

By the Committees on Government Efficiency Appropriations; and
Community Affairs

593-2403-06

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.

13 339.2819, F.S.; correcting a cross-reference;

14 repealing s. 339.55(10), F.S., which

15 appropriates certain funds to the State

16 Infrastructure Bank from the State

17 Transportation Trust Fund; amending s. 380.06,

18 F.S.; conforming terminology; amending s.

19 1013.65, F.S.; revising the sum appropriated

20 for the Classrooms for Kids Program; providing

21 a continuing appropriation for the High Growth

22 District Capital Outlay Assistance Grant

23 Program; amending s. 1013.738, F.S.; revising

24 the prerequisites to the establishment of the

25 High Growth District Capital Outlay Assistance

26 Grant Program; revising the eligibility

27 criteria for the program; revising provisions

28 for allocation of funds provided by the General

29 Appropriations Act to the Public Education

30 Capital Outlay and Debt Service Trust Fund;

31 reducing the amount appropriated in section 27

1 of chapter 2005-290, Laws of Florida, to the
2 State Transportation Trust Fund in the
3 Department of Transportation for the 2005-2006
4 fiscal year; providing an appropriation;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (32) of section 163.3164,
10 Florida Statutes, is amended to read:
11 163.3164 Local Government Comprehensive Planning and
12 Land Development Regulation Act; definitions.--As used in this
13 act:

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

30 Section 2. Paragraph (c) of subsection (13) of section
31 163.3177, Florida Statutes, is amended to read:

1 163.3177 Required and optional elements of
2 comprehensive plan; studies and surveys.--

3 (13) Local governments are encouraged to develop a
4 community vision that provides for sustainable growth,
5 recognizes its fiscal constraints, and protects its natural
6 resources. At the request of a local government, the
7 applicable regional planning council shall provide assistance
8 in the development of a community vision.

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

12 1. Strategies to preserve open space and
13 environmentally sensitive lands, and to encourage a healthy
14 agricultural economy, including innovative planning and
15 development strategies, such as the transfer of development
16 rights;

17 2. Incentives for mixed-use development, including
18 increased height and intensity standards for buildings that
19 provide residential use in combination with office or
20 commercial space;

21 3. Incentives for workforce housing;

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

24 5. Strategies to provide mobility within the community
25 and to protect the Strategic Intermodal System, including the
26 development of a transportation corridor management plan under
27 s. 337.273.

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

31 163.3180 Concurrency.--

1 (13) School concurrency shall be established on a
2 districtwide basis and shall include all public schools in the
3 district and all portions of the district, whether located in
4 a municipality or an unincorporated area unless exempt from
5 the public school facilities element pursuant to s.
6 163.3177(12). The application of school concurrency to
7 development shall be based upon the adopted comprehensive
8 plan, as amended. All local governments within a county,
9 except as provided in paragraph (f), shall ~~adopt and~~ transmit
10 to the state land planning agency and adopt the necessary plan
11 amendments, along with the interlocal agreement, for a
12 compliance review pursuant to s. 163.3184(7) and (8). The
13 minimum requirements for school concurrency are the following:

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

23 (b) Level-of-service standards.--The Legislature
24 recognizes that an essential requirement for a concurrency
25 management system is the level of service at which a public
26 facility is expected to operate.

27 1. Local governments and school boards imposing school
28 concurrency shall exercise authority in conjunction with each
29 other to establish jointly adequate level-of-service
30 standards, as defined in chapter 9J-5, Florida Administrative
31

1 Code, necessary to implement the adopted local government
2 comprehensive plan, based on data and analysis.

3 2. Public school level-of-service standards shall be
4 included and adopted into the capital improvements element of
5 the local comprehensive plan and shall apply districtwide to
6 all schools of the same type. Types of schools may include
7 elementary, middle, and high schools as well as special
8 purpose facilities such as magnet schools.

9 3. Local governments and school boards shall have the
10 option to utilize tiered level-of-service standards to allow
11 time to achieve an adequate and desirable level of service as
12 circumstances warrant.

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

23 1. In order to balance competing interests, preserve
24 the constitutional concept of uniformity, and avoid disruption
25 of existing educational and growth management processes, local
26 governments are encouraged to initially apply school
27 concurrency to development only on a districtwide basis so
28 that a concurrency determination for a specific development
29 will be based upon the availability of school capacity
30 districtwide. To ensure that development is coordinated with
31 schools having available capacity, within 5 years after

1 adoption of school concurrency, local governments shall apply
2 school concurrency on a less than districtwide basis, such as
3 using school attendance zones or concurrency service areas, as
4 provided in subparagraph 2.

5 2. For local governments applying school concurrency
6 on a less than districtwide basis, such as utilizing school
7 attendance zones or larger school concurrency service areas,
8 local governments and school boards shall have the burden to
9 demonstrate that the utilization of school capacity is
10 maximized to the greatest extent possible in the comprehensive
11 plan and amendment, taking into account transportation costs
12 and court-approved desegregation plans, as well as other
13 factors. In addition, in order to achieve concurrency within
14 the service area boundaries selected by local governments and
15 school boards, the service area boundaries, together with the
16 standards for establishing those boundaries, shall be
17 identified and included as supporting data and analysis for
18 the comprehensive plan.

19 3. Where school capacity is available on a
20 districtwide basis but school concurrency is applied on a less
21 than districtwide basis in the form of concurrency service
22 areas, if the adopted level-of-service standard cannot be met
23 in a particular service area as applied to an application for
24 a development permit and if the needed capacity for the
25 particular service area is available in one or more contiguous
26 service areas, as adopted by the local government, then the
27 local government may not deny an application for site plan or
28 final subdivision approval or the functional equivalent for a
29 development or phase of a development on the basis of school
30 concurrency, and if issued, development impacts shall be
31

1 shifted to contiguous service areas with schools having
2 available capacity.

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

12 1. A comprehensive plan amendment seeking to impose
13 school concurrency shall contain appropriate amendments to the
14 capital improvements element of the comprehensive plan,
15 consistent with the requirements of s. 163.3177(3) and rule
16 9J-5.016, Florida Administrative Code. The capital
17 improvements element shall set forth a financially feasible
18 public school capital facilities program, established in
19 conjunction with the school board, that demonstrates that the
20 adopted level-of-service standards will be achieved and
21 maintained.

22 2. Such amendments shall demonstrate that the public
23 school capital facilities program meets all of the financial
24 feasibility standards of this part and chapter 9J-5, Florida
25 Administrative Code, that apply to capital programs which
26 provide the basis for mandatory concurrency on other public
27 facilities and services.

28 3. When the financial feasibility of a public school
29 capital facilities program is evaluated by the state land
30 planning agency for purposes of a compliance determination,
31

1 the evaluation shall be based upon the service areas selected
2 by the local governments and school board.

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

23 1. Appropriate proportionate fair-share mitigation
24 options include the contribution of land; the construction,
25 expansion, or payment for land acquisition or construction of
26 a public school facility; or the creation of mitigation
27 banking based on the construction of a public school facility
28 in exchange for the right to sell capacity credits. Such
29 options must include execution by the applicant and the local
30 government of a binding development agreement that constitutes
31 a legally binding commitment to pay proportionate fair-share

1 ~~proportionate share~~ mitigation for the additional residential
2 units approved by the local government in a development order
3 and actually developed on the property, taking into account
4 residential density allowed on the property prior to the plan
5 amendment that increased overall residential density. The
6 district school board shall be a party to such an agreement.
7 As a condition of its entry into such a development agreement,
8 the local government may require the landowner to agree to
9 continuing renewal of the agreement upon its expiration.

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

20 3. Any proportionate fair-share ~~proportionate share~~
21 mitigation must be directed by the school board toward a
22 school capacity improvement identified in a financially
23 feasible 5-year district work plan and which satisfies the
24 demands created by that development in accordance with a
25 binding developer's agreement.

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

30 (f) Intergovernmental coordination.--
31

1 1. When establishing concurrency requirements for
2 public schools, a local government shall satisfy the
3 requirements for intergovernmental coordination set forth in
4 s. 163.3177(6)(h)1. and 2., except that a municipality is not
5 required to be a signatory to the interlocal agreement
6 required by ss. 163.3177(6)(h)2. and 163.31777 ~~163.31777(6)~~,
7 as a prerequisite for imposition of school concurrency, and as
8 a nonsignatory, shall not participate in the adopted local
9 school concurrency system, if the municipality meets all of
10 the following criteria for having no significant impact on
11 school attendance:

12 a. The municipality has issued development orders for
13 fewer than 50 residential dwelling units during the preceding
14 5 years, or the municipality has generated fewer than 25
15 additional public school students during the preceding 5
16 years.

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

20 c. The municipality has no public schools located
21 within its boundaries.

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

24 2. A municipality that ~~which~~ qualifies as having no
25 significant impact on school attendance pursuant to the
26 criteria of subparagraph 1. must review and determine at the
27 time of its evaluation and appraisal report pursuant to s.
28 163.3191 whether it continues to meet the criteria pursuant to
29 s. 163.31777(6). If the municipality determines that it no
30 longer meets the criteria, it must adopt appropriate school
31 concurrency goals, objectives, and policies in its plan

1 | amendments based on the evaluation and appraisal report, and
2 | enter into the existing interlocal agreement required by ss.
3 | 163.3177(6)(h)2. and 163.31777, in order to fully participate
4 | in the school concurrency system. If such a municipality
5 | fails to do so, it will be subject to the enforcement
6 | provisions of s. 163.3191.

7 | (g) Interlocal agreement for school concurrency.--When
8 | establishing concurrency requirements for public schools, a
9 | local government must enter into an interlocal agreement that
10 | satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
11 | 163.31777 and the requirements of this subsection. The
12 | interlocal agreement shall acknowledge both the school board's
13 | constitutional and statutory obligations to provide a uniform
14 | system of free public schools on a countywide basis, and the
15 | land use authority of local governments, including their
16 | authority to approve or deny comprehensive plan amendments and
17 | development orders. The interlocal agreement shall be
18 | submitted to the state land planning agency by the local
19 | government as a part of the compliance review, along with the
20 | other necessary amendments to the comprehensive plan required
21 | by this part. In addition to the requirements of ss.
22 | 163.3177(6)(h) and 163.31777, the interlocal agreement shall
23 | meet the following requirements:

24 | 1. Establish the mechanisms for coordinating the
25 | development, adoption, and amendment of each local
26 | government's public school facilities element with each other
27 | and the plans of the school board to ensure a uniform
28 | districtwide school concurrency system.

29 | 2. Establish a process for the development of siting
30 | criteria which encourages the location of public schools
31 | proximate to urban residential areas to the extent possible

1 and seeks to collocate schools with other public facilities
2 such as parks, libraries, and community centers to the extent
3 possible.

4 3. Specify uniform, districtwide level-of-service
5 standards for public schools of the same type and the process
6 for modifying the adopted level-of-service standards.

7 4. Establish a process for the preparation, amendment,
8 and joint approval by each local government and the school
9 board of a public school capital facilities program which is
10 financially feasible, and a process and schedule for
11 incorporation of the public school capital facilities program
12 into the local government comprehensive plans on an annual
13 basis.

14 5. Define the geographic application of school
15 concurrency. If school concurrency is to be applied on a less
16 than districtwide basis in the form of concurrency service
17 areas, the agreement shall establish criteria and standards
18 for the establishment and modification of school concurrency
19 service areas. The agreement shall also establish a process
20 and schedule for the mandatory incorporation of the school
21 concurrency service areas and the criteria and standards for
22 establishment of the service areas into the local government
23 comprehensive plans. The agreement shall ensure maximum
24 utilization of school capacity, taking into account
25 transportation costs and court-approved desegregation plans,
26 as well as other factors. The agreement shall also ensure the
27 achievement and maintenance of the adopted level-of-service
28 standards for the geographic area of application throughout
29 the 5 years covered by the public school capital facilities
30 plan and thereafter by adding a new fifth year during the
31 annual update.

1 6. Establish a uniform districtwide procedure for
2 implementing school concurrency which provides for:

3 a. The evaluation of development applications for
4 compliance with school concurrency requirements, including
5 information provided by the school board on affected schools,
6 impact on levels of service, and programmed improvements for
7 affected schools and any options to provide sufficient
8 capacity;

9 b. An opportunity for the school board to review and
10 comment on the effect of comprehensive plan amendments and
11 rezonings on the public school facilities plan; and

12 c. The monitoring and evaluation of the school
13 concurrency system.

14 7. Include provisions relating to amendment of the
15 agreement.

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

19 (h) Local government authority.--This subsection does
20 not limit the authority of a local government to grant or deny
21 a development permit or its functional equivalent prior to the
22 implementation of school concurrency.

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

29 (b)1. In its transportation concurrency management
30 system, a local government shall, by December 1, 2006, include
31 methodologies that will be applied to calculate proportionate

1 fair-share mitigation. A developer may choose to satisfy all
2 transportation concurrency requirements by contributing or
3 paying proportionate fair-share mitigation if transportation
4 facilities or facility segments identified as mitigation for
5 traffic impacts are specifically identified for funding in the
6 5-year schedule of capital improvements in the capital
7 improvements element of the local plan or the long-term
8 concurrency management system or if such contributions or
9 payments to such facilities or segments are reflected in the
10 5-year schedule of capital improvements in the next regularly
11 scheduled update of the capital improvements element. Updates
12 to the 5-year capital improvements element which reflect
13 proportionate fair-share contributions may not be found not in
14 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and
15 163.3177(3) if additional contributions, payments or funding
16 sources are reasonably anticipated during a period not to
17 exceed 10 years to fully mitigate impacts on the
18 transportation facilities.

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

24 (c) Proportionate fair-share mitigation includes,
25 without limitation, separately or collectively, private funds,
26 contributions of land, and construction and contribution of
27 facilities and may include public funds as determined by the
28 local government. The fair market value of the proportionate
29 fair-share mitigation shall not differ based on the form of
30 mitigation. A local government may not require a development
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1 to pay more than its proportionate fair-share mitigation
2 ~~contribution~~ regardless of the method of mitigation.

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

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

23 163.3184 Process for adoption of comprehensive plan or
24 plan amendment.--

25 (17) A local government that has adopted a community
26 vision and urban service boundary under s. 163.3177(13) ~~s.~~
27 ~~163.31773(13)~~ and (14) may adopt a plan amendment related to
28 map amendments solely to property within an urban service
29 boundary in the manner described in subsections (1), (2), (7),
30 (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and
31 3., such that state and regional agency review is eliminated.

1 The department may not issue an objections, recommendations,
2 and comments report on proposed plan amendments or a notice of
3 intent on adopted plan amendments; however, affected persons,
4 as defined by paragraph (1)(a), may file a petition for
5 administrative review pursuant to the requirements of s.
6 163.3187(3)(a) to challenge the compliance of an adopted plan
7 amendment. This subsection does not apply to any amendment
8 within an area of critical state concern, to any amendment
9 that increases residential densities allowable in high-hazard
10 coastal areas as defined in s. 163.3178(2)(h), or to a text
11 change to the goals, policies, or objectives of the local
12 government's comprehensive plan. Amendments submitted under
13 this subsection are exempt from the limitation on the
14 frequency of plan amendments in s. 163.3187.

15 Section 5. Paragraph (a) of subsection (3) of section
16 163.3247, Florida Statutes, is amended to read:

17 163.3247 Century Commission for a Sustainable
18 Florida.--

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

24 (a) The commission shall consist of 21 ~~15~~ members, 7 ~~5~~
25 appointed by the Governor, 7 ~~5~~ appointed by the President of
26 the Senate, and 7 ~~5~~ appointed by the Speaker of the House of
27 Representatives. Appointments shall be made no later than
28 August 1, 2006 ~~October 1, 2005~~. The membership must represent
29 local governments, school boards, developers and homebuilders,
30 the business community, the agriculture community, the
31 environmental community, and other appropriate stakeholders.

1 In making the appointments, the Governor, the President of the
2 Senate, and the Speaker of the House of Representatives shall
3 ensure that the membership of the commission reflects the
4 racial, ethnic, and gender diversity, as well as the
5 geographic distribution, of the state's population. One member
6 shall be designated by the Governor as chair of the
7 commission. Any vacancy that occurs on the commission must be
8 filled in the same manner as the original appointment and
9 shall be for the unexpired term of that commission seat.
10 Members shall serve 4-year terms, except that, initially, to
11 provide for staggered terms, the Governor, the President of
12 the Senate, and the Speaker of the House of Representatives
13 shall each appoint one member to serve a 2-year term, three
14 ~~two~~ members to serve 3-year terms, and three ~~two~~ members to
15 serve 4-year terms. All subsequent appointments shall be for
16 4-year terms. An appointee may not serve more than 6 years.

17 Section 6. Paragraph (a) of subsection (4) of section
18 339.2819, Florida Statutes, is amended to read:

19 339.2819 Transportation Regional Incentive Program.--

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

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

25 2. Be identified in the capital improvements element
26 of a comprehensive plan that has been determined to be in
27 compliance with part II of chapter 163, after July 1, 2005, or
28 to implement a long-term concurrency management system adopted
29 by a local government in accordance with s. 163.3180(9) ~~s.~~
30 ~~163.3177(9)~~. Further, the project shall be in compliance with
31

1 | local government comprehensive plan policies relative to
2 | corridor management.

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

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

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

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

12 | 380.06 Developments of regional impact.--

13 | (24) STATUTORY EXEMPTIONS.--

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

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

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

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 1. A local government infrastructure sales surtax
2 authorized in s. 212.055(2) in which a portion is dedicated
3 for the construction of schools in the current fiscal year.

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

9 3. A local bond referendum as authorized in ss.
10 1010.40-1010.55.

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

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

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

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

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

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

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

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

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

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

31

1 Section 11. Effective upon this act becoming a law,
2 the \$200 million appropriated in paragraph (a) of subsection
3 (2) of section 27 of chapter 2005-290, Laws of Florida, to the
4 State Transportation Trust Fund in the Department of
5 Transportation to be used for the purposes specified in ss.
6 339.61, 339.62, 339.63, and 339.64, Florida Statutes, is
7 reduced to \$175 million for the 2005-2006 fiscal year.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1858

The committee substitute for committee substitute for SB 1858:

- 1) Corrects cross-references.
- 2) Conforms references to "proportionate fair-share mitigation."
- 3) Deletes language in the bill that amended certain appropriations in s. 201.15, F.S.
- 4) Repeals subsection (10) of s. 339.55, F.S., which was a glitch in SB 360.
- 5) Increases funding for the Classrooms for Kids Program through the Public Education Capital Outlay and Debt Service Trust Fund (PECO) from \$41.75 million to \$75 million (the \$75 million was appropriated to PECO for the Classrooms for Kids Program in SB 360, but only \$41.75 was distributed to the program).
- 6) Revises the school district criteria for qualification for grants and funding allocation under the High Growth District Capital Outlay Assistance Grant Program.
- 7) Reappropriates \$30 million in recurring funding for the High Growth District Capital Outlay Assistance Grant Program.
- 8) Appropriates \$250,000 in recurring funding and \$300,000 in nonrecurring funds to support the Century Commission.
- 9) Changes the effective date to upon becoming a law.