14 shall describe the problems and needs and the general  
15 facilities that will be required for solution of the problems  
16 and needs. The element shall also include a topographic map  
17 depicting any areas adopted by a regional water management  
18 district as prime groundwater recharge areas for the Floridan  
19 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
20 shall be given special consideration when the local government  
21 is engaged in zoning or considering future land use for said  
22 designated areas. For areas served by septic tanks, soil  
23 surveys shall be provided which indicate the suitability of  
24 soils for septic tanks. Within 18 months after the governing  
25 board approves an updated regional water supply plan ~~By~~  
26 ~~December 1, 2006,~~ the element must incorporate the alternative  
27 water supply project or projects selected by the local  
28 government from those identified in the regional water supply  
29 plan pursuant to s. 373.0361(2)(a) or proposed by the local  
30 government under s. 373.0361(7)(b) ~~consider the appropriate~~  
31 ~~water management district's regional water supply plan~~

1 ~~approved pursuant to s. 373.0361. If a local government is~~  
2 located within two water management districts, the local  
3 government shall adopt its comprehensive plan amendment within  
4 18 months after the later updated regional water supply plan.  
5 The element must identify such alternative water supply  
6 projects and traditional water supply projects and  
7 conservation and reuse necessary to meet the water needs  
8 identified in s. 373.0361(2)(a) within the local government's  
9 jurisdiction and include a work plan, covering at least a 10  
10 year planning period, for building public, private, and  
11 regional water supply facilities, including development of  
12 alternative water supplies, which ~~that~~ are identified in the  
13 element as necessary to serve existing and new development ~~and~~  
14 ~~for which the local government is responsible.~~ The work plan  
15 shall be updated, at a minimum, every 5 years within ~~18~~ 12  
16 months after the governing board of a water management  
17 district approves an updated regional water supply plan.  
18 Amendments to incorporate the work plan do not count toward  
19 the limitation on the frequency of adoption of amendments to  
20 the comprehensive plan. Local governments, public and private  
21 utilities, regional water supply authorities, special  
22 districts, and water management districts are encouraged to  
23 cooperatively plan for the development of multijurisdictional  
24 water supply facilities that are sufficient to meet projected  
25 demands for established planning periods, including the  
26 development of alternative water sources to supplement  
27 traditional sources of ground and surface water supplies.  
28 (h)1. An intergovernmental coordination element  
29 showing relationships and stating principles and guidelines to  
30 be used in the accomplishment of coordination of the adopted  
31 comprehensive plan with the plans of school boards, regional

1 | water supply authorities, and other units of local government  
2 | providing services but not having regulatory authority over  
3 | the use of land, with the comprehensive plans of adjacent  
4 | municipalities, the county, adjacent counties, or the region,  
5 | with the state comprehensive plan and with the applicable  
6 | regional water supply plan approved pursuant to s. 373.0361,  
7 | as the case may require and as such adopted plans or plans in  
8 | preparation may exist. This element of the local  
9 | comprehensive plan shall demonstrate consideration of the  
10 | particular effects of the local plan, when adopted, upon the  
11 | development of adjacent municipalities, the county, adjacent  
12 | counties, or the region, or upon the state comprehensive plan,  
13 | as the case may require.

14 |         a. The intergovernmental coordination element shall  
15 | provide for procedures to identify and implement joint  
16 | planning areas, especially for the purpose of annexation,  
17 | municipal incorporation, and joint infrastructure service  
18 | areas.

19 |         b. The intergovernmental coordination element shall  
20 | provide for recognition of campus master plans prepared  
21 | pursuant to s. 1013.30.

22 |         c. The intergovernmental coordination element may  
23 | provide for a voluntary dispute resolution process as  
24 | established pursuant to s. 186.509 for bringing to closure in  
25 | a timely manner intergovernmental disputes. A local  
26 | government may develop and use an alternative local dispute  
27 | resolution process for this purpose.

28 |         2. The intergovernmental coordination element shall  
29 | further state principles and guidelines to be used in the  
30 | accomplishment of coordination of the adopted comprehensive  
31 | plan with the plans of school boards and other units of local



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

17 3. To foster coordination between special districts  
18 and local general-purpose governments as local general-purpose  
19 governments implement local comprehensive plans, each  
20 independent special district must submit a public facilities  
21 report to the appropriate local government as required by s.  
22 189.415.

23 4.a. Local governments ~~adopting a public educational~~  
24 ~~facilities element pursuant to s. 163.31776~~ must execute an  
25 interlocal agreement with the district school board, the  
26 county, and nonexempt municipalities pursuant to s. 163.31777,  
27 ~~as defined by s. 163.31776(1), which includes the items listed~~  
28 ~~in s. 163.31777(2)~~. The local government shall amend the  
29 intergovernmental coordination element to provide that  
30 coordination between the local government and school board is  
31

1 pursuant to the agreement and shall state the obligations of  
2 the local government under the agreement.

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

5 5. The state land planning agency shall establish a  
6 schedule for phased completion and transmittal of plan  
7 amendments to implement subparagraphs 1., 2., and 3. from all  
8 jurisdictions so as to accomplish their adoption by December  
9 31, 1999. A local government may complete and transmit its  
10 plan amendments to carry out these provisions prior to the  
11 scheduled date established by the state land planning agency.  
12 The plan amendments are exempt from the provisions of s.  
13 163.3187(1).

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

18 a. Identifies all existing or proposed interlocal  
19 service-delivery agreements regarding the following:  
20 education; sanitary sewer; public safety; solid waste;  
21 drainage; potable water; parks and recreation; and  
22 transportation facilities.

23 b. Identifies any deficits or duplication in the  
24 provision of services within its jurisdiction, whether capital  
25 or operational. Upon request, the Department of Community  
26 Affairs shall provide technical assistance to the local  
27 governments in identifying deficits or duplication.

28 7. Within 6 months after submission of the report, the  
29 Department of Community Affairs shall, through the appropriate  
30 regional planning council, coordinate a meeting of all local  
31 governments within the regional planning area to discuss the

1 reports and potential strategies to remedy any identified  
2 deficiencies or duplications.

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

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

13 (11)

14 (d)1. The department, in cooperation with the  
15 Department of Agriculture and Consumer Services, the  
16 Department of Environmental Protection, water management  
17 districts, and regional planning councils, shall provide  
18 assistance to local governments in the implementation of this  
19 paragraph and rule 9J-5.006(5)(1), Florida Administrative  
20 Code. Implementation of those provisions shall include a  
21 process by which the department may authorize local  
22 governments to designate all or portions of lands classified  
23 in the future land use element as predominantly agricultural,  
24 rural, open, open-rural, or a substantively equivalent land  
25 use, as a rural land stewardship area within which planning  
26 and economic incentives are applied to encourage the  
27 implementation of innovative and flexible planning and  
28 development strategies and creative land use planning  
29 techniques, including those contained herein and in rule  
30 9J-5.006(5)(1), Florida Administrative Code. Assistance may  
31 include, but is not limited to:

1           a. Assistance from the Department of Environmental  
2 Protection and water management districts in creating the  
3 geographic information systems land cover database and aerial  
4 photogrammetry needed to prepare for a rural land stewardship  
5 area;

6           b. Support for local government implementation of  
7 rural land stewardship concepts by providing information and  
8 assistance to local governments regarding land acquisition  
9 programs that may be used by the local government or  
10 landowners to leverage the protection of greater acreage and  
11 maximize the effectiveness of rural land stewardship areas;  
12 and

13           c. Expansion of the role of the Department of  
14 Community Affairs as a resource agency to facilitate  
15 establishment of rural land stewardship areas in smaller rural  
16 counties that do not have the staff or planning budgets to  
17 create a rural land stewardship area.

18           2. The department shall encourage participation by  
19 local governments of different sizes and rural characteristics  
20 in establishing and implementing rural land stewardship areas.  
21 It is the intent of the Legislature that rural land  
22 stewardship areas be used to further the following broad  
23 principles of rural sustainability: restoration and  
24 maintenance of the economic value of rural land; control of  
25 urban sprawl; identification and protection of ecosystems,  
26 habitats, and natural resources; promotion of rural economic  
27 activity; maintenance of the viability of Florida's  
28 agricultural economy; and protection of the character of rural  
29 areas of Florida. Rural land stewardship areas may be  
30 multicounty in order to encourage coordinated regional  
31 stewardship planning.

1           3. A local government, in conjunction with a regional  
2 planning council, a stakeholder organization of private land  
3 owners, or another local government, shall notify the  
4 department in writing of its intent to designate a rural land  
5 stewardship area. The written notification shall describe the  
6 basis for the designation, including the extent to which the  
7 rural land stewardship area enhances rural land values,  
8 controls urban sprawl, provides necessary open space for  
9 agriculture and protection of the natural environment,  
10 promotes rural economic activity, and maintains rural  
11 character and the economic viability of agriculture.

12           4. A rural land stewardship area shall be not less  
13 than 10,000 acres and shall be located outside of  
14 municipalities and established urban growth boundaries, and  
15 shall be designated by plan amendment. The plan amendment  
16 designating a rural land stewardship area shall be subject to  
17 review by the Department of Community Affairs pursuant to s.  
18 163.3184 and shall provide for the following:

19           a. Criteria for the designation of receiving areas  
20 within rural land stewardship areas in which innovative  
21 planning and development strategies may be applied. Criteria  
22 shall at a minimum provide for the following: adequacy of  
23 suitable land to accommodate development so as to avoid  
24 conflict with environmentally sensitive areas, resources, and  
25 habitats; compatibility between and transition from higher  
26 density uses to lower intensity rural uses; the establishment  
27 of receiving area service boundaries which provide for a  
28 separation between receiving areas and other land uses within  
29 the rural land stewardship area through limitations on the  
30 extension of services; and connection of receiving areas with  
31

1 the rest of the rural land stewardship area using rural design  
2 and rural road corridors.

3 b. Goals, objectives, and policies setting forth the  
4 innovative planning and development strategies to be applied  
5 within rural land stewardship areas pursuant to the provisions  
6 of this section.

7 c. A process for the implementation of innovative  
8 planning and development strategies within the rural land  
9 stewardship area, including those described in this subsection  
10 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
11 provide for a functional mix of land uses, including adequate  
12 available work force housing, including low, very-low and  
13 moderate income housing for the development anticipated in the  
14 receiving area and which are applied through the adoption by  
15 the local government of zoning and land development  
16 regulations applicable to the rural land stewardship area.

17 d. A process which encourages visioning pursuant to s.  
18 163.3167(11) to ensure that innovative planning and  
19 development strategies comply with the provisions of this  
20 section.

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

25 5. A receiving area shall be designated by the  
26 adoption of a land development regulation. Prior to the  
27 designation of a receiving area, the local government shall  
28 provide the Department of Community Affairs a period of 30  
29 days in which to review a proposed receiving area for  
30 consistency with the rural land stewardship area plan  
31 amendment and to provide comments to the local government. At

1 the time of designation of a stewardship receiving area, a  
2 listed species survey will be performed. If listed species  
3 occur on the receiving area site, the developer shall  
4 coordinate with each appropriate local, state, or federal  
5 agency to determine if adequate provisions have been made to  
6 protect those species in accordance with applicable  
7 regulations. In determining the adequacy of provisions for the  
8 protection of listed species and their habitats, the rural  
9 land stewardship area shall be considered as a whole, and the  
10 impacts to areas to be developed as receiving areas shall be  
11 considered together with the environmental benefits of areas  
12 protected as sending areas in fulfilling this criteria.

13         6. Upon the adoption of a plan amendment creating a  
14 rural land stewardship area, the local government shall, by  
15 ordinance, establish the methodology for the creation,  
16 conveyance, and use of transferrable rural land use credits,  
17 otherwise referred to as stewardship credits, the application  
18 of assign to the area a certain number of credits, to be known  
19 as "transferable rural land use credits," which shall not  
20 constitute a right to develop land, nor increase density of  
21 land, except as provided by this section. The total amount of  
22 transferable rural land use credits within assigned to the  
23 rural land stewardship area must enable the realization of the  
24 long-term vision and goals for ~~correspond to~~ the 25-year or  
25 greater projected population of the rural land stewardship  
26 area. Transferable rural land use credits are subject to the  
27 following limitations:

28             a. Transferable rural land use credits may only exist  
29 within a rural land stewardship area.

30             b. Transferable rural land use credits may only be  
31 used on lands designated as receiving areas and then solely

1 for the purpose of implementing innovative planning and  
2 development strategies and creative land use planning  
3 techniques adopted by the local government pursuant to this  
4 section.

5 c. Transferable rural land use credits assigned to a  
6 parcel of land within a rural land stewardship area shall  
7 cease to exist if the parcel of land is removed from the rural  
8 land stewardship area by plan amendment.

9 d. Neither the creation of the rural land stewardship  
10 area by plan amendment nor the assignment of transferable  
11 rural land use credits by the local government shall operate  
12 to displace the underlying density of land uses assigned to a  
13 parcel of land within the rural land stewardship area;  
14 however, if transferable rural land use credits are  
15 transferred from a parcel for use within a designated  
16 receiving area, the underlying density assigned to the parcel  
17 of land shall cease to exist.

18 e. The underlying density on each parcel of land  
19 located within a rural land stewardship area shall not be  
20 increased or decreased by the local government, except as a  
21 result of the conveyance or use of transferable rural land use  
22 credits, as long as the parcel remains within the rural land  
23 stewardship area.

24 f. Transferable rural land use credits shall cease to  
25 exist on a parcel of land where the underlying density  
26 assigned to the parcel of land is utilized.

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

31



1 h. A change in the density of land use on parcels  
2 located within receiving areas shall be specified in a  
3 development order which reflects the total number of  
4 transferable rural land use credits assigned to the parcel of  
5 land and the infrastructure and support services necessary to  
6 provide for a functional mix of land uses corresponding to the  
7 plan of development.

8 i. Land within a rural land stewardship area may be  
9 removed from the rural land stewardship area through a plan  
10 amendment.

11 j. Transferable rural land use credits may be assigned  
12 at different ratios of credits per acre according to the  
13 natural resource or other beneficial use characteristics of  
14 the land and according to the land use remaining following the  
15 transfer of credits, with the highest number of credits per  
16 acre assigned to the most environmentally valuable land or, in  
17 locations where the retention of and a lesser number of  
18 credits to be assigned to open space and agricultural land is  
19 a priority, to such lands.

20 k. The use or conveyance of transferable rural land  
21 use credits must be recorded in the public records of the  
22 county in which the property is located as a covenant or  
23 restrictive easement running with the land in favor of the  
24 county and either the Department of Environmental Protection,  
25 Department of Agriculture and Consumer Services, a water  
26 management district, or a recognized statewide land trust.

27 7. Owners of land within rural land stewardship areas  
28 should be provided incentives to enter into rural land  
29 stewardship agreements, pursuant to existing law and rules  
30 adopted thereto, with state agencies, water management  
31 districts, and local governments to achieve mutually agreed

1 upon conservation objectives. Such incentives may include,  
2 but not be limited to, the following:

- 3 a. Opportunity to accumulate transferable mitigation  
4 credits.
- 5 b. Extended permit agreements.
- 6 c. Opportunities for recreational leases and  
7 ecotourism.
- 8 d. Payment for specified land management services on  
9 publicly owned land, or property under covenant or restricted  
10 easement in favor of a public entity.
- 11 e. Option agreements for sale to public entities or  
12 private land conservation entities, in either fee or easement,  
13 upon achievement of conservation objectives.

14 8. The department shall report to the Legislature on  
15 an annual basis on the results of implementation of rural land  
16 stewardship areas authorized by the department, including  
17 successes and failures in achieving the intent of the  
18 Legislature as expressed in this paragraph.

19 (e) The Legislature finds that mixed-use, high-density  
20 development is appropriate for urban infill and redevelopment  
21 areas. Mixed-use projects accommodate a variety of uses,  
22 including residential and commercial, and usually at higher  
23 densities that promote pedestrian-friendly, sustainable  
24 communities. The Legislature recognizes that mixed-use,  
25 high-density development improves the quality of life for  
26 residents and businesses in urban areas. The Legislature finds  
27 that mixed-use, high-density redevelopment and infill benefits  
28 residents by creating a livable community with alternative  
29 modes of transportation. Furthermore, the Legislature finds  
30 that local zoning ordinances often discourage mixed-use,  
31 high-density development in areas that are appropriate for

1 urban infill and redevelopment. The Legislature intends to  
2 discourage single-use zoning in urban areas which often leads  
3 to lower-density, land-intensive development outside an urban  
4 service area. Therefore, the Department of Community Affairs  
5 shall provide technical assistance to local governments in  
6 order to encourage mixed-use, high-density urban infill and  
7 redevelopment projects.

8 (f) The Legislature finds that a program for the  
9 transfer of development rights is a useful tool to preserve  
10 historic buildings and create public open spaces in urban  
11 areas. A program for the transfer of development rights allows  
12 the transfer of density credits from historic properties and  
13 public open spaces to areas designated for high-density  
14 development. The Legislature recognizes that high-density  
15 development is integral to the success of many urban infill  
16 and redevelopment projects. The Legislature intends to  
17 encourage high-density urban infill and redevelopment while  
18 preserving historic structures and open spaces. Therefore, the  
19 Department of Community Affairs shall provide technical  
20 assistance to local governments in order to promote the  
21 transfer of development rights within urban areas for  
22 high-density infill and redevelopment projects.

23 (g) The implementation of this subsection shall be  
24 subject to the provisions of this chapter, chapters 186 and  
25 187, and applicable agency rules.

26 (h) The department may adopt rules necessary to  
27 implement the provisions of this subsection.

28 (12) A public school facilities element adopted to  
29 implement a school concurrency program shall meet the  
30 requirements of this subsection. Each county and each  
31 municipality within the county, unless exempt or subject to a

1 waiver, must adopt a public school facilities element that is  
2 consistent with those adopted by the other local governments  
3 within the county and enter the interlocal agreement pursuant  
4 to s. 163.31777.

5 (a) The state land planning agency may provide a  
6 waiver to a county and to the municipalities within the county  
7 if the capacity rate for all schools within the school  
8 district is no greater than 100 percent and the projected  
9 5-year capital outlay full-time equivalent student growth rate  
10 is less than 10 percent. The state land planning agency may  
11 allow for a single school to exceed the 100-percent limitation  
12 if it can be demonstrated that the capacity rate for that  
13 single school is not greater than 105 percent. In making this  
14 determination, the state land planning agency shall consider  
15 the following criteria:

16 1. Whether the exceedance is due to temporary  
17 circumstances;

18 2. Whether the projected 5-year capital outlay full  
19 time equivalent student growth rate for the school district is  
20 approaching the 10-percent threshold;

21 3. Whether one or more additional schools within the  
22 school district are at or approaching the 100-percent  
23 threshold; and

24 4. The adequacy of the data and analysis submitted to  
25 support the waiver request.

26 (b) A municipality in a nonexempt county is exempt if  
27 the municipality meets all of the following criteria for  
28 having no significant impact on school attendance:

29 1. The municipality has issued development orders for  
30 fewer than 50 residential dwelling units during the preceding  
31 5 years, or the municipality has generated fewer than 25

1 additional public school students during the preceding 5  
2 years.

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

6 3. The municipality has no public schools located  
7 within its boundaries.

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

30  
31

1           ~~(d)(b)~~ The element shall contain one or more goals  
2 which establish the long-term end toward which public school  
3 programs and activities are ultimately directed.

4           ~~(e)(c)~~ The element shall contain one or more  
5 objectives for each goal, setting specific, measurable,  
6 intermediate ends that are achievable and mark progress toward  
7 the goal.

8           ~~(f)(d)~~ The element shall contain one or more policies  
9 for each objective which establish the way in which programs  
10 and activities will be conducted to achieve an identified  
11 goal.

12           ~~(g)(e)~~ The objectives and policies shall address items  
13 such as:

14           1. The procedure for an annual update process;

15           2. The procedure for school site selection;

16           3. The procedure for school permitting;

17           4. Provision ~~for~~ ~~of supporting~~ infrastructure  
18 necessary to support proposed schools, including potable  
19 water, wastewater, drainage, solid waste, transportation, and  
20 means by which to assure safe access to schools, including  
21 sidewalks, bicycle paths, turn lanes, and signalization;

22           5. Provision for colocation of other public  
23 facilities, such as parks, libraries, and community centers,  
24 in proximity to public schools;

25           6. Provision for location of schools proximate to  
26 residential areas and to complement patterns of development,  
27 including the location of future school sites so they serve as  
28 community focal points;

29           7. Measures to ensure compatibility of school sites  
30 and surrounding land uses;

31

1           8. Coordination with adjacent local governments and  
2 the school district on emergency preparedness issues,  
3 including the use of public schools to serve as emergency  
4 shelters; and

5           9. Coordination with the future land use element.

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

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

25           (j) Failure to adopt the public school facility  
26 element, to enter into an approved interlocal agreement as  
27 required by subparagraph (6)(h)2. and 163.31777, or to amend  
28 the comprehensive plan as necessary to implement school  
29 concurrency, according to the phased schedule, shall result in  
30 a local government being prohibited from adopting amendments  
31 to the comprehensive plan which increase residential density

1 until the necessary amendments have been adopted and  
2 transmitted to the state land planning agency.

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

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

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

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



- 1           1. Future growth in the area using population  
2 forecasts from the Bureau of Economic and Business Research;  
3           2. Priorities for economic development;  
4           3. Preservation of open space, environmentally  
5 sensitive lands, and agricultural lands;  
6           4. Appropriate areas and standards for mixed-use  
7 development;  
8           5. Appropriate areas and standards for high-density  
9 commercial and residential development;  
10           6. Appropriate areas and standards for  
11 economic-development opportunities and employment centers;  
12           7. Provisions for adequate workforce housing;  
13           8. An efficient, interconnected multimodal  
14 transportation system; and  
15           9. Opportunities to create land use patterns that  
16 accommodate the issues listed in subparagraphs 1.-8.  
17           (c) As part of the workshops and public meetings, the  
18 local government must discuss strategies for addressing the  
19 topics discussed under paragraph (b), including:  
20           1. Strategies to preserve open space and  
21 environmentally sensitive lands, and to encourage a healthy  
22 agricultural economy, including innovative planning and  
23 development strategies, such as the transfer of development  
24 rights;  
25           2. Incentives for mixed-use development, including  
26 increased height and intensity standards for buildings that  
27 provide residential use in combination with office or  
28 commercial space;  
29           3. Incentives for workforce housing;  
30           4. Designation of an urban service boundary pursuant  
31 to subsection (2); and

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

5           (d) The community vision must reflect the community's  
6 shared concept for growth and development of the community,  
7 including visual representations depicting the desired  
8 land-use patterns and character of the community during a  
9 10-year planning timeframe. The community vision must also  
10 take into consideration economic viability of the vision and  
11 private property interests.

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

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

22           (g) A local government that has developed a community  
23 vision or completed a visioning process after July 1, 2000,  
24 and before July 1, 2005, which substantially accomplishes the  
25 goals set forth in this subsection and the appropriate goals,  
26 policies, or objectives have been adopted as part of the  
27 comprehensive plan or reflected in subsequently adopted land  
28 development regulations and the plan amendment incorporating  
29 the community vision as a component has been found in  
30 compliance is eligible for the incentives in s. 163.3184(17).

31

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

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

26           (b)1. After the workshops and public meetings required  
27 under paragraph (a) are held, the local government may amend  
28 its comprehensive plan to include the urban service boundary.  
29 This plan amendment must be transmitted and adopted pursuant  
30 to the procedures in ss. 163.3184 and 163.3189 at meetings of  
31

1 the governing body other than those required under paragraph  
2 (a).

3 2. This subsection does not prohibit new development  
4 outside an urban service boundary. However, a local government  
5 that establishes an urban service boundary under this  
6 subsection is encouraged to require a full-cost accounting  
7 analysis for any new development outside the boundary and to  
8 consider the results of that analysis when adopting a plan  
9 amendment for property outside the established urban service  
10 boundary.

11 (c) Amendments submitted under this subsection are  
12 exempt from the limitation on the frequency of plan amendments  
13 in s. 163.3187.

14 (d) A local government that has adopted an urban  
15 service boundary before July 1, 2005, which substantially  
16 accomplishes the goals set forth in this subsection is not  
17 required to comply with paragraph (a) or subparagraph 1. of  
18 paragraph (b) in order to be eligible for the incentives under  
19 s. 163.3184(17). In order to satisfy the provisions of this  
20 paragraph, the local government must secure a determination  
21 from the state land planning agency that the urban service  
22 boundary adopted before July 1, 2005, substantially complies  
23 with the criteria of this subsection, based on data and  
24 analysis submitted by the local government to support this  
25 determination. The determination by the state land planning  
26 agency is not subject to administrative challenge.

27 Section 3. Section 163.31776, Florida Statutes, is  
28 repealed.

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

31 163.31777 Public schools interlocal agreement.--

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

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

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

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

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

31

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

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

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

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

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

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

1           (5) Any local government transmitting a public school  
 2 element to implement school concurrency pursuant to the  
 3 requirements of s. 163.3180 before the effective date of this  
 4 section is not required to amend the element or any interlocal  
 5 agreement to conform with the provisions of this section if  
 6 the element is adopted prior to or within 1 year after the  
 7 effective date of this section and remains in effect until the  
 8 county conducts its evaluation and appraisal report and  
 9 identifies changes necessary to more fully conform to the  
 10 provisions of this section.

11           (6) Except as provided in subsection (7),  
 12 municipalities meeting the exemption criteria in s.  
 13 163.3177(12) having no established need for a new school  
 14 facility and meeting the following criteria are exempt from  
 15 the requirements of subsections (1), (2), and (3).<sup>+</sup>

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

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

25           (7) At the time of the evaluation and appraisal  
 26 report, each exempt municipality shall assess the extent to  
 27 which it continues to meet the criteria for exemption under s.  
 28 163.3177(12) subsection (6). If the municipality continues to  
 29 meet these criteria ~~and the district school board verifies in~~  
 30 ~~writing that no new school facilities will be needed within~~  
 31 ~~the 5 year and 10 year timeframes,~~ the municipality shall

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

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

12 163.3180 Concurrency.--

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

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



1 will be available no later than the anticipated date of  
2 issuance by the local government of a certificate of occupancy  
3 or its functional equivalent.

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

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

30 (4)  
31

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

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

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

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

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

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

20           (e) The local government shall adopt into the plan and  
21 implement strategies to support and fund mobility within the  
22 designated exception area, including alternative modes of  
23 transportation. The plan amendment shall also demonstrate how  
24 strategies will support the purpose of the exception and how  
25 mobility within the designated exception area will be  
26 provided. In addition, the strategies must address urban  
27 design; appropriate land use mixes, including intensity and  
28 density; and network connectivity plans needed to promote  
29 urban infill, redevelopment, or downtown revitalization. The  
30 comprehensive plan amendment designating the concurrency  
31

1 exception area shall be accompanied by data and analysis  
2 justifying the size of the area.

3 (f) Prior to the designation of a concurrency  
4 exception area, the Department of Transportation shall be  
5 consulted by the local government to assess the impact that  
6 the proposed exception 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, and  
9 roadway facilities funded in accordance with s. 339.2819.

10 Further, the local government shall, in cooperation with the  
11 Department of Transportation, develop a plan to mitigate any  
12 impacts to the Strategic Intermodal System, including, if  
13 appropriate, the development of a long-term concurrency  
14 management system pursuant to ss. 163.3177(3)(d) and  
15 163.3180(9). in the comprehensive plan. These guidelines must  
16 include consideration of the impacts on the Florida Intrastate  
17 Highway System, as defined in s. 338.001. The exceptions may  
18 be available only within the specific geographic area of the  
19 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
20 any affected person may challenge a plan amendment  
21 establishing these guidelines and the areas within which an  
22 exception could be granted.

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

28 (6) The Legislature finds that a de minimis impact is  
29 consistent with this part. A de minimis impact is an impact  
30 that would not affect more than 1 percent of the maximum  
31 volume at the adopted level of service of the affected

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

27 (7) In order to promote infill development and  
28 redevelopment, one or more transportation concurrency  
29 management areas may be designated in a local government  
30 comprehensive plan. A transportation concurrency management  
31 area must be a compact geographic area with an existing

1 network of roads where multiple, viable alternative travel  
2 paths or modes are available for common trips. A local  
3 government may establish an areawide level-of-service standard  
4 for such a transportation concurrency management area based  
5 upon an analysis that provides for a justification for the  
6 areawide level of service, how urban infill development or  
7 redevelopment will be promoted, and how mobility will be  
8 accomplished within the transportation concurrency management  
9 area. Prior to the designation of a concurrency management  
10 area, the Department of Transportation shall be consulted by  
11 the local government to assess the impact that the proposed  
12 concurrency management area is expected to have on the adopted  
13 level of service standards established for Strategic  
14 Intermodal System facilities, as defined in s. 339.64, and  
15 roadway facilities funded in accordance with s. 339.2819.  
16 Further, the local government shall, in cooperation with the  
17 Department of Transportation, develop a plan to mitigate any  
18 impacts to the Strategic Intermodal System, including, if  
19 appropriate, the development of a long-term concurrency  
20 management system pursuant to ss. 163.3177(3)(d) and  
21 163.3180(9). Transportation concurrency management areas  
22 existing prior to July 1, 2005, shall meet, at a minimum, the  
23 provisions of this section by July 1, 2006, or at the time of  
24 the comprehensive plan update pursuant to the evaluation and  
25 appraisal report, whichever occurs last. The state land  
26 planning agency shall amend chapter 9J-5, Florida  
27 Administrative Code, to be consistent with this subsection.

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

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

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

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

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

31

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

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



1 facilities for the purposes of implementing its concurrency  
2 management system. Counties are encouraged to coordinate with  
3 adjacent counties, and local governments within a county are  
4 encouraged to coordinate, for the purpose of using common  
5 methodologies for measuring impacts on transportation  
6 facilities for the purpose of implementing their concurrency  
7 management systems.

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

27 (a) Public school facilities element.--A local  
28 government shall adopt and transmit to the state land planning  
29 agency a plan or plan amendment which includes a public school  
30 facilities element which is consistent with the requirements  
31 of s. 163.3177(12) and which is determined to be in compliance

1 as defined in s. 163.3184(1)(b). All local government public  
2 school facilities plan elements within a county must be  
3 consistent with each other as well as the requirements of this  
4 part.

5 (b) Level-of-service standards.--The Legislature  
6 recognizes that an essential requirement for a concurrency  
7 management system is the level of service at which a public  
8 facility is expected to operate.

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

15 2. Public school level-of-service standards shall be  
16 included and adopted into the capital improvements element of  
17 the local comprehensive plan and shall apply districtwide to  
18 all schools of the same type. Types of schools may include  
19 elementary, middle, and high schools as well as special  
20 purpose facilities such as magnet schools.

21 3. Local governments and school boards shall have the  
22 option to utilize tiered level-of-service standards to allow  
23 time to achieve an adequate and desirable level of service as  
24 circumstances warrant.

25 (c) Service areas.--The Legislature recognizes that an  
26 essential requirement for a concurrency system is a  
27 designation of the area within which the level of service will  
28 be measured when an application for a residential development  
29 permit is reviewed for school concurrency purposes. This  
30 delineation is also important for purposes of determining  
31 whether the local government has a financially feasible public

1 school capital facilities program that will provide schools  
2 which will achieve and maintain the adopted level-of-service  
3 standards.

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

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

1 ~~concurrency system shall be by plan amendment and shall be~~  
2 ~~exempt from the limitation on the frequency of plan amendments~~  
3 ~~in s. 163.3187(1).~~

4         3. Where school capacity is available on a  
5 districtwide basis but school concurrency is applied on a less  
6 than districtwide basis in the form of concurrency service  
7 areas, if the adopted level-of-service standard cannot be met  
8 in a particular service area as applied to an application for  
9 a development permit and if the needed capacity for the  
10 particular service area is available in one or more contiguous  
11 service areas, as adopted by the local government, then the  
12 local government may not deny an application for site plan or  
13 final subdivision approval or the functional equivalent for a  
14 development or phase of a development on the basis of school  
15 concurrency, and if order shall be issued, development impacts  
16 shall be shifted to contiguous service areas with schools  
17 having available capacity and mitigation measures shall not be  
18 exacted.

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

28         1. A comprehensive plan amendment seeking to impose  
29 school concurrency shall contain appropriate amendments to the  
30 capital improvements element of the comprehensive plan,  
31 consistent with the requirements of s. 163.3177(3) and rule

1 9J-5.016, Florida Administrative Code. The capital  
2 improvements element shall set forth a financially feasible  
3 public school capital facilities program, established in  
4 conjunction with the school board, that demonstrates that the  
5 adopted level-of-service standards will be achieved and  
6 maintained.

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

13 3. When the financial feasibility of a public school  
14 capital facilities program is evaluated by the state land  
15 planning agency for purposes of a compliance determination,  
16 the evaluation shall be based upon the service areas selected  
17 by the local governments and school board.

18 (e) Availability standard.--Consistent with the public  
19 welfare, a local government may not deny an application for  
20 site plan, final subdivision approval, or the functional  
21 equivalent for a development or phase of a development ~~permit~~  
22 authorizing residential development for failure to achieve and  
23 maintain the level-of-service standard for public school  
24 capacity in a local ~~option~~ school concurrency management  
25 system where adequate school facilities will be in place or  
26 under actual construction within 3 years after the ~~permit~~  
27 issuance of final subdivision or site plan approval, or the  
28 functional equivalent. School concurrency shall be satisfied  
29 if the developer executes a legally binding commitment to  
30 provide mitigation proportionate to the demand for public  
31 school facilities to be created by actual development of the

1 property, including, but not limited to, the options described  
2 in subparagraph 1. Options for proportionate-share mitigation  
3 of impacts on public school facilities shall be established in  
4 the public school facilities element and the interlocal  
5 agreement pursuant to s. 163.31777.

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

24 2. If the education facilities plan and the public  
25 educational facilities element authorize a contribution of  
26 land; the construction, expansion, or payment for land  
27 acquisition; or the construction or expansion of a public  
28 school facility, or a portion thereof, as proportionate-share  
29 mitigation, the local government shall credit such a  
30 contribution, construction, expansion, or payment toward any  
31 other impact fee or exaction imposed by local ordinance for

1 the same need, on a dollar-for-dollar basis at fair market  
2 value.

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

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

12 (f) Intergovernmental coordination.--

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

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

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

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

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

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

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



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

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

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

18 ~~2.3.~~ Establish a process for the development of siting  
19 criteria which encourages the location of public schools  
20 proximate to urban residential areas to the extent possible  
21 and seeks to collocate schools with other public facilities  
22 such as parks, libraries, and community centers to the extent  
23 possible.

24 ~~3.4.~~ Specify uniform, districtwide level-of-service  
25 standards for public schools of the same type and the process  
26 for modifying the adopted level-of-service standards.

27 ~~4.5.~~ Establish a process for the preparation,  
28 amendment, and joint approval by each local government and the  
29 school board of a public school capital facilities program  
30 which is financially feasible, and a process and schedule for  
31 incorporation of the public school capital facilities program

1 into the local government comprehensive plans on an annual  
2 basis.

3 ~~5.6.~~ Define the geographic application of school  
4 concurrency. If school concurrency is to be applied on a less  
5 than districtwide basis in the form of concurrency service  
6 areas, the agreement shall establish criteria and standards  
7 for the establishment and modification of school concurrency  
8 service areas. The agreement shall also establish a process  
9 and schedule for the mandatory incorporation of the school  
10 concurrency service areas and the criteria and standards for  
11 establishment of the service areas into the local government  
12 comprehensive plans. The agreement shall ensure maximum  
13 utilization of school capacity, taking into account  
14 transportation costs and court-approved desegregation plans,  
15 as well as other factors. The agreement shall also ensure the  
16 achievement and maintenance of the adopted level-of-service  
17 standards for the geographic area of application throughout  
18 the 5 years covered by the public school capital facilities  
19 plan and thereafter by adding a new fifth year during the  
20 annual update.

21 ~~6.7.~~ Establish a uniform districtwide procedure for  
22 implementing school concurrency which provides for:

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

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

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

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

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

10 (h) This subsection does not limit the authority of a  
11 local government to grant or deny a development permit or its  
12 functional equivalent prior to the implementation of school  
13 concurrency.

14 (15)(a) Multimodal transportation districts may be  
15 established under a local government comprehensive plan in  
16 areas delineated on the future land use map for which the  
17 local comprehensive plan assigns secondary priority to vehicle  
18 mobility and primary priority to assuring a safe, comfortable,  
19 and attractive pedestrian environment, with convenient  
20 interconnection to transit. Such districts must incorporate  
21 community design features that will reduce the number of  
22 automobile trips or vehicle miles of travel and will support  
23 an integrated, multimodal transportation system. Prior to the  
24 designation of multimodal transportation districts, the  
25 Department of Transportation shall be consulted by the local  
26 government to assess the impact that the proposed multimodal  
27 district area is expected to have on the adopted level of  
28 service standards established for Strategic Intermodal System  
29 facilities, as defined in s. 339.64, and roadway facilities  
30 funded in accordance with s. 339.2819. Further, the local  
31 government shall, in cooperation with the Department of

1 Transportation, develop a plan to mitigate any impacts to the  
2 Strategic Intermodal System, including the development of a  
3 long-term concurrency management system pursuant to ss.  
4 163.3177(3)(d) and 163.3180(9). Multimodal transportation  
5 districts existing prior to July 1, 2005, shall meet, at a  
6 minimum, the provisions of this section by July 1, 2006, or at  
7 the time of the comprehensive plan update pursuant to the  
8 evaluation and appraisal report, whichever occurs last.

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

21 (c) Local governments may establish multimodal  
22 level-of-service standards that rely primarily on nonvehicular  
23 modes of transportation within the district, when justified by  
24 an analysis demonstrating that the existing and planned  
25 community design will provide an adequate level of mobility  
26 within the district based upon professionally accepted  
27 multimodal level-of-service methodologies. ~~The analysis must~~  
28 ~~take into consideration the impact on the Florida Intrastate~~  
29 ~~Highway System.~~ The analysis must also demonstrate that the  
30 capital improvements required to promote community design are  
31 financially feasible over the development or redevelopment

1 | timeframe for the district and that community design features  
2 | within the district provide convenient interconnection for a  
3 | multimodal transportation system. Local governments may issue  
4 | development permits in reliance upon all planned community  
5 | design capital improvements that are financially feasible over  
6 | the development or redevelopment timeframe for the district,  
7 | without regard to the period of time between development or  
8 | redevelopment and the scheduled construction of the capital  
9 | improvements. A determination of financial feasibility shall  
10 | be based upon currently available funding or funding sources  
11 | that could reasonably be expected to become available over the  
12 | planning period.

13 |         (d) Local governments may reduce impact fees or local  
14 | access fees for development within multimodal transportation  
15 | districts based on the reduction of vehicle trips per  
16 | household or vehicle miles of travel expected from the  
17 | development pattern planned for the district.

18 |         (16) It is the intent of the Legislature to provide a  
19 | method by which the impacts of development on transportation  
20 | facilities can be mitigated by the cooperative efforts of the  
21 | public and private sectors. The methodology used to calculate  
22 | proportionate fair-share mitigation under this section shall  
23 | be as provided for in s. 163.3180(12).

24 |         (a) By December 1, 2006, each local government shall  
25 | adopt by ordinance a methodology for assessing proportionate  
26 | fair-share mitigation options. By December 1, 2005, the  
27 | 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       (b)1. In its transportation concurrency management  
2 system, a local government shall, by December 1, 2006, include  
3 methodologies that will be applied to calculate proportionate  
4 fair-share mitigation. A developer may choose to satisfy all  
5 transportation concurrency requirements by contributing or  
6 paying proportionate fair-share mitigation if transportation  
7 facilities or facility segments identified as mitigation for  
8 traffic impacts are specifically identified for funding in the  
9 5-year schedule of capital improvements in the capital  
10 improvements element of the local plan or the long-term  
11 concurrency management system or if such contributions or  
12 payments to such facilities or segments are reflected in the  
13 5-year schedule of capital improvements in the next regularly  
14 scheduled update of the capital improvements element. Updates  
15 to the 5-year capital improvements element which reflect  
16 proportionate fair-share contributions may not be found not in  
17 compliance based on s. 163.3177(3) and s. 163.164(32) if  
18 additional contributions, payments or funding sources are  
19 reasonably anticipated during a period not to exceed 10 years  
20 to fully mitigate impacts on the transportation facilities.

21       2. Proportionate fair-share mitigation shall be  
22 applied as a credit against impact fees to the extent that all  
23 or a portion of the proportionate fair-share mitigation is  
24 used to address the same capital infrastructure improvements  
25 contemplated by the local government's impact fee ordinance.

26       (c) Proportionate fair-share mitigation includes,  
27 without limitation, separately or collectively, private funds,  
28 contributions of land, and construction and contribution of  
29 facilities and may include public funds as determined by the  
30 local government. The fair market value of the proportionate  
31 fair-share mitigation shall not differ based on the form of

1 mitigation. A local government may not require a development  
2 to pay more than its proportionate fair-share contribution  
3 regardless of the method of mitigation.

4 (d) Nothing in this subsection shall require a local  
5 government to approve a development that is not otherwise  
6 qualified for approval pursuant to the applicable local  
7 comprehensive plan and land development regulations.

8 (e) Mitigation for development impacts to facilities  
9 on the Strategic Intermodal System made pursuant to this  
10 subsection requires the concurrence of the Department of  
11 Transportation.

12 (f) In the event the funds in an adopted 5-year  
13 capital improvements element are insufficient to fully fund  
14 construction of a transportation improvement required by the  
15 local government's concurrency management system, a local  
16 government and a developer may still enter into a binding  
17 proportionate share agreement authorizing the developer to  
18 construct that amount of development on which the  
19 proportionate share is calculated if the proportionate share  
20 amount in such agreement is sufficient to pay for one or more  
21 improvements which will, in the opinion of the governmental  
22 entity or entities maintaining the transportation facilities,  
23 significantly benefit the impacted transportation system. The  
24 improvement or improvements funded by the proportionate share  
25 component must be adopted into the 5-year capital improvements  
26 schedule of the comprehensive plan at the next annual capital  
27 improvements element update.

28 (g) Except as provided in subparagraph (b)1., nothing  
29 in this section shall prohibit the Department of Community  
30 Affairs from finding other portions of the capital  
31

1 improvements element amendments not in compliance as provided  
2 in this chapter.

3 (h) The provisions of this subsection do not apply to  
4 a multiuse development of regional impact satisfying the  
5 requirements of subsection (12).

6 Section 6. Subsections (17) and (18) are added to  
7 section 163.3184, Florida Statutes, to read:

8 163.3184 Process for adoption of comprehensive plan or  
9 plan amendment.--

10 (17) A local government that has adopted a community  
11 vision and urban service boundary under s. 163.31773(13) and  
12 (14) may adopt a plan amendment related to map amendments  
13 solely to property within an urban service boundary in the  
14 manner described in subsections (1), (2), (7), (14), (15), and  
15 (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that  
16 state and regional agency review is eliminated. The department  
17 may not issue an objections, recommendations, and comments  
18 report on proposed plan amendments or a notice of intent on  
19 adopted plan amendments; however, affected persons, as defined  
20 by paragraph (1)(a), may file a petition for administrative  
21 review pursuant to the requirements of s. 163.3187(3)(a) to  
22 challenge the compliance of an adopted plan amendment. This  
23 subsection does not apply to any amendment within an area of  
24 critical state concern, to any amendment that increases  
25 residential densities allowable in high-hazard coastal areas  
26 as defined in s. 163.3178(2)(h), or to a text change to the  
27 goals, policies, or objectives of the local government's  
28 comprehensive plan. Amendments submitted under this subsection  
29 are exempt from the limitation on the frequency of plan  
30 amendments in s. 163.3187.

31



1           (18) A municipality that has a designated urban infill  
2 and redevelopment area under s. 163.2517 may adopt a plan  
3 amendment related to map amendments solely to property within  
4 a designated urban infill and redevelopment area in the manner  
5 described in subsections (1), (2), (7), (14), (15), and (16)  
6 and s. 163.3187(1)(c)1.d. and e., 2., 3., such that state and  
7 regional agency review is eliminated. The department may not  
8 issue an objections, recommendations, and comments report on  
9 proposed plan amendments or a notice of intent on adopted plan  
10 amendments; however, affected persons, as defined by paragraph  
11 (1)(a), may file a petition for administrative review pursuant  
12 to the requirements of s. 163.3187(3)(a) to challenge the  
13 compliance of an adopted plan amendment. This subsection does  
14 not apply to any amendment within an area of critical state  
15 concern, to any amendment that increases residential densities  
16 allowable in high-hazard coastal areas as defined in s.  
17 163.3178(2)(h), or to a text change to the goals, policies, or  
18 objectives of the local government's comprehensive plan.  
19 Amendments submitted under this subsection are exempt from the  
20 limitation on the frequency of plan amendments in s. 163.3187.

21           Section 7. Paragraph (c) of subsection (1) is amended  
22 and paragraph (o) is added to section 163.3187, Florida  
23 Statutes, to read:

24           163.3187 Amendment of adopted comprehensive plan.--

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

28           (c) Any local government comprehensive plan amendments  
29 directly related to proposed small scale development  
30 activities may be approved without regard to statutory limits  
31 on the frequency of consideration of amendments to the local

1 comprehensive plan. A small scale development amendment may be  
2 adopted only under the following conditions:

3 1. The proposed amendment involves a use of 10 acres  
4 or fewer and:

5 a. The cumulative annual effect of the acreage for all  
6 small scale development amendments adopted by the local  
7 government shall not exceed:

8 (I) A maximum of 120 acres in a local government that  
9 contains areas specifically designated in the local  
10 comprehensive plan for urban infill, urban redevelopment, or  
11 downtown revitalization as defined in s. 163.3164, urban  
12 infill and redevelopment areas designated under s. 163.2517,  
13 transportation concurrency exception areas approved pursuant  
14 to s. 163.3180(5), or regional activity centers and urban  
15 central business districts approved pursuant to s.  
16 380.06(2)(e); however, amendments under this paragraph may be  
17 applied to no more than 60 acres annually of property outside  
18 the designated areas listed in this sub-sub-subparagraph.  
19 Amendments adopted pursuant to paragraph (k) shall not be  
20 counted toward the acreage limitations for small scale  
21 amendments under this paragraph.

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

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

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

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

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

6 e. The property that is the subject of the proposed  
7 amendment is not located within an area of critical state  
8 concern, unless the project subject to the proposed amendment  
9 involves the construction of affordable housing units meeting  
10 the criteria of s. 420.0004(3), and is located within an area  
11 of critical state concern designated by s. 380.0552 or by the  
12 Administration Commission pursuant to s. 380.05(1). Such  
13 amendment is not subject to the density limitations of  
14 sub-subparagraph f., and shall be reviewed by the state land  
15 planning agency for consistency with the principles for  
16 guiding development applicable to the area of critical state  
17 concern where the amendment is located and shall not become  
18 effective until a final order is issued under s. 380.05(6).

19 f. If the proposed amendment involves a residential  
20 land use, the residential land use has a density of 10 units  
21 or less per acre or the proposed future land use category  
22 allows a maximum residential density of the same or less than  
23 the maximum residential density allowable under the existing  
24 future land use category, except that this limitation does not  
25 apply to small scale amendments involving the construction of  
26 affordable housing units meeting the criteria of s.  
27 420.0004(3) on property which will be the subject of a land  
28 use restriction agreement or extended use agreement recorded  
29 in conjunction with the issuance of tax exempt bond financing  
30 or an allocation of federal tax credits issued through the  
31 Florida Housing Finance Corporation or a local housing finance

1 authority authorized by the Division of Bond Finance of the  
2 State Board of Administration, or small scale amendments  
3 described in sub-sub-subparagraph a.(I) that are designated in  
4 the local comprehensive plan for urban infill, urban  
5 redevelopment, or downtown revitalization as defined in s.  
6 163.3164, urban infill and redevelopment areas designated  
7 under s. 163.2517, transportation concurrency exception areas  
8 approved pursuant to s. 163.3180(5), or regional activity  
9 centers and urban central business districts approved pursuant  
10 to s. 380.06(2)(e).

11         2.a. A local government that proposes to consider a  
12 plan amendment pursuant to this paragraph is not required to  
13 comply with the procedures and public notice requirements of  
14 s. 163.3184(15)(c) for such plan amendments if the local  
15 government complies with the provisions in s. 125.66(4)(a) for  
16 a county or in s. 166.041(3)(c) for a municipality. If a  
17 request for a plan amendment under this paragraph is initiated  
18 by other than the local government, public notice is required.

19         b. The local government shall send copies of the  
20 notice and amendment to the state land planning agency, the  
21 regional planning council, and any other person or entity  
22 requesting a copy. This information shall also include a  
23 statement identifying any property subject to the amendment  
24 that is located within a coastal high hazard area as  
25 identified in the local comprehensive plan.

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

1           4. If the small scale development amendment involves a  
2 site within an area that is designated by the Governor as a  
3 rural area of critical economic concern under s. 288.0656(7)  
4 for the duration of such designation, the 10-acre limit listed  
5 in subparagraph 1. shall be increased by 100 percent to 20  
6 acres. The local government approving the small scale plan  
7 amendment shall certify to the Office of Tourism, Trade, and  
8 Economic Development that the plan amendment furthers the  
9 economic objectives set forth in the executive order issued  
10 under s. 288.0656(7), and the property subject to the plan  
11 amendment shall undergo public review to ensure that all  
12 concurrency requirements and federal, state, and local  
13 environmental permit requirements are met.

14           (d) Any comprehensive plan amendment required by a  
15 compliance agreement pursuant to s. 163.3184(16) may be  
16 approved without regard to statutory limits on the frequency  
17 of adoption of amendments to the comprehensive plan.

18           (e) A comprehensive plan amendment for location of a  
19 state correctional facility. Such an amendment may be made at  
20 any time and does not count toward the limitation on the  
21 frequency of plan amendments.

22           (f) Any comprehensive plan amendment that changes the  
23 schedule in the capital improvements element, and any  
24 amendments directly related to the schedule, may be made once  
25 in a calendar year on a date different from the two times  
26 provided in this subsection when necessary to coincide with  
27 the adoption of the local government's budget and capital  
28 improvements program.

29           (g) Any local government comprehensive plan amendments  
30 directly related to proposed redevelopment of brownfield areas  
31 designated under s. 376.80 may be approved without regard to

1 statutory limits on the frequency of consideration of  
2 amendments to the local comprehensive plan.

3 (h) Any comprehensive plan amendments for port  
4 transportation facilities and projects that are eligible for  
5 funding by the Florida Seaport Transportation and Economic  
6 Development Council pursuant to s. 311.07.

7 (i) A comprehensive plan amendment for the purpose of  
8 designating an urban infill and redevelopment area under s.  
9 163.2517 may be approved without regard to the statutory  
10 limits on the frequency of amendments to the comprehensive  
11 plan.

12 (j) Any comprehensive plan amendment to establish  
13 public school concurrency pursuant to s. 163.3180(13),  
14 including, but not limited to, adoption of a public school  
15 facilities element and adoption of amendments to the capital  
16 improvements element and intergovernmental coordination  
17 element. In order to ensure the consistency of local  
18 government public school facilities elements within a county,  
19 such elements shall be prepared and adopted on a similar time  
20 schedule.

21 (k) A local comprehensive plan amendment directly  
22 related to providing transportation improvements to enhance  
23 life safety on Controlled Access Major Arterial Highways  
24 identified in the Florida Intrastate Highway System, in  
25 counties as defined in s. 125.011, where such roadways have a  
26 high incidence of traffic accidents resulting in serious  
27 injury or death. Any such amendment shall not include any  
28 amendment modifying the designation on a comprehensive  
29 development plan land use map nor any amendment modifying the  
30 allowable densities or intensities of any land.

31

1           (1) A comprehensive plan amendment to adopt a public  
2 educational facilities element pursuant to s. 163.31776 and  
3 future land-use-map amendments for school siting may be  
4 approved notwithstanding statutory limits on the frequency of  
5 adopting plan amendments.

6           (m) A comprehensive plan amendment that addresses  
7 criteria or compatibility of land uses adjacent to or in close  
8 proximity to military installations in a local government's  
9 future land use element does not count toward the limitation  
10 on the frequency of the plan amendments.

11           (n) Any local government comprehensive plan amendment  
12 establishing or implementing a rural land stewardship area  
13 pursuant to the provisions of s. 163.3177(11)(d).

14           (o) A comprehensive plan amendment that is submitted  
15 by an area designated by the Governor as a rural area of  
16 critical economic concern under s. 288.0656(7) and that meets  
17 the economic development objectives may be approved without  
18 regard to the statutory limits on the frequency of adoption of  
19 amendments to the comprehensive plan.

20           Section 8. Subsections (2) and (10) of section  
21 163.3191, Florida Statutes, are amended to read:

22           163.3191 Evaluation and appraisal of comprehensive  
23 plan.--

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

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

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

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

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

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

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

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

31



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

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

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

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

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

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

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

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

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

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

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

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

1 6-month extension for the adoption of such amendments if the  
2 request is justified by good and sufficient cause as  
3 determined by the agency. An additional extension may also be  
4 granted if the request will result in greater coordination  
5 between transportation and land use, for the purposes of  
6 improving Florida's transportation system, as determined by  
7 the agency in coordination with the Metropolitan Planning  
8 Organization program. Beginning July 1, 2006, failure to  
9 timely adopt and transmit update amendments to the  
10 comprehensive plan based on the evaluation and appraisal  
11 report shall result in a local government being prohibited  
12 from adopting amendments to the comprehensive plan until the  
13 evaluation and appraisal report update amendments have been  
14 adopted and transmitted to the state land planning agency. The  
15 prohibition on plan amendments shall commence when the update  
16 amendments to the comprehensive plan are past due. The  
17 comprehensive plan as amended shall be in compliance as  
18 defined in s. 163.3184(1)(b). Within 6 months after the  
19 effective date of the update amendments to the comprehensive  
20 plan, the local government shall provide to the state land  
21 planning agency and to all agencies designated by rule a  
22 complete copy of the updated comprehensive plan.

23 Section 9. Paragraph (b) of subsection (4) of section  
24 339.135, Florida Statutes, is amended to read:

25 339.135 Work program; legislative budget request;  
26 definitions; preparation, adoption, execution, and  
27 amendment.--

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

29 (b)1. A tentative work program, including the ensuing  
30 fiscal year and the successive 4 fiscal years, shall be  
31 prepared for the State Transportation Trust Fund and other

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

10 2. The tentative work program shall be developed in  
11 accordance with the Florida Transportation Plan required in s.  
12 339.155 and must comply with the program funding levels  
13 contained in the program and resource plan.

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

1 ~~Intrastate Highway System~~ and the first 3 years of the adopted  
 2 work program stand as the commitment of the state to undertake  
 3 transportation projects that local governments may rely on for  
 4 planning and concurrency purposes and in the development and  
 5 amendment of the capital improvements elements of their local  
 6 government comprehensive plans.

7 4. The tentative work program must include a balanced  
 8 36-month forecast of cash and expenditures and a 5-year  
 9 finance plan supporting the tentative work program.

10 Section 10. The Office of Program Policy Analysis and  
 11 Government Accountability shall perform a study on adjustments  
 12 to the boundaries of Florida Regional Planning Councils,  
 13 Florida Water Management Districts, and Department of  
 14 Transportation Districts. The purpose of this study is to  
 15 organize these regional boundaries to be more coterminous with  
 16 one another, creating a more unified system of regional  
 17 boundaries. This study must be completed by December 31, 2005,  
 18 and submitted to the President of the Senate, the Speaker of  
 19 the House of Representatives, and the Governor by January 15,  
 20 2006.

21 Section 11. Section 163.3247, Florida Statutes, is  
 22 created to read:

23 163.3247 Century Commission for a Sustainable  
 24 Florida.--

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

27 (2) FINDINGS AND INTENT.--The Legislature finds and  
 28 declares that the population of this state is expected to more  
 29 than double over the next 100 years, with commensurate impacts  
 30 to the state's natural resources and public infrastructure.  
 31 Consequently, it is in the best interests of the people of the

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

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

18 (a) The commission shall consist of fifteen members,  
19 five appointed by the Governor, five appointed by the  
20 President of the Senate, and five appointed by the Speaker of  
21 the House of Representatives. Appointments shall be made no  
22 later than October 1, 2005. The membership must represent  
23 local governments, school boards, developers and homebuilders,  
24 the business community, the agriculture community, the  
25 environmental community, and other appropriate stakeholders.  
26 One member shall be designated by the Governor as chair of the  
27 commission. Any vacancy that occurs on the commission must be  
28 filled in the same manner as the original appointment and  
29 shall be for the unexpired term of that commission seat.  
30 Members shall serve 4-year terms, except that, initially, to  
31 provide for staggered terms, the Governor, the President of

1 the Senate, and the Speaker of the House of Representatives,  
2 shall each appoint one member to serve a 2-year term, two  
3 members to serve 3-year terms, and two members to serve 4-year  
4 terms. All subsequent appointments shall be for 4-year terms.  
5 An appointee may not serve more than 6 years.

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

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

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

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

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

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



1 maintaining the natural, historical, cultural, and manmade  
2 life qualities that best represent the state.

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

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

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

20 (f) Annually, beginning January 16, 2007, and every  
21 year thereafter on the same date, provide to the Governor, the  
22 President of the Senate, and the Speaker of the House of  
23 Representatives a written report containing specific  
24 recommendations for addressing growth management in the state,  
25 including executive and legislative recommendations. Further,  
26 the report shall contain discussions regarding the need for  
27 intergovernmental cooperation and the balancing of  
28 environmental protection and future development and  
29 recommendations on issues, including, but not limited to,  
30 recommendations regarding dedicated sources of funding for  
31 sewer facilities, water supply and quality, transportation

1 facilities that are not adequately addressed by the Strategic  
2 Intermodal System, and educational infrastructure to support  
3 existing development and projected population growth.

4 (g) Beginning with the 2007 Regular Session of the  
5 Legislature, the President of the Senate and Speaker of the  
6 House of Representatives shall create a joint select  
7 committee, the task of which shall be to review the findings  
8 and recommendations of the Century Commission for a  
9 Sustainable Florida for potential action.

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

11 (a) The Secretary of Community Affairs shall select an  
12 executive director of the commission, and the executive  
13 director shall serve at the pleasure of the secretary under  
14 the supervision and control of the commission.

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

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

21 Section 12. Section 339.2819, Florida Statutes, is  
22 created to read:

23 339.2819 Transportation Regional Incentive Program.--

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

29 (2) The percentage of matching funds provided from the  
30 Transportation Regional Incentive Program shall be 50 percent  
31 of project costs, or up to 50 percent of the nonfederal share

1 of the eligible project cost for a public transportation  
2 facility project.

3 (3) The department shall allocate funding available  
4 for the Transportation Regional Incentive Program to the  
5 districts based on a factor derived from equal parts of  
6 population and motor fuel collections for eligible counties in  
7 regional transportation areas created pursuant to s.  
8 339.155(5).

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

11 1. Support those transportation facilities that serve  
12 national, statewide, or regional functions and function as an  
13 integrated regional transportation system.

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

19 Further, the project shall be in compliance with local  
20 government comprehensive plan policies relative to corridor  
21 management.

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

24 4. Have a commitment for local, regional, or private  
25 financial matching funds as a percentage of the overall  
26 project cost.

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

29 1. Provide connectivity to the Strategic Intermodal  
30 System developed under s. 339.64.

31

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

4           3. Are subject to a local ordinance that establishes  
5 corridor management techniques, including access management  
6 strategies, right-of-way acquisition and protection measures,  
7 appropriate land use strategies, zoning, and setback  
8 requirements for adjacent land uses.

9           4. Improve connectivity between military installations  
10 and the Strategic Highway Network or the Strategic Rail  
11 Corridor Network.

12           (5) Funds paid into the State Transportation Trust  
13 Fund pursuant to s. 201.15(1)(d) for the purposes of the  
14 Transportation Regional Incentive Program are hereby annually  
15 appropriated for expenditure to support that program.

16           Section 13. Section 337.107, Florida Statutes, is  
17 amended to read:

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

27           Section 14. 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 15. Paragraph (a) of subsection (7) of section  
8 337.11, Florida Statutes, is amended to read:

9 337.11 Contracting authority of department; bids;  
10 emergency repairs, supplemental agreements, and change orders;  
11 combined design and construction contracts; progress payments;  
12 records; requirements of vehicle registration.--

13 (7)(a) If the head of the department determines that  
14 it is in the best interests of the public, the department may  
15 combine the right-of-way services and design and construction  
16 phases of any a building, a major bridge, a limited access  
17 facility, or a rail corridor project into a single contract,  
18 except for a resurfacing or minor bridge project, the  
19 right-of-way services and design and construction phases 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 title to the  
25 necessary rights-of-way and easements for the construction of  
26 that portion of the project has vested in the state or a local  
27 governmental entity and all railroad crossing and utility  
28 agreements have been executed. Title to rights-of-way vests in  
29 the state when the title has been dedicated to the public or  
30 acquired by prescription.

31

1           Section 16. Effective July 1, 2007, paragraph (a) of  
2 subsection (7) of section 337.11, Florida Statutes, as amended  
3 by this act, is amended to read:

4           337.11 Contracting authority of department; bids;  
5 emergency repairs, supplemental agreements, and change orders;  
6 combined design and construction contracts; progress payments;  
7 records; requirements of vehicle registration.--

8           (7)(a) If the head of the department determines that  
9 it is in the best interests of the public, the department may  
10 combine the ~~right of way services and~~ design and construction  
11 phases of a building, a major bridge, a limited access  
12 facility, or a rail corridor ~~any~~ project into a single  
13 contract, ~~except for a resurfacing or minor bridge project,~~  
14 ~~the right of way services and design and construction phase 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  
20 department has not yet obtained 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 in the state when the title has been  
26 dedicated to the public or acquired by prescription.

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

29           380.06 Developments of regional impact.--

30           (24) STATUTORY EXEMPTIONS.--

31

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

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

20       (n) Any proposed development or redevelopment within  
21 an area designated as an urban infill and redevelopment area  
22 under s. 163.2517 is exempt from the provisions of this  
23 section if the local government has entered into a binding  
24 agreement with jurisdictions that would be impacted and the  
25 Department of Transportation regarding the mitigation of  
26 impacts on state and regional transportation facilities, and  
27 has adopted a proportionate share methodology pursuant to s.  
28 163.3180(16).

29       Section 18. Subsections (3), (7), and (8) of section  
30 1013.33, Florida Statutes, are amended to read:

31

1           1013.33 Coordination of planning with local governing  
2 bodies.--

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

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

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

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

28           (d) A process for determining the need for and timing  
29 of onsite and offsite improvements to support new  
30 construction, proposed expansion, or redevelopment of existing  
31



1 schools. The process shall address identification of the party  
2 or parties responsible for the improvements.

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

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

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

17 (h) A procedure for the resolution of disputes between  
18 the district school board and local governments, which may  
19 include the dispute resolution processes contained in chapters  
20 164 and 186.

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

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

1 ~~comprehensive plan and land development regulations of any~~  
2 ~~local government that is a signatory.~~

3 (7) Except as provided in subsection (8),  
4 municipalities meeting the exemption criteria in s.  
5 163.3177(12) ~~having no established need for a new facility and~~  
6 ~~meeting the following criteria~~ are exempt from the  
7 requirements of subsections (2), (3), and (4).~~+~~

8 ~~(a) The municipality has no public schools located~~  
9 ~~within its boundaries.~~

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

17 (8) At the time of the evaluation and appraisal  
18 report, each exempt municipality shall assess the extent to  
19 which it continues to meet the criteria for exemption under s.  
20 163.3177(12) ~~subsection (7)~~. If the municipality continues to  
21 meet these criteria ~~and the district school board verifies in~~  
22 ~~writing that no new school facilities will be needed within~~  
23 ~~the 5 year and 10 year timeframes~~, the municipality shall  
24 continue to be exempt from the interlocal-agreement  
25 requirement. Each municipality exempt under s. 163.3177(12)  
26 ~~subsection (7)~~ must comply with the provisions of subsections  
27 (2)-(8) within 1 year after the district school board  
28 proposes, in its 5-year district facilities work program, a  
29 new school within the municipality's jurisdiction.

30 Section 19. Subsection (2) of section 206.46, Florida  
31 Statutes, is amended to read:

1           206.46 State Transportation Trust Fund.--  
 2           (2) Notwithstanding any other provisions of law, from  
 3 the revenues deposited into the State Transportation Trust  
 4 Fund a maximum of 7 percent in each fiscal year shall be  
 5 transferred into the Right-of-Way Acquisition and Bridge  
 6 Construction Trust Fund created in s. 215.605, as needed to  
 7 meet the requirements of the documents authorizing the bonds  
 8 issued or proposed to be issued under ss. 215.605 and 337.276  
 9 or at a minimum amount sufficient to pay for the debt service  
 10 coverage requirements of outstanding bonds. Notwithstanding  
 11 the 7 percent annual transfer authorized in this subsection,  
 12 the annual amount transferred under this subsection shall not  
 13 exceed an amount necessary to provide the required debt  
 14 service coverage levels for a maximum debt service not to  
 15 exceed ~~\$275~~\$200 million. Such transfer shall be payable  
 16 primarily from the motor and diesel fuel taxes transferred to  
 17 the State Transportation Trust Fund from the Fuel Tax  
 18 Collection Trust Fund.

19           Section 20. Subsection (1) of section 339.08, Florida  
 20 Statutes, is amended to read:

21           339.08 Use of moneys in State Transportation Trust  
 22 Fund.--

23           (1) The department shall expend moneys in the State  
 24 Transportation Trust Fund accruing to the department, in  
 25 accordance with its annual budget. The use of such moneys  
 26 shall be restricted to the following purposes:

27           (a) To pay administrative expenses of the department,  
 28 including administrative expenses incurred by the several  
 29 state transportation districts, but excluding administrative  
 30 expenses of commuter rail authorities that do not operate rail  
 31 service.

- 1           (b) To pay the cost of construction of the State  
2 Highway System.
- 3           (c) To pay the cost of maintaining the State Highway  
4 System.
- 5           (d) To pay the cost of public transportation projects  
6 in accordance with chapter 341 and ss. 332.003-332.007.
- 7           (e) To reimburse counties or municipalities for  
8 expenditures made on projects in the State Highway System as  
9 authorized by s. 339.12(4) upon legislative approval.
- 10          (f) To pay the cost of economic development  
11 transportation projects in accordance with s. 288.063.
- 12          (g) To lend or pay a portion of the operating,  
13 maintenance, and capital costs of a revenue-producing  
14 transportation project that is located on the State Highway  
15 System or that is demonstrated to relieve traffic congestion  
16 on the State Highway System.
- 17          (h) To match any federal-aid funds allocated for any  
18 other transportation purpose, including funds allocated to  
19 projects not located in the State Highway System.
- 20          (i) To pay the cost of county road projects selected  
21 in accordance with the Small County Road Assistance Program  
22 created in s. 339.2816.
- 23          (j) To pay the cost of county or municipal road  
24 projects selected in accordance with the County Incentive  
25 Grant Program created in s. 339.2817 and the Small County  
26 Outreach Program created in s. 339.2818.
- 27          (k) To provide loans and credit enhancements for use  
28 in constructing and improving highway transportation  
29 facilities selected in accordance with the state-funded  
30 infrastructure bank created in s. 339.55.  
31

1           (1) To pay the cost of projects on the Florida  
2 Strategic Intermodal System created in s. 339.61.

3           (m) To pay the cost of transportation projects  
4 selected in accordance with the Transportation Regional  
5 Incentive Program created in s. 339.2819.

6           ~~(n)(m)~~ To pay other lawful expenditures of the  
7 department.

8           Section 21. Paragraphs (c), (d), and (e) are added to  
9 subsection (5) of section 339.155, Florida Statutes, to read:

10           339.155 Transportation planning.--

11           (5) ADDITIONAL TRANSPORTATION PLANS.--

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

23           (d) The interlocal agreement must, at a minimum,  
24 identify the entity that will coordinate the development of  
25 the regional transportation plan; delineate the boundaries of  
26 the regional transportation area; provide the duration of the  
27 agreement and specify how the agreement may be terminated,  
28 modified, or rescinded; describe the process by which the  
29 regional transportation plan will be developed; and provide  
30 how members of the entity will resolve disagreements regarding  
31 interpretation of the interlocal agreement or disputes

1 relating to the development or content of the regional  
2 transportation plan. Such interlocal agreement shall become  
3 effective upon its recordation in the official public records  
4 of each county in the regional transportation area.

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

16 Section 22. Section 339.175, Florida Statutes, is  
17 amended to read:

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

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

18 (1) DESIGNATION.--

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

29 2. More than one M.P.O. may be designated within an  
30 existing metropolitan planning area only if the Governor and  
31 the existing M.P.O. determine that the size and complexity of

1 the existing metropolitan planning area makes the designation  
2 of more than one M.P.O. for the area appropriate.

3 (b) Each M.P.O. shall be created and operated under  
4 the provisions of this section pursuant to an interlocal  
5 agreement entered into pursuant to s. 163.01. The signatories  
6 to the interlocal agreement shall be the department and the  
7 governmental entities designated by the Governor for  
8 membership on the M.P.O. If there is a conflict between this  
9 section and s. 163.01, this section prevails.

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

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

31



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

3 (2) VOTING MEMBERSHIP.--

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

31

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

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

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

20           2. The M.P.O. and the charter county determine that  
21 the reapportionment plan is needed to fulfill specific goals  
22 and policies applicable to that metropolitan planning area;  
23 and

24           3. The charter county determines the reapportionment  
25 plan otherwise complies with all federal requirements  
26 pertaining to M.P.O. membership.

27  
28 Any charter county that elects to exercise the provisions of  
29 this paragraph shall notify the Governor in writing.

30           (d) Any other provision of this section to the  
31 contrary notwithstanding, any county chartered under s. 6(e),

1 Art. VIII of the State Constitution may elect to have its  
2 county commission serve as the M.P.O., if the M.P.O.  
3 jurisdiction is wholly contained within the county. Any  
4 charter county that elects to exercise the provisions of this  
5 paragraph shall so notify the Governor in writing. Upon  
6 receipt of such notification, the Governor must designate the  
7 county commission as the M.P.O. The Governor must appoint  
8 four additional voting members to the M.P.O., one of whom must  
9 be an elected official representing a municipality within the  
10 county, one of whom must be an expressway authority member,  
11 one of whom must be a person who does not hold elected public  
12 office and who resides in the unincorporated portion of the  
13 county, and one of whom must be a school board member.

14 (3) APPORTIONMENT.--

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

1 prepared by the United States Department of Commerce, Bureau  
2 of the Census, and reapportion it as necessary to comply with  
3 subsection (2).

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

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

26 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
27 responsibility of an M.P.O. is to manage a continuing,  
28 cooperative, and comprehensive transportation planning process  
29 that, based upon the prevailing principles provided in s.  
30 334.046(1), results in the development of plans and programs  
31 which are consistent, to the maximum extent feasible, with the

1 approved local government comprehensive plans of the units of  
2 local government the boundaries of which are within the  
3 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
4 for cooperative decisionmaking by officials of the affected  
5 governmental entities in the development of the plans and  
6 programs required by subsections (5), (6), (7), and (8).

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

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

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

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

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

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

31

- 1           1. Support the economic vitality of the metropolitan  
2 area, especially by enabling global competitiveness,  
3 productivity, and efficiency;
- 4           2. Increase the safety and security of the  
5 transportation system for motorized and nonmotorized users;
- 6           3. Increase the accessibility and mobility options  
7 available to people and for freight;
- 8           4. Protect and enhance the environment, promote energy  
9 conservation, and improve quality of life;
- 10          5. Enhance the integration and connectivity of the  
11 transportation system, across and between modes, for people  
12 and freight;
- 13          6. Promote efficient system management and operation;  
14 and
- 15          7. Emphasize the preservation of the existing  
16 transportation system.
- 17          (c) In order to provide recommendations to the  
18 department and local governmental entities regarding  
19 transportation plans and programs, each M.P.O. shall:
- 20           1. Prepare a congestion management system for the  
21 metropolitan area and cooperate with the department in the  
22 development of all other transportation management systems  
23 required by state or federal law;
- 24           2. Assist the department in mapping transportation  
25 planning boundaries required by state or federal law;
- 26           3. Assist the department in performing its duties  
27 relating to access management, functional classification of  
28 roads, and data collection;
- 29           4. Execute all agreements or certifications necessary  
30 to comply with applicable state or federal law;
- 31

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

4           6. Perform all other duties required by state or  
5 federal law.

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

29           (e)1. Each M.P.O. shall appoint a citizens' advisory  
30 committee, the members of which serve at the pleasure of the  
31 M.P.O. The membership on the citizens' advisory committee must

1 reflect a broad cross section of local residents with an  
2 interest in the development of an efficient, safe, and  
3 cost-effective transportation system. Minorities, the elderly,  
4 and the handicapped must be adequately represented.

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

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

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

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

23             1. Coordinate transportation projects deemed to be  
24 regionally significant by the committee.

25             2. Review the impact of regionally significant land  
26 use decisions on the region.

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

31



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

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

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

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

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

1 government located within the jurisdiction of the M.P.O. The  
2 approved long-range transportation plan must be considered by  
3 local governments in the development of the transportation  
4 elements in local government comprehensive plans and any  
5 amendments thereto. The long-range transportation plan must,  
6 at a minimum:

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

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

1 fund needed projects and programs. Such techniques may  
2 include the assessment of tolls, the use of value capture  
3 financing, or the use of value pricing.

4 (c) Assess capital investment and other measures  
5 necessary to:

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

12 2. Make the most efficient use of existing  
13 transportation facilities to relieve vehicular congestion and  
14 maximize the mobility of people and goods.

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

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

28  
29 In the development of its long-range transportation plan, each  
30 M.P.O. must provide the public, affected public agencies,  
31 representatives of transportation agency employees, freight

1 shippers, providers of freight transportation services,  
2 private providers of transportation, representatives of users  
3 of public transit, and other interested parties with a  
4 reasonable opportunity to comment on the long-range  
5 transportation plan. The long-range transportation plan must  
6 be approved by the M.P.O.

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

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

1 metropolitan area in accordance with existing and subsequent  
2 federal and state laws and rules and regulations related  
3 thereto. The transportation improvement program shall be  
4 consistent, to the maximum extent feasible, with the approved  
5 local government comprehensive plans of the units of local  
6 government whose boundaries are within the metropolitan area  
7 of the M.P.O. and include those projects programmed pursuant  
8 to s. 339.2819(4).

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

23 1. The approved M.P.O. long-range transportation plan;  
24 2. The Strategic Intermodal System Plan developed  
25 under s. 339.64.

26 3. The priorities developed pursuant to s.  
27 339.2819(4).

28 ~~4.3-~~ The results of the transportation management  
29 systems; and

30 ~~5.4-~~ The M.P.O.'s public-involvement procedures.  
31

1 (c) The transportation improvement program must, at a  
2 minimum:

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

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

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

1 available for the project or project phase within the time  
2 period contemplated for completion of the project or project  
3 phase.

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

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

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

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

26 (d) Projects included in the transportation  
27 improvement program and that have advanced to the design stage  
28 of preliminary engineering may be removed from or rescheduled  
29 in a subsequent transportation improvement program only by the  
30 joint action of the M.P.O. and the department. Except when  
31 recommended in writing by the district secretary for good



1 cause, any project removed from or rescheduled in a subsequent  
2 transportation improvement program shall not be rescheduled by  
3 the M.P.O. in that subsequent program earlier than the 5th  
4 year of such program.

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

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

30 (g) The Department of Community Affairs shall review  
31 the annual transportation improvement program of each M.P.O.

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

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

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

25 (9) AGREEMENTS.--

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

29 1. An agreement with the department clearly  
30 establishing the cooperative relationship essential to  
31

1 accomplish the transportation planning requirements of state  
2 and federal law.

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

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

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

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

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

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

1 funds made available to council members for travel and per  
2 diem expenses incurred in the performance of their council  
3 duties as provided in s. 112.061.

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

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

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

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

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

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

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

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

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 23. 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 (10) Funds paid into the State Transportation Trust  
23 Fund pursuant to s. 201.15(1)(d) for the purposes of the State  
24 Infrastructure Bank are hereby annually appropriated for  
25 expenditure to support that program.

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

28 1013.64 Funds for comprehensive educational plant  
29 needs; construction cost maximums for school district capital  
30 projects.--Allocations from the Public Education Capital  
31

1 Outlay and Debt Service Trust Fund to the various boards for  
2 capital outlay projects shall be determined as follows:

3 (7) Moneys distributed to the Public Education Capital  
4 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)  
5 to fund the Classrooms for Kids Program created in s. 1013.735  
6 and the High Growth County District Capital Outlay Assistance  
7 Grant Program created in s. 1013.738, shall be distributed as  
8 provided by those sections.

9 Section 25. Paragraph (a) of subsection (2) of section  
10 1013.65, Florida Statutes, is amended to read:

11 1013.65 Educational and ancillary plant construction  
12 funds; Public Education Capital Outlay and Debt Service Trust  
13 Fund; allocation of funds.--

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

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

22 2. General revenue funds appropriated to the fund for  
23 educational capital outlay purposes.

24 3. All capital outlay funds previously appropriated  
25 and certified forward pursuant to s. 216.301.

26 4.a. Funds paid pursuant to s. 201.15(1)(d).

27 b. The sum of \$41.75 million of such funds shall be  
28 appropriated annually for expenditure to fund the Classrooms  
29 for Kids Program created in s. 1013.735 and shall be  
30 distributed as provided by that section.

31



1           c. Thirty million dollars of such funds are hereby  
 2 annually appropriated for expenditure to fund the High Growth  
 3 County District Capital Outlay Assistance Grant Program  
 4 created in s. 1013.738 and shall be distributed as provided in  
 5 that section.

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

8           201.15 Distribution of taxes collected.--All taxes  
 9 collected under this chapter shall be distributed as follows  
 10 and shall be subject to the service charge imposed in s.  
 11 215.20(1), except that such service charge shall not be levied  
 12 against any portion of taxes pledged to debt service on bonds  
 13 to the extent that the amount of the service charge is  
 14 required to pay any amounts relating to the bonds:

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

18           (a) Amounts as shall be necessary to pay the debt  
 19 service on, or fund debt service reserve funds, rebate  
 20 obligations, or other amounts payable with respect to  
 21 Preservation 2000 bonds issued pursuant to s. 375.051 and  
 22 Florida Forever bonds issued pursuant to s. 215.618, shall be  
 23 paid into the State Treasury to the credit of the Land  
 24 Acquisition Trust Fund to be used for such purposes. The  
 25 amount transferred to the Land Acquisition Trust Fund for such  
 26 purposes shall not exceed \$300 million in fiscal year  
 27 1999-2000 and thereafter for Preservation 2000 bonds and bonds  
 28 issued to refund Preservation 2000 bonds, and \$300 million in  
 29 fiscal year 2000-2001 and thereafter for Florida Forever  
 30 bonds. The annual amount transferred to the Land Acquisition  
 31 Trust Fund for Florida Forever bonds shall not exceed \$30

1 million in the first fiscal year in which bonds are issued.  
2 The limitation on the amount transferred shall be increased by  
3 an additional \$30 million in each subsequent fiscal year, but  
4 shall not exceed a total of \$300 million in any fiscal year  
5 for all bonds issued. It is the intent of the Legislature that  
6 all bonds issued to fund the Florida Forever Act be retired by  
7 December 31, 2030. Except for bonds issued to refund  
8 previously issued bonds, no series of bonds may be issued  
9 pursuant to this paragraph unless such bonds are approved and  
10 the debt service for the remainder of the fiscal year in which  
11 the bonds are issued is specifically appropriated in the  
12 General Appropriations Act. For purposes of refunding  
13 Preservation 2000 bonds, amounts designated within this  
14 section for Preservation 2000 and Florida Forever bonds may be  
15 transferred between the two programs to the extent provided  
16 for in the documents authorizing the issuance of the bonds.  
17 The Preservation 2000 bonds and Florida Forever bonds shall be  
18 equally and ratably secured by moneys distributable to the  
19 Land Acquisition Trust Fund pursuant to this section, except  
20 to the extent specifically provided otherwise by the documents  
21 authorizing the issuance of the bonds. No moneys transferred  
22 to the Land Acquisition Trust Fund pursuant to this paragraph,  
23 or earnings thereon, shall be used or made available to pay  
24 debt service on the Save Our Coast revenue bonds.

25 (b) The remainder of the moneys distributed under this  
26 subsection, after the required payment under paragraph (a),  
27 shall be paid into the State Treasury to the credit of the  
28 Save Our Everglades Trust Fund in amounts necessary to pay  
29 debt service, provide reserves, and pay rebate obligations and  
30 other amounts due with respect to bonds issued under s.  
31 215.619.

1           (c) The remainder of the moneys distributed under this  
2 subsection, after the required payments under paragraphs (a)  
3 and (b), shall be paid into the State Treasury to the credit  
4 of the Land Acquisition Trust Fund and may be used for any  
5 purpose for which funds deposited in the Land Acquisition  
6 Trust Fund may lawfully be used. Payments made under this  
7 paragraph shall continue until the cumulative amount credited  
8 to the Land Acquisition Trust Fund for the fiscal year under  
9 this paragraph and paragraph (2)(b) equals 70 percent of the  
10 current official forecast for distributions of taxes collected  
11 under this chapter pursuant to subsection (2). As used in this  
12 paragraph, the term "current official forecast" means the most  
13 recent forecast as determined by the Revenue Estimating  
14 Conference. If the current official forecast for a fiscal year  
15 changes after payments under this paragraph have ended during  
16 that fiscal year, no further payments are required under this  
17 paragraph during the fiscal year.

18           (d) The remainder of the moneys distributed under this  
19 subsection, after the required payments under paragraphs (a),  
20 (b), and (c), shall be paid into the State Treasury to the  
21 credit of:

22           1. The State Transportation Trust Fund in the  
23 Department of Transportation in the amount of \$541.75 million  
24 in each fiscal year, to be paid in quarterly installments and  
25 used for the following specified purposes notwithstanding any  
26 other law to the contrary:

27           a. For the purposes of capital funding for the New  
28 Starts Transit Program, authorized by Title 49, U.S.C. 5309  
29 and specified in s. 341.051, 10 percent of these funds;

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

1           c. For the purposes of the Strategic Intermodal System  
2 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75  
3 percent of these funds after allocating for the New Starts  
4 Transit Program described in sub-subparagraph a. and the Small  
5 County Outreach Program described in sub-subparagraph b.; and

6           d. For the purposes of the Transportation Regional  
7 Incentive Program specified in s. 339.2819, 25 percent of  
8 these funds after allocating for the New Starts Transit  
9 Program described in sub-subparagraph a. and the Small County  
10 Outreach Program described in sub-subparagraph b.

11           2. The Water Protection and Sustainability Program  
12 Trust Fund in the Department of Environmental Protection in  
13 the amount of \$100 million in each fiscal year, to be paid in  
14 quarterly installments and used as required by s. 403.890.

15           3. The Public Education Capital Outlay and Debt  
16 Service Trust Fund in the Department of Education in the  
17 amount of \$105 million in each fiscal year, to be paid in  
18 monthly installments with \$75 million used to fund the  
19 Classrooms for Kids Program created in s. 1013.735, and \$30  
20 million to be used to fund the High Growth County District  
21 Capital Outlay Assistance Grant Program created in s.  
22 1013.738. If required, new facilities constructed under the  
23 Classroom for Kids Program must meet the requirements of s.  
24 1013.372.

25           4. The Grants and Donations Trust Fund in the  
26 Department of Community Affairs in the amount of \$3.25 million  
27 in each fiscal year to be paid in monthly installments, with  
28 \$3 million to be used to fund technical assistance to local  
29 governments and school boards on the requirements and  
30 implementation of this act and \$250,000 to be used to fund the  
31 Century Commission established in s. 163.3247.

1  
2 Moneys distributed pursuant to this paragraph may not be  
3 pledged for debt service unless such pledge is approved by  
4 referendum of the voters.

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

14 Section 27. (1) The following appropriations are made  
15 for the 2005-2006 fiscal year only from the General Revenue  
16 Fund, from revenues deposited into the fund pursuant to  
17 section 201.15(1)(e), Florida Statutes, on a nonrecurring  
18 basis and in quarterly installments:

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

21 (b) To the Water Protection and Sustainability Program  
22 Trust Fund in the Department of Environmental Protection, \$100  
23 million or if the Water Protection and Sustainability Trust  
24 Fund is not created, to the Ecosystem Management and  
25 Restoration Trust Fund in the Department of Environmental  
26 Protection.

27 (c) To the Public Education Capital Outlay and Debt  
28 Service Trust Fund in the Department of Education, \$71.65  
29 million.

30 (d) To the Grants and Donations Trust Fund in the  
31 Department of Community Affairs, \$3.35 million.

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

3       (a) From the State Transportation Trust Fund in the  
4 Department of Transportation:

5           1. Two hundred million dollars for the purposes  
6 specified in sections 339.61, 339.62, 339.63, and 339.64,  
7 Florida Statutes.

8           2. Two hundred seventy-five million dollars for the  
9 purposes specified in section 339.2819, Florida Statutes.

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

12          4. Twenty-five million for the purposes specified in  
13 section 339.2817, Florida Statutes.

14       (b) From the Water Protection and Sustainability  
15 Program Trust Fund or, if that trust fund is not created, from  
16 the Ecosystem Management and Restoration Trust Fund, in the  
17 Department of Environmental Protection, \$100 million for the  
18 purposes specified in section 403.890, Florida Statutes.

19       (c) From the Public Education Capital Outlay and Debt  
20 Service Trust Fund in the Department of Education, the sum of  
21 \$71.65 million with \$41.65 million for the purpose of funding  
22 the Classrooms for Kids Program created in section 1013.735,  
23 Florida Statutes and \$30 million to be used to fund the High  
24 Growth County District Capital Outlay Assistance Grant Program  
25 created in section 1013.738, Florida Statutes. Notwithstanding  
26 the requirements of sections 1013.64 and 1013.65, Florida  
27 Statutes, these moneys may not be distributed as part of the  
28 comprehensive plan for the Public Education Capital Outlay and  
29 Debt Service Trust Fund. If required, new facilities  
30 constructed under the Classroom for Kids Program must meet the  
31 requirements of section 1013.372, Florida Statutes.

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

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

12           2. Two hundred and fifty thousand dollars to support  
13 the Century Commission, created by section 163.3247, Florida  
14 Statutes.

15           3. Fifty thousand dollars to support the School  
16 Concurrency Task Force.

17           4. Fifty thousand dollars to support the Impact Fee  
18 Task Force.

19           Section 28. Beginning in fiscal year 2005-2006, the  
20 Department of Transportation shall allocate sufficient funds  
21 to implement the provisions relating to transportation in this  
22 act. The department shall amend the tentative work program for  
23 2005-2006. Before amending the tentative work program, the  
24 department shall submit a budget amendment pursuant to section  
25 339.135(7), Florida Statutes. Notwithstanding the provisions  
26 of section 216.301(1), Florida Statutes, the funds  
27 appropriated from general revenue to the State Transportation  
28 Trust Fund in this act shall not revert at the end of fiscal  
29 year 2005-2006.

30           Section 29. The Legislature finds that planning for  
31 and adequately funding infrastructure is critically important

1 for the safety and welfare of the residents of Florida.

2 Therefore, the Legislature finds that the provisions of this  
3 act fulfill an important state interest.

4 Section 30. School Concurrency Task Force.--

5 (1) The School Concurrency Task Force is created to  
6 review the requirements for school concurrency in law and make  
7 recommendations regarding streamlining the process and  
8 procedures for establishing school concurrency. The task force  
9 shall also examine the methodology and processes used for the  
10 funding of construction of public schools and make  
11 recommendations on revisions to provisions of law and rules  
12 which will help ensure that schools are built and available  
13 when the expected demands of growth produce the need for new  
14 school facilities.

15 (2) The task force shall be composed of 11 members.  
16 The membership must represent local governments, school  
17 boards, developers and homebuilders, the business community,  
18 the agriculture community, the environmental community, and  
19 other appropriate stakeholders. The task force shall include  
20 two members appointed by the Governor, two members appointed  
21 by the President of the Senate, two members appointed by the  
22 Speaker of the House of Representatives, one member appointed  
23 by the Florida School Boards Association, one member appointed  
24 by the Florida Association of Counties, and one member  
25 appointed by the Florida League of Cities. The Secretary of  
26 the Department of Community Affairs, or a senior management  
27 designee, and the Commissioner of Education, or a senior  
28 management designee, shall also be ex officio nonvoting  
29 members on the task force.

30 (3) The task force shall report to the Governor, the  
31 President of the Senate, and the Speaker of the House of



1 Representatives no later than December 1, 2005, with specific  
2 recommendations for revisions to provisions of law and rules.

3 Section 31. Florida Impact Fee Review Task Force.--

4 (1) The Legislature recognizes that impact fees have  
5 been an important source of revenues to local governments to  
6 fund new growth. Local governments have assumed this  
7 responsibility under their constitutional home rule authority.  
8 With the increased use of impact fees, questions have arisen  
9 about whether their use should be regulated by law.

10 (2) Effective upon this act becoming law, the Florida  
11 Impact Fee Review Task Force is created.

12 (3) The task force is to be composed of 15 members,  
13 who shall be appointed within 30 days after the effective date  
14 of this section.

15 1. Five voting members selected by the President of  
16 the Senate and five voting members selected by the Speaker of  
17 the House of Representative, none of whom may be a member of  
18 the Legislature at the time of the appointment, as follows:  
19 one member of a county commission, one member of a city  
20 commission or council, one member of a local school board, one  
21 member of the development community, and one member of the  
22 homebuilding community. The Governor shall appoint two  
23 members, one of whom shall be an affordable housing advocate  
24 who shall have no current or past direct relationship to local  
25 government, school boards, or the development or homebuilding  
26 industries. The Governor shall designate one of his or her  
27 appointees as the chair.

28 2. One member of the Senate appointed by the President  
29 of the Senate, and one member of the House of Representatives  
30 appointed by the Speaker of the House of Representatives, who  
31 shall be ex officio, nonvoting members.

1           3. The Secretary of the Department of Community  
2 Affairs or his designee is to serve as an ex officio,  
3 nonvoting member.

4           (4)(a) The task force shall act as an advisory body to  
5 the Governor and the Legislature.

6           (b) The task force shall convene its initial meeting  
7 within 60 days after the effective date of this section and  
8 thereafter at the call of its chair.

9           (c) Task Force members shall not receive remuneration  
10 for their services, but are entitled to reimbursement by the  
11 Legislative Committee on Intergovernmental Relations for  
12 travel and per diem expenses in accordance with section  
13 112.061, Florida Statutes.

14           (5) The Task Force shall survey and review current use  
15 of impact fees as a method of financing local infrastructure  
16 to accommodate new growth and current case law controlling the  
17 use of impact fees. To the extent feasible, the review is to  
18 include consideration of the following:

19           (a) Local government criteria and methodology used for  
20 the determination of the amount of impact fees.

21           (b) Application and relative burden of impact fees in  
22 different areas of the state in relation to other methods of  
23 financing new infrastructure.

24           (c) The range of use of impact fees as a percentage of  
25 the total capital costs for infrastructure needs created by  
26 new development.

27           (d) The methods used by local governments for the  
28 accounting and reporting of the collection and expenditure of  
29 all impact fees.

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1       (e) Notice provisions prior to adoption and the  
2 effective date of local ordinances creating a new impact fee  
3 or increasing an existing impact fee.

4       (f) Interlocal agreements between counties and cities  
5 to allocate impact fee proceeds between them.

6       (g) Requirements and options related to timing of  
7 impact fees payments.

8       (h) The importance of impact fees to the ability of  
9 local government to fund infrastructure needed to mitigate the  
10 impacts of development and meet statutory requirements for  
11 concurrency.

12       (i) Methods used by local governments to ameliorate  
13 the effect of impact fee costs on affordable housing.

14       (6) The task force shall report to the Governor, the  
15 President of the Senate, and the Speaker of the House of  
16 Representatives by February 1, 2006. The report shall include  
17 the task force's recommendations regarding:

18       (a) Whether there is a need for statutory direction on  
19 the methodology and data used to calculate impact fees.

20       (b) Whether there should be statutory direction on  
21 payment, exemption, or waiver of impact fees for affordable  
22 housing.

23       (c) Whether there should be statutory direction on the  
24 accounting and reporting of the collection and expenditure of  
25 all impact fees.

26       (d) Whether there is a need for statutory direction on  
27 the notice given in advance of the effective date of a new or  
28 amended impact fee ordinance.

29       (e) Whether there is a need for statutory direction on  
30 the sharing of impact fees between counties and cities.

31

1           (f) Whether there is a need for statutory direction on  
2 the timing of payment of impact fees.

3           (g) Any other recommendation the Task Force deems  
4 appropriate.

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6 If the task force makes a recommendation for statutory  
7 direction, the report shall also contain the task force's  
8 recommendation for statutory changes.

9           (7) The Legislative Committee on Intergovernmental  
10 Relations shall serve as staff to the task force and is  
11 authorized to employ technical support and expend funds  
12 appropriated to the committee for carrying out the official  
13 duties of the task force. All state agencies are directed to  
14 cooperate with and assist the task force to the fullest extent  
15 possible. All local governments are encouraged to assist and  
16 cooperate with the commission as necessary.

17           (8) Effective July 1, 2005, the sum of \$50,000 is  
18 appropriated, for fiscal year 2005-2006 only, from the  
19 Department of Community Affairs' Grants and Donations Trust  
20 Fund to the Legislative Committee on Intergovernmental  
21 Relations to fund the per diem and travel expenses of the task  
22 force pursuant to section 112.061, Florida Statutes.

23           Section 32. Subsection (4) of section 339.2817,  
24 Florida Statutes, is amended to read:

25           339.2817 County Incentive Grant Program.--

26           (4) The department shall provide 50 percent of project  
27 costs for eligible projects. ~~percentage of matching funds~~  
28 ~~provided from the County Incentive Grant Program to the~~  
29 ~~eligible county will be based on the following:~~

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1           ~~(a) For projects on the Florida Intrastate Highway~~  
2 ~~System the department shall provide 60 percent of project~~  
3 ~~costs.~~

4           ~~(b) For projects on the State Highway System the~~  
5 ~~department shall provide 50 percent of project costs.~~

6           ~~(c) For local projects which are demonstrated to~~  
7 ~~relieve traffic congestion on the State Highway System the~~  
8 ~~department shall provide 35 percent of project costs.~~

9           Section 33. Subsection (6) is added to section  
10 339.2818, Florida Statutes, to read:

11           339.2818 Small County Outreach Program.--

12           (6) Funds paid into the State Transportation Trust  
13 Fund pursuant to s. 201.15(1)(d) for the purposes of the Small  
14 County Outreach Program are hereby annually appropriated for  
15 expenditure to support the Small County Outreach Program.

16           Section 34. Subsection (6) is added to section  
17 341.051, Florida Statutes, to read:

18           341.051 Administration and financing of public transit  
19 and intercity bus service programs and projects.--

20           (6) ANNUAL APPROPRIATION.--Funds paid into the State  
21 Transportation Trust Fund pursuant to s. 201.15(1)(d) for the  
22 New Starts Transit Program are hereby annually appropriated  
23 for expenditure to support the New Starts Transit Program.

24  
25 For purposes of this section, the term "net operating costs"  
26 means all operating costs of a project less any federal funds,  
27 fares, or other sources of income to the project.

28           Section 35. Subsection (3) is added to section 339.61,  
29 Florida Statutes, to read:

30           339.61 Florida Strategic Intermodal System;  
31 legislative findings, declaration, and intent.--

1           (3) Funds paid into the State Transportation Trust  
 2 Fund pursuant to s. 201.15(1)(d) for the purposes of the  
 3 Florida Strategic Intermodal System are hereby annually  
 4 appropriated for expenditure to support that program.

5           Section 36. Section 403.891, Florida Statutes, is  
 6 created to read:

7           403.891 Annual appropriation from the Water Protection  
 8 and Sustainability Trust Fund.--

9           (1) Funds paid into the Water Protection and  
 10 Sustainability Trust Fund pursuant to s. 201.15(1)(d) are  
 11 hereby annually appropriated for expenditure for the purposes  
 12 for which the Water Protection and Sustainability Trust Fund  
 13 is established.

14           (2) If the Water Protection and Sustainability Trust  
 15 Fund is not created, such funds are hereby annually  
 16 appropriated for expenditure from the Ecosystem Management and  
 17 Restoration Trust Fund solely for the purposes established in  
 18 s. 403.890.

19           Section 37. Section 1013.738, Florida Statutes, is  
 20 created to read:

21           1013.738 High Growth District District Capital Outlay  
 22 Assistance Grant Program.--

23           (1) Subject to funds provided in the General  
 24 Appropriations Act, the High Growth District Capital Outlay  
 25 Assistance Grant Program is hereby established. Funds provided  
 26 pursuant to this section may only be used to construct new  
 27 student stations.

28           (2) In order to qualify for a grant, a school district  
 29 must meet the following criteria:

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1       (a) The district must have levied the full 2 mills of  
2 nonvoted discretionary capital outlay millage authorized in s.  
3 1011.71(2), for each of the past 4 fiscal years.

4       (b) Fifty percent of the revenue derived from the  
5 2-mill nonvoted discretionary capital outlay millage for the  
6 past 4 fiscal years, when divided by the district's growth in  
7 capital outlay FTE students over this period, produces a value  
8 that is less than the average cost per student station  
9 calculated pursuant to s. 1013.72(2), and weighted by  
10 statewide growth in capital outlay FTE students in elementary,  
11 middle, and high schools for the past 4 fiscal years.

12       (c) The district must have equaled or exceeded twice  
13 the statewide average of growth in capital outlay FTE students  
14 over this same 4-year period.

15       (d) The Commissioner of Education must have released  
16 all funds allocated to the district from the Classrooms First  
17 Program authorized in s. 1013.68, and these funds were fully  
18 expended by the district as of February 1 of the current  
19 fiscal year.

20       (e) The total capital outlay FTE students of the  
21 district is greater than 15,000 students.

22       (3) The funds provided in the General Appropriations  
23 Act shall be allocated pursuant to the following methodology:

24       (a) For each eligible district, the Department of  
25 Education shall calculate the value of 50 percent of the  
26 revenue derived from the 2-mill nonvoted discretionary capital  
27 outlay millage for the past 4 fiscal years divided by the  
28 increase in capital outlay FTE students for the same period.

29       (b) The Department of Education shall determine, for  
30 each eligible district, the amount that must be added to the  
31 value calculated pursuant to paragraph (a) to produce the

1 weighted average value per student station calculated pursuant  
2 to paragraph (2)(b).

3 (c) The value calculated for each eligible district  
4 pursuant to paragraph (b) shall be multiplied by the average  
5 increase in capital outlay FTE students for the past 4 fiscal  
6 years to determine the maximum amount of a grant that may be  
7 awarded to a district pursuant to this section.

8 (d) In the event the funds provided in the General  
9 Appropriations Act are insufficient to fully fund the maximum  
10 grants calculated pursuant to paragraph (c), the Department of  
11 Education shall allocate the funds based on each district's  
12 prorated share of the total maximum award amount calculated  
13 for all eligible districts.

14 (4) Moneys distributed to the Public Education Capital  
15 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)  
16 for the High Growth District Capital Outlay Assistance Grant  
17 Program created in this section shall be distributed as  
18 provided by this section.

19 Section 38. Subsection (3) is added to section  
20 380.115, Florida Statutes, to read:

21 380.115 Vested rights and duties; effect of chs.  
22 2002-20 and 2002-296.--

23 (3) A landowner that has filed an application for a  
24 development of regional impact review prior to the adoption of  
25 an optional sector plan pursuant to s. 163.3245 may elect to  
26 have the application reviewed pursuant to s. 380.06,  
27 comprehensive plan provisions in force prior to adoption of  
28 the sector plan and any requested comprehensive plan  
29 amendments that accompany the application.

30 Section 39. Unless the developer elects otherwise in  
31 writing, the provisions of this act amending chapters 163 and



1 380, Florida Statutes, shall not apply to any developments of  
2 regional impact for which a development order has been issued  
3 prior to the effective date of this act or for which a  
4 development of regional impact application has been submitted  
5 prior to May 1, 2005.

6           Section 40. From the funds paid into the Grants and  
7 Donations Trust Fund of the Department of Community Affairs  
8 pursuant to section 201.15(1)(d), Florida Statutes, \$3 million  
9 is hereby annually appropriated to provide technical  
10 assistance to local governments and school boards concerning  
11 the requirements and implementation of this act, and \$250,000  
12 is hereby annually appropriated to support the Century  
13 Commission, created by section 163.3247, Florida Statutes.

14           Section 41. This act shall take effect July 1, 2005.  
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