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CHAMBER ACTION

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| <u>Senate</u> | . | <u>House</u> |
| Comm: WD | . | |
| 4/9/2008 | . | |
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1 The Committee on Community Affairs (Haridopolos) recommended the
2 following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Between line(s) 3194 and 3195

6 insert:

7
8 Section 19. Paragraph (a) of subsection (4), paragraphs (a) and
9 (h) of subsection (6), and paragraph (e) of subsection (7) of
10 section 163.3177, Florida Statutes, are amended to read:

11 163.3177 Required and optional elements of comprehensive
12 plan; studies and surveys.--

13 (4) (a) Coordination of the local comprehensive plan with
14 the comprehensive plans of adjacent municipalities, the county,
15 adjacent counties, or the region; with the appropriate water
16 management district's regional water supply plans approved
17 pursuant to s. 373.0361; with adopted rules pertaining to



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18 designated areas of critical state concern; with the school
19 district's educational facilities plan approved pursuant to s.
20 1013.35; and with the state comprehensive plan shall be a major
21 objective of the local comprehensive planning process. To that
22 end, in the preparation of a comprehensive plan or element
23 thereof, and in the comprehensive plan or element as adopted, the
24 governing body shall include a specific policy statement
25 indicating the relationship of the proposed development of the
26 area to the comprehensive plans of adjacent municipalities, the
27 county, adjacent counties, or the region and to the state
28 comprehensive plan, as the case may require and as such adopted
29 plans or plans in preparation may exist.

30 (6) In addition to the requirements of subsections (1)-(5)
31 and (12), the comprehensive plan shall include the following
32 elements:

33 (a) A future land use plan element designating proposed
34 future general distribution, location, and extent of the uses of
35 land for residential uses, commercial uses, industry,
36 agriculture, recreation, conservation, education, public
37 buildings and grounds, other public facilities, and other
38 categories of the public and private uses of land. Counties are
39 encouraged to designate rural land stewardship areas, pursuant to
40 the provisions of paragraph (11)(d), as overlays on the future
41 land use map. Each future land use category must be defined in
42 terms of uses included, and must include standards to be followed
43 in the control and distribution of population densities and
44 building and structure intensities. The proposed distribution,
45 location, and extent of the various categories of land use shall
46 be shown on a land use map or map series which shall be
47 supplemented by goals, policies, and measurable objectives. The



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48 future land use plan shall be based upon surveys, studies, and
49 data regarding the area, including the amount of land required to
50 accommodate anticipated growth; the projected population of the
51 area; the character of undeveloped land; the availability of
52 water supplies, public facilities, and services; the need for
53 redevelopment, including the renewal of blighted areas and the
54 elimination of nonconforming uses which are inconsistent with the
55 character of the community; the compatibility of uses on lands
56 adjacent to or closely proximate to military installations; and,
57 in rural communities, the need for job creation, capital
58 investment, and economic development that will strengthen and
59 diversify the community's economy. The future land use plan may
60 designate areas for future planned development use involving
61 combinations of types of uses for which special regulations may
62 be necessary to ensure development in accord with the principles
63 and standards of the comprehensive plan and this act. The future
64 land use plan element shall include criteria to be used to
65 achieve the compatibility of adjacent or closely proximate lands
66 with military installations. In addition, for rural communities,
67 the amount of land designated for future planned industrial use
68 shall be based upon surveys and studies that reflect the need for
69 job creation, capital investment, and the necessity to strengthen
70 and diversify the local economies, and shall not be limited
71 solely by the projected population of the rural community. The
72 future land use plan of a county may also designate areas for
73 possible future municipal incorporation. The land use maps or map
74 series shall generally identify and depict historic district
75 boundaries and shall designate historically significant
76 properties meriting protection. For coastal counties, the future
77 land use element must include, without limitation, regulatory



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78 incentives and criteria that encourage the preservation of
79 recreational and commercial working waterfronts as defined in s.
80 342.07. The future land use element must clearly identify the
81 land use categories in which public schools are an allowable use.
82 When delineating the land use categories in which public schools
83 are an allowable use, a local government shall include in the
84 categories sufficient land proximate to residential development
85 to meet the projected needs for schools in coordination with
86 public school boards and may establish differing criteria for
87 schools of different type or size. Each local government shall
88 include lands contiguous to existing school sites, to the maximum
89 extent possible, within the land use categories in which public
90 schools are an allowable use. The failure by a local government
91 to comply with these school siting requirements will result in
92 the prohibition of the local government's ability to amend the
93 local comprehensive plan, except for plan amendments described in
94 s. 163.3187(1)(b), until the school siting requirements are met.
95 Amendments proposed by a local government for purposes of
96 identifying the land use categories in which public schools are
97 an allowable use are exempt from the limitation on the frequency
98 of plan amendments contained in s. 163.3187. The future land use
99 element shall include criteria that encourage the location of
100 schools proximate to urban residential areas to the extent
101 possible and shall require that the local government seek to
102 collocate public facilities, such as parks, libraries, and
103 community centers, with schools to the extent possible and to
104 encourage the use of elementary schools as focal points for
105 neighborhoods. The plan shall not impose design standards, site
106 plan standards, or other development conditions that exceed or
107 are inconsistent with the requirements of chapter 1013 and any



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108 | state requirements for educational facilities or that are
109 | inconsistent with maintaining a balanced, financially feasible
110 | school district facilities work plan. For schools serving
111 | predominantly rural counties, defined as a county with a
112 | population of 100,000 or fewer, an agricultural land use category
113 | shall be eligible for the location of public school facilities if
114 | the local comprehensive plan contains school siting criteria and
115 | the location is consistent with such criteria. Local governments
116 | required to update or amend their comprehensive plan to include
117 | criteria and address compatibility of adjacent or closely
118 | proximate lands with existing military installations in their
119 | future land use plan element shall transmit the update or
120 | amendment to the department by June 30, 2006.

121 | (h)1. An intergovernmental coordination element showing
122 | relationships and stating principles and guidelines to be used in
123 | the accomplishment of coordination of the adopted comprehensive
124 | plan with the plans of school boards, regional water supply
125 | authorities, and other units of local government providing
126 | services but not having regulatory authority over the use of
127 | land, with the comprehensive plans of adjacent municipalities,
128 | the county, adjacent counties, or the region, with the state
129 | comprehensive plan and with the applicable regional water supply
130 | plan approved pursuant to s. 373.0361, as the case may require
131 | and as such adopted plans or plans in preparation may exist. This
132 | element of the local comprehensive plan shall demonstrate
133 | consideration of the particular effects of the local plan, when
134 | adopted, upon the development of adjacent municipalities, the
135 | county, adjacent counties, or the region, or upon the state
136 | comprehensive plan, as the case may require.



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137 a. The intergovernmental coordination element shall provide
138 for procedures to identify and implement joint planning areas,
139 especially for the purpose of annexation, municipal
140 incorporation, and joint infrastructure service areas.

141 b. The intergovernmental coordination element shall provide
142 for recognition of campus master plans prepared pursuant to s.
143 1013.30 and the school district's educational facilities plan
144 approved pursuant to s. 1013.35.

145 c. The intergovernmental coordination element may provide
146 for a voluntary dispute resolution process as established
147 pursuant to s. 186.509 for bringing to closure in a timely manner
148 intergovernmental disputes. A local government may develop and
149 use an alternative local dispute resolution process for this
150 purpose.

151 2. The intergovernmental coordination element shall further
152 state principles and guidelines to be used in the accomplishment
153 of coordination of the adopted comprehensive plan with the plans
154 of school boards and other units of local government providing
155 facilities and services but not having regulatory authority over
156 the use of land. In addition, the intergovernmental coordination
157 element shall describe joint processes for collaborative planning
158 and decisionmaking on population projections and public school
159 siting, the location and extension of public facilities subject
160 to concurrency, and siting facilities with countywide
161 significance, including locally unwanted land uses whose nature
162 and identity are established in an agreement. Within 1 year of
163 adopting their intergovernmental coordination elements, each
164 county, all the municipalities within that county, the district
165 school board, and any unit of local government service providers
166 in that county shall establish by interlocal or other formal



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167 agreement executed by all affected entities, the joint processes
168 described in this subparagraph consistent with their adopted
169 intergovernmental coordination elements.

170 3. To foster coordination between special districts and
171 local general-purpose governments as local general-purpose
172 governments implement local comprehensive plans, each independent
173 special district must submit a public facilities report to the
174 appropriate local government as required by s. 189.415.

175 4.a. Local governments must execute an interlocal agreement
176 with the district school board, the county, and nonexempt
177 municipalities pursuant to s. 163.31777. The local government
178 shall amend the intergovernmental coordination element to provide
179 that coordination between the local government and school board
180 is pursuant to the agreement and shall state the obligations of
181 the local government under the agreement.

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

184 5. The state land planning agency shall establish a
185 schedule for phased completion and transmittal of plan amendments
186 to implement subparagraphs 1., 2., and 3. from all jurisdictions
187 so as to accomplish their adoption by December 31, 1999. A local
188 government may complete and transmit its plan amendments to carry
189 out these provisions prior to the scheduled date established by
190 the state land planning agency. The plan amendments are exempt
191 from the provisions of s. 163.3187(1).

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



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196 a. Identifies all existing or proposed interlocal service
197 delivery agreements regarding the following: education; sanitary
198 sewer; public safety; solid waste; drainage; potable water; parks
199 and recreation; and transportation facilities.

200 b. Identifies any deficits or duplication in the provision
201 of services within its jurisdiction, whether capital or
202 operational. Upon request, the Department of Community Affairs
203 shall provide technical assistance to the local governments in
204 identifying deficits or duplication.

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

211 8. Each local government shall update its intergovernmental
212 coordination element based upon the findings in the report
213 submitted pursuant to subparagraph 6. The report may be used as
214 supporting data and analysis for the intergovernmental
215 coordination element.

216 (7) The comprehensive plan may include the following
217 additional elements, or portions or phases thereof:

218 (e) A public buildings and related facilities element
219 showing locations and arrangements of civic and community
220 centers, public schools, hospitals, libraries, police and fire
221 stations, and other public buildings. This plan element should
222 show particularly how it is proposed to effect coordination with
223 governmental units, such as school boards or hospital
224 authorities, having public development and service
225 responsibilities, capabilities, and potential but not having land



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226 development regulatory authority. This element may include plans
227 for architecture and landscape treatment of their grounds, except
228 that, for public school facilities, the element shall be
229 coordinated with the public school facilities element required by
230 s. 163.3177(12) and the interlocal agreement required by s.
231 163.31777 and may not impose design standards, site plan
232 standards, or other development conditions that are inconsistent
233 with the requirements of chapter 1013 and any state requirements
234 for educational facilities or that are inconsistent with
235 maintaining a balanced, financially feasible school district
236 facilities work plan.

237 Section 20. Paragraph (d) of subsection (2) of section
238 163.31777, Florida Statutes, is amended to read:

239 163.31777 Public schools interlocal agreement.--

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

244 (d) A process for determining the need for and timing of
245 onsite and offsite improvements to support new, proposed
246 expansion, or redevelopment of existing schools. The process must
247 address identification of the party or parties responsible for
248 the improvements. A local government may not impose design
249 standards, site plan standards, or other development conditions
250 that are inconsistent with the requirements of chapter 1013 and
251 any state requirements for educational facilities or that are
252 inconsistent with maintaining a balanced, financially feasible
253 school district facilities work plan.

254 Section 21. Subsection (13), subsection (15) of section
255 1013.33, Florida Statutes, are amended to read:



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256 1013.33 Coordination of planning with local governing
257 bodies.--

258 (13) A local governing body may not deny the site applicant
259 based on adequacy of the site plan as it relates solely to the
260 needs of the school. If the site is consistent with the
261 comprehensive plan's land use policies and categories in which
262 public schools are identified as allowable uses, the local
263 government may not deny the application but it may impose
264 reasonable development standards and conditions in accordance
265 with s. 1013.51(1) and consider the site plan and its adequacy as
266 it relates to environmental concerns, health, safety and welfare,
267 and effects on adjacent property. Standards and conditions may
268 not be imposed that exceed or ~~which~~ conflict with those
269 established in this chapter, any state requirements for
270 educational facilities, or the Florida Building Code, unless
271 mutually agreed and consistent with the interlocal agreement
272 required by subsections (2)-(8) and consistent with maintaining a
273 balanced, financially feasible school district facilities work
274 plan.

275 (15) Existing schools shall be considered consistent with
276 the applicable local government comprehensive plan adopted under
277 part II of chapter 163. If a board submits an application to
278 expand an existing school site, the local governing body may
279 impose reasonable development standards and conditions on the
280 expansion only, and in a manner consistent with s. 1013.51(1) and
281 any state requirements for education facilities. Standards and
282 conditions may not be imposed that exceed ~~which~~ conflict with
283 those established in this chapter or the Florida Building Code,
284 unless mutually agreed upon. Such agreement must be made with the
285 consideration of maintaining the financial feasibility of the



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286 school district facilities work plan. Local government review or
287 approval is not required for:

288 (a) The placement of temporary or portable classroom
289 facilities; or

290 (b) Proposed renovation or construction on existing school
291 sites, with the exception of construction that changes the
292 primary use of a facility, includes stadiums, or results in a
293 greater than 5 percent increase in student capacity, or as
294 mutually agreed upon, pursuant to an interlocal agreement adopted
295 in accordance with subsections (2)-(8).

296 ===== T I T L E A M E N D M E N T =====

297 And the title is amended as follows:

298 On line 97, after the semicolon
299 insert:

300 amending s. 163.3177, F.S.; requiring coordination of the
301 local comprehensive plan with school district's
302 educational facilities plans; prohibiting local
303 comprehensive plans from imposing certain standards or
304 development conditions inconsistent with certain
305 requirements of law or state requirements for educational
306 facilities or with maintaining financially feasible school
307 district facilities work plans; amending s. 163.31777,
308 F.S.; prohibiting local governments from imposing certain
309 standards or development conditions inconsistent with
310 certain requirements of law or state requirements for
311 educational facilities or with maintaining financially
312 feasible school district facilities work plans; amending
313 s. 1013.33, F.S.; prohibiting imposition of standards and
314 conditions exceeding certain requirements for educational

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315 | facilities or school district facilities work plan under
316 | certain circumstances; providing an exception;