

Bill No. CS for SB 1858

Barcode 203272

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations
(Haridopolos) recommended the following amendment:

Senate Amendment (with title amendment)

On page 18, line 1, through
page 37, line 12, delete those lines

and insert:

Section 6. Paragraph (a) of subsection (4) of section
339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.--

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

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

2. Be identified in the capital improvements element
of a comprehensive plan that has been determined to be in
compliance with part II of chapter 163, after July 1, 2005, or
to implement a long-term concurrency management system adopted
by a local government in accordance with s. 163.3180(9) ~~s.~~

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1 ~~163.3177(9)~~. Further, the project shall be in compliance with
2 local government comprehensive plan policies relative to
3 corridor management.

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

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

9 Section 7. Subsection (10) of section 339.55, Florida
10 Statutes, is repealed.

11 Section 8. Paragraphs (l), (m), and (n) of subsection
12 (24) of section 380.06, Florida Statutes, are amended to read:

13 380.06 Developments of regional impact.--

14 (24) STATUTORY EXEMPTIONS.--

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

25 (m) Any proposed development within a rural land
26 stewardship area created under s. 163.3177(11)(d) is exempt
27 from the provisions of this section if the local government
28 that has adopted the rural land stewardship area has entered
29 into a binding agreement with jurisdictions that would be
30 impacted and the Department of Transportation regarding the
31 mitigation of impacts on state and regional transportation

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1 facilities, and has adopted a proportionate fair-share
2 mitigation ~~share~~ methodology pursuant to s. 163.3180(16).

3 (n) Any proposed development or redevelopment within
4 an area designated as an urban infill and redevelopment area
5 under s. 163.2517 is exempt from the provisions of this
6 section if the local government has entered into a binding
7 agreement with jurisdictions that would be impacted and the
8 Department of Transportation regarding the mitigation of
9 impacts on state and regional transportation facilities, and
10 has adopted a proportionate fair-share mitigation ~~share~~
11 methodology pursuant to s. 163.3180(16).

12 Section 9. Paragraph (a) of subsection (2) of section
13 1013.65, Florida Statutes, is amended to read:

14 1013.65 Educational and ancillary plant construction
15 funds; Public Education Capital Outlay and Debt Service Trust
16 Fund; allocation of funds.--

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

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

25 2. General revenue funds appropriated to the fund for
26 educational capital outlay purposes.

27 3. All capital outlay funds previously appropriated
28 and certified forward pursuant to s. 216.301.

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

30 b. The sum of \$75 ~~\$41.75~~ million of such funds shall
31 be appropriated annually for expenditure to fund the

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

3 c. The sum of \$30 million of such funds shall be
4 appropriated for expenditure to fund the High Growth District
5 Capital Outlay Assistance Grant Program created in s. 1013.738
6 and shall be distributed as provided in that section.

7 Section 10. Subsections (1), (2), and (3) of section
8 1013.738, Florida Statutes, are amended to read:

9 1013.738 High Growth District Capital Outlay
10 Assistance Grant Program.--

11 (1) ~~Subject to funds provided in the General~~
12 ~~Appropriations Act~~, The High Growth District Capital Outlay
13 Assistance Grant Program is hereby established. Funds provided
14 pursuant to this section may only be used to construct new
15 student stations.

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

18 (a) The district must have levied the full 2 mills of
19 nonvoted discretionary capital outlay millage authorized in s.
20 1011.71(2) for each of the past 3 ~~4~~ fiscal years or currently
21 receive an amount from the school capital outlay surtax
22 authorized in s. 212.055(6) that, when added to the nonvoted
23 discretionary capital outlay millage collected, equals the
24 amount that would be generated if the full 2 mills of nonvoted
25 discretionary capital outlay millage had been collected over
26 the past 3 fiscal years.

27 (b) The district must receive in the current fiscal
28 year revenue from the collection of an impact fee specifically
29 for schools and revenue from the collection of one of the
30 following:

31 1. A local government infrastructure sales surtax

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1 authorized in s. 212.055(2) in which a portion is dedicated
2 for the construction of schools in the current fiscal year.

3 2. A school capital outlay surtax authorized in s.
4 212.055(6). If the school capital outlay surtax is used to
5 meet the conditions of paragraph (2)(a), the amount of the
6 school capital outlay surtax collected must be in excess of
7 the amount in paragraph (2)(a).

8 3. A local bond referendum as authorized in ss.
9 1010.40-1010.55.

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

18 (c) The district must have equaled or exceeded three
19 times ~~twice~~ the statewide average of growth in capital outlay
20 FTE students over this same 3-year ~~4-year~~ period.

21 (d) The district must not have received an
22 appropriation from the special facilities construction program
23 in the current fiscal year or any of the 2 fiscal years prior
24 to the current fiscal year. ~~The Commissioner of Education must~~
25 ~~have released all funds allocated to the district from the~~
26 ~~Classrooms First Program authorized in s. 1013.68, and these~~
27 ~~funds were fully expended by the district as of February 1 of~~
28 ~~the current fiscal year.~~

29 ~~(e) The total capital outlay FTE students of the~~
30 ~~district is greater than 15,000 students.~~

31 (3) The funds appropriated for the program ~~provided in~~

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1 ~~the General Appropriations Act~~ shall be allocated pursuant to
2 the following methodology. Each eligible district school board
3 shall receive an amount from the Public Education Capital
4 Outlay and Debt Service Trust Fund to be calculated by
5 computing the capital outlay full-time equivalent membership
6 as determined by the Department of Education. Such membership
7 must include, but is not limited to, kindergarten through 12th
8 grade students, except hospital and homebound part-time
9 students, students who are career education students, and
10 adult disabled students who are enrolled in school district
11 career centers. The capital outlay full-time equivalent
12 membership shall be determined for kindergarten through the
13 12th grade and for career centers by averaging the unweighted
14 full-time equivalent student membership for the second and
15 third surveys and comparing the results on a school-by-school
16 basis with the Florida Inventory for School Houses. The
17 capital outlay full-time equivalent membership by grade level
18 organization shall be used in making the following
19 calculation: the capital outlay full-time equivalent
20 membership by grade-level organization for the prior year must
21 be used to compute the growth over the highest of the 3 years
22 preceding the prior year. The total amount appropriated by the
23 Legislature pursuant to this subsection shall be allocated
24 among the growth capital outlay full-time equivalent
25 membership. The allocation shall be prorated to the districts
26 based upon each district's percentage of growth capital outlay
27 full-time membership. The most recent 4-year capital outlay
28 full-time equivalent membership data shall be used in each
29 subsequent year's calculation for the allocation of funds
30 pursuant to this subsection. If a change, correction, or
31 recomputation of data during any year results in a reduction

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1 or increase of the calculated amount previously allocated to a
 2 district, the allocation to that district shall be adjusted
 3 correspondingly. If such recomputation results in an increase
 4 or decrease of the calculated amount, such additional or
 5 reduced amounts shall be added to or reduced from the
 6 district's future appropriations. However, no change,
 7 correction, or recomputation of data shall be made subsequent
 8 to 2 years following the initial annual allocation.†

9 ~~(a) For each eligible district, the Department of~~
 10 ~~Education shall calculate the value of 50 percent of the~~
 11 ~~revenue derived from the 2 mill nonvoted discretionary capital~~
 12 ~~outlay millage for the past 4 fiscal years divided by the~~
 13 ~~increase in capital outlay FTE students for the same period.~~

14 ~~(b) The Department of Education shall determine, for~~
 15 ~~each eligible district, the amount that must be added to the~~
 16 ~~value calculated pursuant to paragraph (a) to produce the~~
 17 ~~weighted average value per student station calculated pursuant~~
 18 ~~to paragraph (2)(b).~~

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

24 ~~(d) In the event the funds provided in the General~~
 25 ~~Appropriations Act are insufficient to fully fund the maximum~~
 26 ~~grants calculated pursuant to paragraph (c), the Department of~~
 27 ~~Education shall allocate the funds based on each district's~~
 28 ~~prorated share of the total maximum award amount calculated~~
 29 ~~for all eligible districts.~~

30 Section 11. Effective upon this act becoming a law,
 31 the \$200 million appropriated in paragraph (a) of subsection

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1 (2) of section 27 of chapter 2005-290, Laws of Florida, to the
 2 State Transportation Trust Fund in the Department of
 3 Transportation to be used for the purposes specified in ss.
 4 339.61, 339.62, 339.63, and 339.64, Florida Statutes, is
 5 reduced to \$175 million for the 2005-2006 fiscal year.

6 Section 12. There is appropriated for the 2006-2007
 7 fiscal year the sum \$250,000 in recurring funds and the sum
 8 \$300,000 in nonrecurring funds from the Grants and Donations
 9 Trust Fund to the Department of Community Affairs to support
 10 the Century Commission for a Sustainable Florida.

11 Section 13. This act shall take effect upon becoming a
 12 law.

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

16 And the title is amended as follows:

17 On page 1, line 12, through
 18 page 2, line 22, delete those lines

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20 and insert:

21 appointments to the commission; amending s.
 22 339.2819, F.S.; correcting a cross-reference;
 23 repealing s. 339.55(10), F.S., which
 24 appropriates certain funds to the State
 25 Infrastructure Bank from the State
 26 Transportation Trust Fund; amending s. 380.06,
 27 F.S.; conforming terminology; amending s.
 28 1013.65, F.S.; revising the sum appropriated
 29 for the Classrooms for Kids Program; providing
 30 a continuing appropriation for the High Growth
 31 District Capital Outlay Assistance Grant

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1 Program; amending s. 1013.738, F.S.; revising
2 the prerequisites to the establishment of the
3 High Growth District Capital Outlay Assistance
4 Grant Program; revising the eligibility
5 criteria for the program; revising provisions
6 for allocation of funds provided by the General
7 Appropriations Act to the Public Education
8 Capital Outlay and Debt Service Trust Fund;
9 reducing the amount appropriated in section 27
10 of chapter 2005-290, Laws of Florida, to the
11 State Transportation Trust Fund in the
12 Department of Transportation for the 2005-2006
13 fiscal year; providing an appropriation;
14 providing an effective date.

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