

By the Committee on Community Affairs

578-2251-06

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 163.3164, F.S.; conforming terminology;
4 amending s. 163.3177, F.S.; correcting a
5 cross-reference; amending s. 163.3180, F.S.;
6 correcting cross-references; conforming
7 terminology; amending s. 163.3184, F.S.;
8 correcting a cross-reference; amending s.
9 163.3247, F.S.; expanding the membership of the
10 Century Commission for a Sustainable Florida;
11 revising the date for completion of
12 appointments to the commission; amending s.
13 201.15, F.S.; providing an additional sum to
14 the State Transportation Trust Fund for
15 specified purposes; deleting obsolete
16 provisions relating to the High Growth District
17 Capital Outlay Assistance Grant Program;
18 appropriating an additional sum to fund the
19 Classrooms for Kids Program; deleting obsolete
20 provisions relating to certain recurring
21 funding for the Century Commission for a
22 Sustainable Florida; appropriating recurring
23 funding for the Century Commission for a
24 Sustainable Florida; correcting a
25 cross-reference; amending s. 339.2819, F.S.;
26 correcting a cross-reference; amending s.
27 380.06, F.S.; conforming terminology; amending
28 s. 1013.65, F.S.; increasing the amount
29 appropriated from the Public Education Capital
30 Outlay and Debt Service Trust Fund to fund the
31 Classrooms for Kids Program; amending s.

1 1013.738, F.S.; revising the prerequisites to
2 the establishment and funding of the High
3 Growth District Capital Outlay Assistance Grant
4 Program; appropriating a sum that was vetoed
5 for the 2005-2006 fiscal year to the State
6 Transportation Trust Fund in the Department of
7 Transportation on a nonrecurring basis for the
8 2005-2006 fiscal year for the purposes of the
9 Strategic Intermodal System; reducing the
10 amount appropriated in section 27 of chapter
11 2005-290, Laws of Florida, to the State
12 Transportation Trust Fund in the Department of
13 Transportation for the 2005-2006 fiscal year;
14 appropriating a sum for the High Growth
15 District Capital Outlay Assistance Grant
16 Program, which was vetoed for the 2005-2006
17 fiscal year, and sum which is in the Public
18 Education Capital Outlay and Debt Service Trust
19 Fund in the Department of Education, for the
20 2005-2006 fiscal year on a nonrecurring basis
21 to the Classrooms for Kids Program; providing
22 effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (32) of section 163.3164,
27 Florida Statutes, is amended to read:

28 163.3164 Local Government Comprehensive Planning and
29 Land Development Regulation Act; definitions.--As used in this
30 act:
31

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

17 Section 2. Paragraph (c) of subsection (13) of section
18 163.3177, Florida Statutes, is amended to read:

19 163.3177 Required and optional elements of
20 comprehensive plan; studies and surveys.--

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

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

30 1. Strategies to preserve open space and
31 environmentally sensitive lands, and to encourage a healthy

1 agricultural economy, including innovative planning and
2 development strategies, such as the transfer of development
3 rights;

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

8 3. Incentives for workforce housing;

9 4. Designation of an urban service boundary pursuant
10 to subsection ~~(14)~~ ~~(2)~~; and

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

15 Section 3. Subsection (13) and paragraphs (b), (c),
16 and (f) of subsection (16) of section 163.3180, Florida
17 Statutes, are amended to read:

18 163.3180 Concurrency.--

19 (13) School concurrency shall be established on a
20 districtwide basis and shall include all public schools in the
21 district and all portions of the district, whether located in
22 a municipality or an unincorporated area unless exempt from
23 the public school facilities element pursuant to s.
24 163.3177(12). The application of school concurrency to
25 development shall be based upon the adopted comprehensive
26 plan, as amended. All local governments within a county,
27 except as provided in paragraph (f), shall ~~adopt and~~ transmit
28 to the state land planning agency and adopt the necessary plan
29 amendments, along with the interlocal agreement, for a
30 compliance review pursuant to s. 163.3184(7) and (8). The
31 minimum requirements for school concurrency are the following:

1 (a) Public school facilities element.--A local
2 government shall ~~adopt and~~ transmit to the state land planning
3 agency and adopt a plan or plan amendment that ~~which~~ includes
4 a public school facilities element which is consistent with
5 the requirements of s. 163.3177(12) and which is determined to
6 be in compliance as defined in s. 163.3184(1)(b). All local
7 government public school facilities plan elements within a
8 county must be consistent with each other as well as the
9 requirements of this part.

10 (b) Level-of-service standards.--The Legislature
11 recognizes that an essential requirement for a concurrency
12 management system is the level of service at which a public
13 facility is expected to operate.

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

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

26 3. Local governments and school boards shall have the
27 option to utilize tiered level-of-service standards to allow
28 time to achieve an adequate and desirable level of service as
29 circumstances warrant.

30 (c) Service areas.--The Legislature recognizes that an
31 essential requirement for a concurrency system is a

1 designation of the area within which the level of service will
2 be measured when an application for a residential development
3 permit is reviewed for school concurrency purposes. This
4 delineation is also important for purposes of determining
5 whether the local government has a financially feasible public
6 school capital facilities program that will provide schools
7 which will achieve and maintain the adopted level-of-service
8 standards.

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

22 2. For local governments applying school concurrency
23 on a less than districtwide basis, such as utilizing school
24 attendance zones or larger school concurrency service areas,
25 local governments and school boards shall have the burden to
26 demonstrate that the utilization of school capacity is
27 maximized to the greatest extent possible in the comprehensive
28 plan and amendment, taking into account transportation costs
29 and court-approved desegregation plans, as well as other
30 factors. In addition, in order to achieve concurrency within
31 the service area boundaries selected by local governments and

1 school boards, the service area boundaries, together with the
2 standards for establishing those boundaries, shall be
3 identified and included as supporting data and analysis for
4 the comprehensive plan.

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

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
22 authorizing residential development for failure to achieve and
23 maintain the level-of-service standard for public school
24 capacity in a local school concurrency management system where
25 adequate school facilities will be in place or under actual
26 construction within 3 years after the issuance of final
27 subdivision or site plan approval, or the functional
28 equivalent. School concurrency shall be satisfied if the
29 developer executes a legally binding commitment to provide
30 proportionate fair-share mitigation proportionate to the
31 demand for public school facilities to be created by actual

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

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

25 2. If the education facilities plan and the public
26 educational facilities element authorize a contribution of
27 land; the construction, expansion, or payment for land
28 acquisition; or the construction or expansion of a public
29 school facility, or a portion thereof, as proportionate
30 fair-share ~~proportionate share~~ mitigation, the local
31 government shall credit such a contribution, construction,

1 expansion, or payment toward any other impact fee or exaction
2 imposed by local ordinance for the same need, on a
3 dollar-for-dollar basis at fair market value.

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

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

14 (f) Intergovernmental coordination.--

15 1. When establishing concurrency requirements for
16 public schools, a local government shall satisfy the
17 requirements for intergovernmental coordination set forth in
18 s. 163.3177(6)(h)1. and 2., except that a municipality is not
19 required to be a signatory to the interlocal agreement
20 required by ss. 163.3177(6)(h)2. and 163.31777 ~~163.31777(6)~~,
21 as a prerequisite for imposition of school concurrency, and as
22 a nonsignatory, shall not participate in the adopted local
23 school concurrency system, if the municipality meets all of
24 the following criteria for having no significant impact on
25 school attendance:

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

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

4 c. The municipality has no public schools located
5 within its boundaries.

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

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

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

1 development orders. The interlocal agreement shall be
2 submitted to the state land planning agency by the local
3 government as a part of the compliance review, along with the
4 other necessary amendments to the comprehensive plan required
5 by this part. In addition to the requirements of ss.
6 163.3177(6)(h) and 163.31777, the interlocal agreement shall
7 meet the following requirements:

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

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

19 3. Specify uniform, districtwide level-of-service
20 standards for public schools of the same type and the process
21 for modifying the adopted level-of-service standards.

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

29 5. Define the geographic application of school
30 concurrency. If school concurrency is to be applied on a less
31 than districtwide basis in the form of concurrency service

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

16 6. Establish a uniform districtwide procedure for
17 implementing school concurrency which provides for:

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

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

27 c. The monitoring and evaluation of the school
28 concurrency system.

29 7. Include provisions relating to amendment of the
30 agreement.

31

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

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

8 (16) It is the intent of the Legislature to provide a
9 method by which the impacts of development on transportation
10 facilities can be mitigated by the cooperative efforts of the
11 public and private sectors. The methodology used to calculate
12 proportionate fair-share mitigation under this section shall
13 be as provided for in subsection (12).

14 (b)1. In its transportation concurrency management
15 system, a local government shall, by December 1, 2006, include
16 methodologies that will be applied to calculate proportionate
17 fair-share mitigation. A developer may choose to satisfy all
18 transportation concurrency requirements by contributing or
19 paying proportionate fair-share mitigation if transportation
20 facilities or facility segments identified as mitigation for
21 traffic impacts are specifically identified for funding in the
22 5-year schedule of capital improvements in the capital
23 improvements element of the local plan or the long-term
24 concurrency management system or if such contributions or
25 payments to such facilities or segments are reflected in the
26 5-year schedule of capital improvements in the next regularly
27 scheduled update of the capital improvements element. Updates
28 to the 5-year capital improvements element which reflect
29 proportionate fair-share contributions may not be found not in
30 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and
31 163.3177(3) if additional contributions, payments or funding

1 sources are reasonably anticipated during a period not to
2 exceed 10 years to fully mitigate impacts on the
3 transportation facilities.

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

9 (c) Proportionate fair-share mitigation includes,
10 without limitation, separately or collectively, private funds,
11 contributions of land, and construction and contribution of
12 facilities and may include public funds as determined by the
13 local government. The fair market value of the proportionate
14 fair-share mitigation shall not differ based on the form of
15 mitigation. A local government may not require a development
16 to pay more than its proportionate fair-share mitigation
17 ~~contribution~~ regardless of the method of mitigation.

18 (f) ~~If in the event~~ the funds in an adopted 5-year
19 capital improvements element are insufficient to fully fund
20 construction of a transportation improvement required by the
21 local government's concurrency management system, a local
22 government and a developer may still enter into a binding
23 proportionate fair-share mitigation ~~proportionate share~~
24 agreement authorizing the developer to construct that amount
25 of development on which the proportionate fair-share
26 mitigation share is calculated if the proportionate fair-share
27 mitigation ~~proportionate share~~ amount in such agreement is
28 sufficient to pay for one or more improvements ~~that which~~
29 will, in the opinion of the governmental entity or entities
30 maintaining the transportation facilities, significantly
31 benefit the impacted transportation system. The improvement or

1 improvements funded by the proportionate fair-share mitigation
2 ~~proportionate share~~ component must be adopted into the 5-year
3 capital improvements schedule of the comprehensive plan at the
4 next annual capital improvements element update.

5 Section 4. Subsection (17) of section 163.3184,
6 Florida Statutes, is amended to read:

7 163.3184 Process for adoption of comprehensive plan or
8 plan amendment.--

9 (17) A local government that has adopted a community
10 vision and urban service boundary under s. 163.3177(13) ~~s.~~
11 ~~163.31773(13)~~ and (14) may adopt a plan amendment related to
12 map amendments solely to property within an urban service
13 boundary in the manner described in subsections (1), (2), (7),
14 (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and
15 3., such that state and regional agency review is eliminated.
16 The department may not issue an objections, recommendations,
17 and comments report on proposed plan amendments or a notice of
18 intent on adopted plan amendments; however, affected persons,
19 as defined by paragraph (1)(a), may file a petition for
20 administrative review pursuant to the requirements of s.
21 163.3187(3)(a) to challenge the compliance of an adopted plan
22 amendment. This subsection does not apply to any amendment
23 within an area of critical state concern, to any amendment
24 that increases residential densities allowable in high-hazard
25 coastal areas as defined in s. 163.3178(2)(h), or to a text
26 change to the goals, policies, or objectives of the local
27 government's comprehensive plan. Amendments submitted under
28 this subsection are exempt from the limitation on the
29 frequency of plan amendments in s. 163.3187.

30 Section 5. Paragraph (a) of subsection (3) of section
31 163.3247, Florida Statutes, is amended to read:

1 163.3247 Century Commission for a Sustainable
2 Florida.--

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

8 (a) The commission shall consist of 21 ~~15~~ members, 7 ~~5~~
9 appointed by the Governor, 7 ~~5~~ appointed by the President of
10 the Senate, and 7 ~~5~~ appointed by the Speaker of the House of
11 Representatives. Appointments shall be made no later than
12 August 1, 2006 ~~October 1, 2005~~. The membership must represent
13 local governments, school boards, developers and homebuilders,
14 the business community, the agriculture community, the
15 environmental community, and other appropriate stakeholders.
16 In making the appointments, the Governor, the President of the
17 Senate, and the Speaker of the House of Representatives shall
18 ensure that the membership of the commission reflects the
19 racial, ethnic, and gender diversity, as well as the
20 geographic distribution, of the state's population. One member
21 shall be designated by the Governor as chair of the
22 commission. Any vacancy that occurs on the commission must be
23 filled in the same manner as the original appointment and
24 shall be for the unexpired term of that commission seat.
25 Members shall serve 4-year terms, except that, initially, to
26 provide for staggered terms, the Governor, the President of
27 the Senate, and the Speaker of the House of Representatives
28 shall each appoint one member to serve a 2-year term, three
29 ~~two~~ members to serve 3-year terms, and three ~~two~~ members to
30 serve 4-year terms. All subsequent appointments shall be for
31 4-year terms. An appointee may not serve more than 6 years.

1 Section 6. Subsections (1) and (11) of section 201.15,
2 Florida Statutes, are amended to read:

3 201.15 Distribution of taxes collected.--All taxes
4 collected under this chapter shall be distributed as follows
5 and shall be subject to the service charge imposed in s.
6 215.20(1), except that such service charge shall not be levied
7 against any portion of taxes pledged to debt service on bonds
8 to the extent that the amount of the service charge is
9 required to pay any amounts relating to the bonds:

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

13 (a) Amounts as shall be necessary to pay the debt
14 service on, or fund debt service reserve funds, rebate
15 obligations, or other amounts payable with respect to
16 Preservation 2000 bonds issued pursuant to s. 375.051 and
17 Florida Forever bonds issued pursuant to s. 215.618, shall be
18 paid into the State Treasury to the credit of the Land
19 Acquisition Trust Fund to be used for such purposes. The
20 amount transferred to the Land Acquisition Trust Fund for such
21 purposes shall not exceed \$300 million in fiscal year
22 1999-2000 and thereafter for Preservation 2000 bonds and bonds
23 issued to refund Preservation 2000 bonds, and \$300 million in
24 fiscal year 2000-2001 and thereafter for Florida Forever
25 bonds. The annual amount transferred to the Land Acquisition
26 Trust Fund for Florida Forever bonds shall not exceed \$30
27 million in the first fiscal year in which bonds are issued.
28 The limitation on the amount transferred shall be increased by
29 an additional \$30 million in each subsequent fiscal year, but
30 shall not exceed a total of \$300 million in any fiscal year
31 for all bonds issued. It is the intent of the Legislature that

1 | all bonds issued to fund the Florida Forever Act be retired by
2 | December 31, 2030. Except for bonds issued to refund
3 | previously issued bonds, no series of bonds may be issued
4 | pursuant to this paragraph unless such bonds are approved and
5 | the debt service for the remainder of the fiscal year in which
6 | the bonds are issued is specifically appropriated in the
7 | General Appropriations Act. For purposes of refunding
8 | Preservation 2000 bonds, amounts designated within this
9 | section for Preservation 2000 and Florida Forever bonds may be
10 | transferred between the two programs to the extent provided
11 | for in the documents authorizing the issuance of the bonds.
12 | The Preservation 2000 bonds and Florida Forever bonds shall be
13 | equally and ratably secured by moneys distributable to the
14 | Land Acquisition Trust Fund pursuant to this section, except
15 | to the extent specifically provided otherwise by the documents
16 | authorizing the issuance of the bonds. No moneys transferred
17 | to the Land Acquisition Trust Fund pursuant to this paragraph,
18 | or earnings thereon, shall be used or made available to pay
19 | debt service on the Save Our Coast revenue bonds.

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

27 | (c) The remainder of the moneys distributed under this
28 | subsection, after the required payments under paragraphs (a)
29 | and (b), shall be paid into the State Treasury to the credit
30 | of the Land Acquisition Trust Fund and may be used for any
31 | purpose for which funds deposited in the Land Acquisition

1 Trust Fund may lawfully be used. Payments made under this
2 paragraph shall continue until the cumulative amount credited
3 to the Land Acquisition Trust Fund for the fiscal year under
4 this paragraph and paragraph (2)(b) equals 70 percent of the
5 current official forecast for distributions of taxes collected
6 under this chapter pursuant to subsection (2). As used in this
7 paragraph, the term "current official forecast" means the most
8 recent forecast as determined by the Revenue Estimating
9 Conference. If the current official forecast for a fiscal year
10 changes after payments under this paragraph have ended during
11 that fiscal year, no further payments are required under this
12 paragraph during the fiscal year.

13 (d) The remainder of the moneys distributed under this
14 subsection, after the required payments under paragraphs (a),
15 (b), and (c), shall be paid into the State Treasury to the
16 credit of:

17 1. The State Transportation Trust Fund in the
18 Department of Transportation in the amount of ~~\$542~~\$541.75
19 million in each fiscal year, to be paid in quarterly
20 installments and used for the following specified purposes,
21 notwithstanding any other law to the contrary:

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

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

27 c. For the purposes of the Strategic Intermodal System
28 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
29 percent of these funds after allocating for the New Starts
30 Transit Program described in sub-subparagraph a. and the Small
31 County Outreach Program described in sub-subparagraph b.; and

1 d. For the purposes of the Transportation Regional
2 Incentive Program specified in s. 339.2819, 25 percent of
3 these funds after allocating for the New Starts Transit
4 Program described in sub-subparagraph a. and the Small County
5 Outreach Program described in sub-subparagraph b.

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

10 3. The Public Education Capital Outlay and Debt
11 Service Trust Fund in the Department of Education in the
12 amount of ~~\$104,130,000~~ \$105 million in each fiscal year, to be
13 paid in monthly installments ~~with \$75 million used~~ to fund the
14 Classrooms for Kids Program created in s. 1013.735, ~~and \$30~~
15 ~~million to be used to fund the High Growth County District~~
16 ~~Capital Outlay Assistance Grant Program created in s.~~
17 ~~1013.738.~~ If required, new facilities constructed under the
18 Classrooms for Kids Program must meet the requirements of s.
19 1013.372.

20 4. The Grants and Donations Trust Fund in the
21 Department of Community Affairs in the amount of ~~\$3.87~~ \$3.25
22 million in each fiscal year to be paid in monthly
23 installments, with \$3 million to be used to fund technical
24 assistance to local governments and school boards on the
25 requirements and implementation of this act and \$870,000
26 ~~\$250,000~~ to be used to fund the Century Commission for a
27 Sustainable Florida established in s. 163.3247.

28
29 Moneys distributed pursuant to this paragraph may not be
30 pledged for debt service unless such pledge is approved by
31 referendum of the voters.

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

10 (11) From the moneys specified in paragraphs (1)(e)
11 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
12 General Revenue Fund, \$30 million shall be paid into the State
13 Treasury to the credit of the Ecosystem Management and
14 Restoration Trust Fund in fiscal year 2000-2001 and each
15 fiscal year thereafter, to be used for the preservation and
16 repair of the state's beaches as provided in ss.
17 161.091-161.212, and \$2 million shall be paid into the State
18 Treasury to the credit of the Marine Resources Conservation
19 Trust Fund to be used for marine mammal care as provided in s.
20 370.0603(3).

21 Section 7. Effective July 1, 2007, section 201.15,
22 Florida Statutes, as amended by section 1 of chapter 2005-92,
23 Laws of Florida, and section 26 of chapter 2005-290, Laws of
24 Florida, is amended to read:

25 201.15 Distribution of taxes collected.--All taxes
26 collected under this chapter shall be distributed as follows
27 and shall be subject to the service charge imposed in s.
28 215.20(1), except that such service charge shall not be levied
29 against any portion of taxes pledged to debt service on bonds
30 to the extent that the amount of the service charge is
31 required to pay any amounts relating to the bonds:

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

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

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

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

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

1 changes after payments under this paragraph have ended during
2 that fiscal year, no further payments are required during the
3 fiscal year.

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

8 1. The State Transportation Trust Fund in the
9 Department of Transportation in the amount of ~~\$542~~\$541.75
10 million in each fiscal year, to be paid in quarterly
11 installments and used for the following specified purposes,
12 notwithstanding any other law to the contrary:

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

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

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

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

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

1 3. The Public Education Capital Outlay and Debt
2 Service Trust Fund in the Department of Education in the
3 amount of ~~\$104,130,000~~ \$105 million in each fiscal year, to be
4 paid in monthly installments ~~with \$75 million used~~ to fund the
5 Classrooms for Kids Program created in s. 1013.735, ~~and \$30~~
6 ~~million to be used to fund the High Growth County District~~
7 ~~Capital Outlay Assistance Grant Program created in s.~~
8 ~~1013.738~~. If required, new facilities constructed under the
9 Classrooms for Kids Program must meet the requirements of s.
10 1013.372.

11 4. The Grants and Donations Trust Fund in the
12 Department of Community Affairs in the amount of ~~\$3.87~~ \$3.25
13 million in each fiscal year to be paid in monthly
14 installments, with \$3 million to be used to fund technical
15 assistance to local governments and school boards on the
16 requirements and implementation of this act \$870,000 and
17 ~~\$250,000~~ to be used to fund the Century Commission for a
18 Sustainable Florida established in s. 163.3247.

19
20 Moneys distributed pursuant to this paragraph may not be
21 pledged for debt service unless such pledge is approved by
22 referendum of the voters.

23 (e) The remainder of the moneys distributed under this
24 subsection, after the required payments under paragraphs (a),
25 (b), (c), and (d) shall be paid into the State Treasury to the
26 credit of the General Revenue Fund to be used and expended for
27 the purposes for which the General Revenue Fund was created
28 and exists by law or to the Ecosystem Management and
29 Restoration Trust Fund or to the Marine Resources Conservation
30 Trust Fund as provided in subsection (11).

31

1 (2) The lesser of seven and fifty-six hundredths
2 percent of the remaining taxes collected under this chapter or
3 \$84.9 million in each fiscal year shall be used for the
4 following purposes:

5 (a) Beginning in the month following the final payment
6 for a fiscal year under paragraph (1)(c), available moneys
7 shall be paid into the State Treasury to the credit of the
8 General Revenue Fund to be used and expended for the purposes
9 for which the General Revenue Fund was created and exists by
10 law or to the Ecosystem Management and Restoration Trust Fund
11 or to the Marine Resources Conservation Trust Fund as provided
12 in subsection (11). Payments made under this paragraph shall
13 continue until the cumulative amount credited to the General
14 Revenue Fund for the fiscal year under this paragraph equals
15 the cumulative payments made under paragraph (1)(c) for the
16 same fiscal year.

17 (b) The remainder of the moneys distributed under this
18 subsection shall be paid into the State Treasury to the credit
19 of the Land Acquisition Trust Fund. Sums deposited in the fund
20 pursuant to this subsection may be used for any purpose for
21 which funds deposited in the Land Acquisition Trust Fund may
22 lawfully be used.

23 (3) The lesser of one and ninety-four hundredths
24 percent of the remaining taxes collected under this chapter or
25 \$26 million in each fiscal year shall be paid into the State
26 Treasury to the credit of the Land Acquisition Trust Fund.
27 Moneys deposited in the trust fund pursuant to this section
28 shall be used to acquire coastal lands or to pay debt service
29 on bonds issued to acquire coastal lands and to develop and
30 manage lands acquired with moneys from the Land Acquisition
31 Trust Fund.

1 (4) The lesser of four and two-tenths percent of the
2 remaining taxes collected under this chapter or \$60.5 million
3 in each fiscal year shall be paid into the State Treasury to
4 the credit of the Water Management Lands Trust Fund. Sums
5 deposited in that fund may be used for any purpose authorized
6 in s. 373.59.

7 (5) Four and two-tenths percent of the remaining taxes
8 collected under this chapter shall be paid into the State
9 Treasury to the credit of the Conservation and Recreation
10 Lands Trust Fund to carry out the purposes set forth in s.
11 259.032. Nine and one-half percent of the amount credited to
12 the Conservation and Recreation Lands Trust Fund pursuant to
13 this subsection shall be transferred to the State Game Trust
14 Fund and used for land management activities.

15 (6) The lesser of two and twenty-eight hundredths
16 percent of the remaining taxes collected under this chapter or
17 \$36.1 million in each fiscal year shall be paid into the State
18 Treasury to the credit of the Invasive Plant Control Trust
19 Fund to carry out the purposes set forth in ss. 369.22 and
20 369.252.

21 (7) The lesser of one-half of one percent of the
22 remaining taxes collected under this chapter or \$9.3 million
23 in each fiscal year shall be paid into the State Treasury to
24 the credit of the State Game Trust Fund to be used exclusively
25 for the purpose of implementing the Lake Restoration 2020
26 Program.

27 (8) One-half of one percent of the remaining taxes
28 collected under this chapter shall be paid into the State
29 Treasury and divided equally to the credit of the Department
30 of Environmental Protection Water Quality Assurance Trust Fund
31 to address water quality impacts associated with

1 nonagricultural nonpoint sources and to the credit of the
2 Department of Agriculture and Consumer Services General
3 Inspection Trust Fund to address water quality impacts
4 associated with agricultural nonpoint sources, respectively.
5 These funds shall be used for research, development,
6 demonstration, and implementation of suitable best management
7 practices or other measures used to achieve water quality
8 standards in surface waters and water segments identified
9 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
10 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
11 management practices and other measures may include cost-share
12 grants, technical assistance, implementation tracking, and
13 conservation leases or other agreements for water quality
14 improvement. The Department of Environmental Protection and
15 the Department of Agriculture and Consumer Services may adopt
16 rules governing the distribution of funds for implementation
17 of best management practices. The unobligated balance of funds
18 received from the distribution of taxes collected under this
19 chapter to address water quality impacts associated with
20 nonagricultural nonpoint sources will be excluded when
21 calculating the unobligated balance of the Water Quality
22 Assurance Trust Fund as it relates to the determination of the
23 applicable excise tax rate.

24 (9) The lesser of seven and fifty-three hundredths
25 percent of the remaining taxes collected under this chapter or
26 \$107 million in each fiscal year shall be paid into the State
27 Treasury to the credit of the State Housing Trust Fund and
28 shall be used as follows:

29 (a) Half of that amount shall be used for the purposes
30 for which the State Housing Trust Fund was created and exists
31 by law.

1 (b) Half of that amount shall be paid into the State
2 Treasury to the credit of the Local Government Housing Trust
3 Fund and shall be used for the purposes for which the Local
4 Government Housing Trust Fund was created and exists by law.

5 (10) The lesser of eight and sixty-six hundredths
6 percent of the remaining taxes collected under this chapter or
7 \$136 million in each fiscal year shall be paid into the State
8 Treasury to the credit of the State Housing Trust Fund and
9 shall be used as follows:

10 (a) Twelve and one-half percent of that amount shall
11 be deposited into the State Housing Trust Fund and be expended
12 by the Department of Community Affairs and by the Florida
13 Housing Finance Corporation for the purposes for which the
14 State Housing Trust Fund was created and exists by law.

15 (b) Eighty-seven and one-half percent of that amount
16 shall be distributed to the Local Government Housing Trust
17 Fund and shall be used for the purposes for which the Local
18 Government Housing Trust Fund was created and exists by law.
19 Funds from this category may also be used to provide for state
20 and local services to assist the homeless.

21 (11) From the moneys specified in paragraphs (1)(e)
22 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
23 General Revenue Fund, \$30 million shall be paid into the State
24 Treasury to the credit of the Ecosystem Management and
25 Restoration Trust Fund in fiscal year 2000-2001 and each
26 fiscal year thereafter, to be used for the preservation and
27 repair of the state's beaches as provided in ss.
28 161.091-161.212, and \$2 million shall be paid into the State
29 Treasury to the credit of the Marine Resources Conservation
30 Trust Fund to be used for marine mammal care as provided in s.
31 370.0603(3).

1 (12) The Department of Revenue may use the payments
2 credited to trust funds pursuant to paragraphs (1)(c) and
3 (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and
4 (10) to pay the costs of the collection and enforcement of the
5 tax levied by this chapter. The percentage of such costs which
6 may be assessed against a trust fund is a ratio, the numerator
7 of which is payments credited to that trust fund under this
8 section and the denominator of which is the sum of payments
9 made under paragraphs (1)(c) and (2)(b) and subsections (3),
10 (4), (5), (6), (7), (8), (9), and (10).

11 (13) The distribution of proceeds deposited into the
12 Water Management Lands Trust Fund and the Conservation and
13 Recreation Lands Trust Fund, pursuant to subsections (4) and
14 (5), shall not be used for land acquisition, but may be used
15 for preacquisition costs associated with land purchases. The
16 Legislature intends that the Florida Forever program supplant
17 the acquisition programs formerly authorized under ss. 259.032
18 and 373.59. Prior to the 2005 Regular Session of the
19 Legislature, the Acquisition and Restoration Council shall
20 review and make recommendations to the Legislature concerning
21 the need to repeal this provision. Based on these
22 recommendations, the Legislature shall review the need to
23 repeal this provision during the 2005 Regular Session.

24 (14) Amounts distributed pursuant to subsections (5),
25 (6), (7), and (8) are subject to the payment of debt service
26 on outstanding Conservation and Recreation Lands revenue
27 bonds.

28 (15) Beginning July 1, 2008, in each fiscal year that
29 the remaining taxes collected under this chapter exceed such
30 collections in the prior fiscal year, the stated maximum
31 dollar amounts provided in subsections (2), (4), (6), (7),

1 (9), and (10) shall each be increased by an amount equal to 10
2 percent of the increase in the remaining taxes collected under
3 this chapter multiplied by the applicable percentage provided
4 in those subsections.

5 (16) If the payment requirements in any year for bonds
6 outstanding on July 1, 2007, or bonds issued to refund such
7 bonds, exceed the limitations of this section, distributions
8 to the trust fund from which the bond payments are made shall
9 be increased to the lesser of the amount needed to pay bond
10 obligations or the limit of the applicable percentage
11 distribution provided in subsections (1)-(12).

12 (17) Distributions to the State Housing Trust Fund
13 pursuant to subsections (9) and (10) shall be sufficient to
14 cover amounts required to be transferred to the Florida
15 Affordable Housing Guarantee Program's annual debt service
16 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and
17 (b) up to but not exceeding the amount required to be
18 transferred to such reserve and fund based on the percentage
19 distribution of documentary stamp tax revenues to the State
20 Housing Trust Fund which is in effect in the 2004-2005 fiscal
21 year.

22 (18) The remaining taxes collected under this chapter,
23 after the distributions provided in the preceding subsections,
24 shall be paid into the State Treasury to the credit of the
25 General Revenue Fund.

26 Section 8. Paragraph (a) of subsection (4) of section
27 339.2819, Florida Statutes, is amended to read:

28 339.2819 Transportation Regional Incentive Program.--

29 (4)(a) Projects to be funded with Transportation
30 Regional Incentive Program funds shall, at a minimum:
31

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

4 2. Be identified in the capital improvements element
5 of a comprehensive plan that has been determined to be in
6 compliance with part II of chapter 163, after July 1, 2005, or
7 to implement a long-term concurrency management system adopted
8 by a local government in accordance with s. 163.3180(9) ~~s.~~
9 ~~163.3177(9)~~. Further, the project shall be in compliance with
10 local government comprehensive plan policies relative to
11 corridor management.

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

14 4. Have a commitment for local, regional, or private
15 financial matching funds as a percentage of the overall
16 project cost.

17 Section 9. Paragraphs (l), (m), and (n) of subsection
18 (24) of section 380.06, Florida Statutes, are amended to read:

19 380.06 Developments of regional impact.--

20 (24) STATUTORY EXEMPTIONS.--

21 (1) Any proposed development within an urban service
22 boundary established under s. 163.3177(14) is exempt from the
23 provisions of this section if the local government having
24 jurisdiction over the area where the development is proposed
25 has adopted the urban service boundary and has entered into a
26 binding agreement with adjacent jurisdictions and the
27 Department of Transportation regarding the mitigation of
28 impacts on state and regional transportation facilities, and
29 has adopted a proportionate fair-share mitigation ~~share~~
30 methodology pursuant to s. 163.3180(16).
31

1 (m) Any proposed development within a rural land
2 stewardship area created under s. 163.3177(11)(d) is exempt
3 from the provisions of this section if the local government
4 that has adopted the rural land stewardship area has entered
5 into a binding agreement with jurisdictions that would be
6 impacted and the Department of Transportation regarding the
7 mitigation of impacts on state and regional transportation
8 facilities, and has adopted a proportionate fair-share
9 mitigation ~~share~~ methodology pursuant to s. 163.3180(16).

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

19 Section 10. Paragraph (a) of subsection (2) of section
20 1013.65, Florida Statutes, is amended to read:

21 1013.65 Educational and ancillary plant construction
22 funds; Public Education Capital Outlay and Debt Service Trust
23 Fund; allocation of funds.--

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

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

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

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

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

6 b. The sum of \$104,130,000 ~~\$41.75 million~~ of such
7 funds shall be appropriated annually for expenditure to fund
8 the Classrooms for Kids Program created in s. 1013.735 and
9 shall be distributed as provided by that section.

10 Section 11. Subsections (1) and (3) of section
11 1013.738, Florida Statutes, are amended to read:

12 1013.738 High Growth District Capital Outlay
13 Assistance Grant Program.--

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

19 (3) The funds appropriated for the program ~~provided in~~
20 ~~the General Appropriations Act~~ shall be allocated pursuant to
21 the following methodology:

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

27 (b) The Department of Education shall determine, for
28 each eligible district, the amount that must be added to the
29 value calculated pursuant to paragraph (a) to produce the
30 weighted average value per student station calculated pursuant
31 to paragraph (2)(b).

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

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

13 Section 12. Effective upon this act becoming a law,
14 \$250,000 of the moneys distributed to the Grants and Donations
15 Trust Fund in the Department of Community Affairs under s.
16 201.15, Florida Statutes, which were appropriated in section
17 40 of chapter 2005-290, Laws of Florida, and vetoed for the
18 2005-2006 fiscal year, is distributed to and appropriated on a
19 nonrecurring basis for the 2005-2006 fiscal year to the State
20 Transportation Trust Fund in the Department of Transportation
21 to be used for the purposes of the Strategic Intermodal System
22 specified in ss. 339.61, 339.62, 339.63, and 339.64, Florida
23 Statutes.

24 Section 13. Effective upon this act becoming a law,
25 the \$200 million appropriated in paragraph (a) of subsection
26 (2) of section 27 of chapter 2005-290, Laws of Florida, to the
27 State Transportation Trust Fund in the Department of
28 Transportation to be used for the purposes specified in ss.
29 339.61, 339.62, 339.63, and 339.64, Florida Statutes, is
30 reduced to \$175 million for the 2005-2006 fiscal year.
31

1 Section 14. Effective upon this act becoming a law,
2 the \$30 million appropriated in s. 1013.65(2)(a)4.c., Florida
3 Statutes, as provided by section 25 of chapter 2005-290, Laws
4 of Florida, which was vetoed for the 2005-2006 fiscal year,
5 which sum is in the Public Education Capital Outlay and Debt
6 Service Trust Fund in the Department of Education, is
7 appropriated for the 2005-2006 fiscal year on a nonrecurring
8 basis to the Classrooms for Kids Program created in s.
9 1013.735, Florida Statutes.

10 Section 15. Except as otherwise expressly provided in
11 this act and except for this section, which shall take effect
12 upon becoming a law, this act shall take effect July 1, 2006.

13
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 1858

17 The committee substitute (CS) appropriates \$870,000 in
18 recurring funding for the Century Commission for a Sustainable
19 Florida. It conforms references to "proportionate fair-share
20 mitigation." The CS also deletes language requiring the
21 Florida Department of Transportation to revert \$25 million to
22 General Revenue which was appropriated in paragraph (a) of
23 subsection (2) of section 27 of chapter 2005-290, Laws of
24 Florida. This \$25 million was never distributed to the
25 department.
26
27
28
29
30
31