

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (32) of section 163.3164, Florida  
6 Statutes, is amended to read:

7 163.3164 Local Government Comprehensive Planning and Land  
8 Development Regulation Act; definitions.--As used in this act:

9 (32) "Financial feasibility" means that sufficient  
10 revenues are currently available or will be available from  
11 committed funding sources for the first 3 years, or will be  
12 available from committed or planned funding sources for years 4  
13 and 5, of a 5-year capital improvement schedule for financing  
14 capital improvements, such as ad valorem taxes, bonds, state and  
15 federal funds, tax revenues, impact fees, and developer  
16 contributions, which are adequate to fund the projected costs of  
17 the capital improvements identified in the comprehensive plan

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18 necessary to ensure that adopted level-of-service standards are  
19 achieved and maintained within the period covered by the 5-year  
20 schedule of capital improvements. The requirement that level-of-  
21 service standards be achieved and maintained shall not apply if  
22 the proportionate fair-share mitigation ~~proportionate share~~  
23 process set forth in s. 163.3180(12) and (16) is used.

24 Section 2. Paragraph (c) of subsection (13) of section  
25 163.3177, Florida Statutes, is amended to read:

26 163.3177 Required and optional elements of comprehensive  
27 plan; studies and surveys.--

28 (13) Local governments are encouraged to develop a  
29 community vision that provides for sustainable growth,  
30 recognizes its fiscal constraints, and protects its natural  
31 resources. At the request of a local government, the applicable  
32 regional planning council shall provide assistance in the  
33 development of a community vision.

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

37 1. Strategies to preserve open space and environmentally  
38 sensitive lands, and to encourage a healthy agricultural  
39 economy, including innovative planning and development  
40 strategies, such as the transfer of development rights;

41 2. Incentives for mixed-use development, including  
42 increased height and intensity standards for buildings that  
43 provide residential use in combination with office or commercial  
44 space;

45 3. Incentives for workforce housing;

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

48 5. Strategies to provide mobility within the community and  
49 to protect the Strategic Intermodal System, including the  
50 development of a transportation corridor management plan under  
51 s. 337.273.

52 Section 3. Paragraph (c) of subsection (2), paragraph (f)  
53 of subsection (5), subsection (7), paragraphs (e) and (f) of  
54 subsection (13), and paragraphs (a), (b), (c), (e), and (f) of  
55 subsection (16) of section 163.3180, Florida Statutes, are  
56 amended to read:

57 163.3180 Concurrency.--

58 (2)

59 (c) Consistent with the public welfare, and except as  
60 otherwise provided in this section, transportation facilities  
61 needed to serve new development shall be in place or under  
62 actual construction or programmed for construction to commence  
63 in the Department of Transportation's work program or the local  
64 government's schedule of capital improvements within 3 years  
65 after the local government approves a building permit or its  
66 functional equivalent that results in traffic generation.

67 (5)

68 (f) Prior to the designation of a concurrency exception  
69 area, the Department of Transportation shall be consulted by the  
70 local government to assess the impact that the proposed  
71 exception area is expected to have on the adopted level-of-  
72 service standards established for Strategic Intermodal System  
73 facilities, as defined in s. 339.64, and roadway facilities  
74 funded in accordance with s. 339.2819. Further, the local

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75 government shall, in cooperation with the Department of  
76 Transportation, develop a plan to mitigate ~~any~~ impacts to the  
77 Strategic Intermodal System, including, if appropriate, the  
78 development of a long-term concurrency management system  
79 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions  
80 may be available only within the specific geographic area of the  
81 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
82 any affected person may challenge a plan amendment establishing  
83 these guidelines and the areas within which an exception could  
84 be granted. By October 1, 2006, the Department of  
85 Transportation, after publicly noticed workshops, shall publish  
86 and distribute to local governments a policy guideline  
87 containing criteria and options to assist local governments in  
88 planning to assess and mitigate the impacts of a proposed  
89 concurrency exception area as described in this paragraph.

90 (7) In order to promote infill development and  
91 redevelopment, one or more transportation concurrency management  
92 areas may be designated in a local government comprehensive  
93 plan. A transportation concurrency management area must be a  
94 compact geographic area with an existing network of roads where  
95 multiple, viable alternative travel paths or modes are available  
96 for common trips. A local government may establish an areawide  
97 level-of-service standard for such a transportation concurrency  
98 management area based upon an analysis that provides for a  
99 justification for the areawide level of service, how urban  
100 infill development or redevelopment will be promoted, and how  
101 mobility will be accomplished within the transportation  
102 concurrency management area. Prior to the designation of a  
103 concurrency management area, the Department of Transportation  
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104 shall be consulted by the local government to assess the impact  
105 that the proposed concurrency management area is expected to  
106 have on the adopted level-of-service standards established for  
107 Strategic Intermodal System facilities, as defined in s. 339.64,  
108 and roadway facilities funded in accordance with s. 339.2819.  
109 Further, the local government shall, in cooperation with the  
110 Department of Transportation, develop a plan to mitigate any  
111 impacts to the Strategic Intermodal System, including, if  
112 appropriate, the development of a long-term concurrency  
113 management system pursuant to subsection (9) and s.  
114 163.3177(3)(d). Transportation concurrency management areas  
115 existing prior to July 1, 2005, shall meet, at a minimum, the  
116 provisions of this section by July 1, 2006, or at the time of  
117 the comprehensive plan update pursuant to the evaluation and  
118 appraisal report, whichever occurs last. The state land planning  
119 agency shall amend chapter 9J-5, Florida Administrative Code, to  
120 be consistent with this subsection. By October 1, 2006, the  
121 Department of Transportation, after publicly noticed workshops,  
122 shall publish and distribute to local governments a policy  
123 guideline containing criteria and options to assist local  
124 governments in planning to assess and mitigate the impacts of a  
125 proposed concurrency management area as described in this  
126 paragraph.

127 (13) School concurrency shall be established on a  
128 districtwide basis and shall include all public schools in the  
129 district and all portions of the district, whether located in a  
130 municipality or an unincorporated area unless exempt from the  
131 public school facilities element pursuant to s. 163.3177(12).  
132 The application of school concurrency to development shall be  
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133 based upon the adopted comprehensive plan, as amended. All local  
134 governments within a county, except as provided in paragraph  
135 (f), shall adopt and transmit to the state land planning agency  
136 the necessary plan amendments, along with the interlocal  
137 agreement, for a compliance review pursuant to s. 163.3184(7)  
138 and (8). The minimum requirements for school concurrency are the  
139 following:

140 (e) Availability standard.--Consistent with the public  
141 welfare, a local government may not deny an application for site  
142 plan, final subdivision approval, or the functional equivalent  
143 for a development or phase of a development authorizing  
144 residential development for failure to achieve and maintain the  
145 level-of-service standard for public school capacity in a local  
146 school concurrency management system where adequate school  
147 facilities will be in place or under actual construction within  
148 3 years after the issuance of final subdivision or site plan  
149 approval, or the functional equivalent. School concurrency shall  
150 be satisfied if the developer executes a legally binding  
151 commitment to provide proportionate fair-share mitigation  
152 proportionate to the demand for public school facilities to be  
153 created by actual development of the property, including, but  
154 not limited to, the options described in subparagraph 1. Options  
155 for proportionate fair-share ~~proportionate-share~~ mitigation of  
156 impacts on public school facilities shall be established in the  
157 public school facilities element and the interlocal agreement  
158 pursuant to s. 163.31777.

159 1. Appropriate proportionate fair-share mitigation options  
160 include the contribution of land; the construction, expansion,  
161 or payment for land acquisition or construction of a public  
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162 school facility; or the creation of mitigation banking based on  
163 the construction of a public school facility in exchange for the  
164 right to sell capacity credits. Such options must include  
165 execution by the applicant and the local government of a binding  
166 development agreement that constitutes a legally binding  
167 commitment to pay proportionate fair-share ~~proportionate share~~  
168 mitigation for the additional residential units approved by the  
169 local government in a development order and actually developed  
170 on the property, taking into account residential density allowed  
171 on the property prior to the plan amendment that increased  
172 overall residential density. The district school board shall be  
173 a party to such an agreement. As a condition of its entry into  
174 such a development agreement, the local government may require  
175 the landowner to agree to continuing renewal of the agreement  
176 upon its expiration.

177 2. If the education facilities plan and the public  
178 educational facilities element authorize a contribution of land;  
179 the construction, expansion, or payment for land acquisition; or  
180 the construction or expansion of a public school facility, or a  
181 portion thereof, as proportionate fair-share ~~proportionate share~~  
182 mitigation, the local government shall credit such a  
183 contribution, construction, expansion, or payment toward any  
184 other impact fee or exaction imposed by local ordinance for the  
185 same need, on a dollar-for-dollar basis at fair market value.

186 3. Any proportionate fair-share ~~proportionate share~~  
187 mitigation must be directed by the school board toward a school  
188 capacity improvement identified in a financially feasible 5-year  
189 district work plan and which satisfies the demands created by

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190 that development in accordance with a binding developer's  
191 agreement.

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

196 (f) Intergovernmental coordination.--

197 1. When establishing concurrency requirements for public  
198 schools, a local government shall satisfy the requirements for  
199 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
200 and 2., except that a municipality is not required to be a  
201 signatory to the interlocal agreement required by ss.  
202 163.3177(6)(h)2. and ~~163.31777(6)~~, as a prerequisite for  
203 imposition of school concurrency, and as a nonsignatory, shall  
204 not participate in the adopted local school concurrency system,  
205 if the municipality meets all of the following criteria for  
206 having no significant impact on school attendance:

207 a. The municipality has issued development orders for  
208 fewer than 50 residential dwelling units during the preceding 5  
209 years, or the municipality has generated fewer than 25  
210 additional public school students during the preceding 5 years.

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

214 c. The municipality has no public schools located within  
215 its boundaries.

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

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218           2. A municipality which qualifies as having no significant  
219 impact on school attendance pursuant to the criteria of  
220 subparagraph 1. must review and determine at the time of its  
221 evaluation and appraisal report pursuant to s. 163.3191 whether  
222 it continues to meet the criteria pursuant to s. 163.31777(6).  
223 If the municipality determines that it no longer meets the  
224 criteria, it must adopt appropriate school concurrency goals,  
225 objectives, and policies in its plan amendments based on the  
226 evaluation and appraisal report, and enter into the existing  
227 interlocal agreement required by ss. 163.3177(6)(h)2. and  
228 163.31777, in order to fully participate in the school  
229 concurrency system. If such a municipality fails to do so, it  
230 will be subject to the enforcement provisions of s. 163.3191.

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

237           (a) By December 1, 2006, each local government shall adopt  
238 by ordinance a methodology for assessing proportionate fair-  
239 share mitigation options. A local government that fails to adopt  
240 a methodology for assessing proportionate fair-share mitigation  
241 options by December 1, 2006, shall be subject to the sanctions  
242 described in s. 163.3184(11)(a) imposed by the Administration  
243 Commission. By December 1, 2005, the Department of  
244 Transportation shall develop a model transportation concurrency  
245 management ordinance with methodologies for assessing  
246 proportionate fair-share mitigation options.

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247 (b)1. In its transportation concurrency management system,  
248 a local government shall, by December 1, 2006, include  
249 methodologies that will be applied to calculate proportionate  
250 fair-share mitigation. A local government that fails to include  
251 such methodologies by December 1, 2006, shall be subject to the  
252 sanctions described in s. 163.3184(11)(a) imposed by the  
253 Administration Commission. A developer may choose to satisfy all  
254 transportation concurrency requirements by contributing or  
255 paying proportionate fair-share mitigation if transportation  
256 facilities or facility segments identified as mitigation for  
257 traffic impacts are specifically identified for funding in the  
258 5-year schedule of capital improvements in the capital  
259 improvements element of the local plan or the long-term  
260 concurrency management system or if such contributions or  
261 payments to such facilities or segments are reflected in the 5-  
262 year schedule of capital improvements in the next regularly  
263 scheduled update of the capital improvements element. Updates to  
264 the 5-year capital improvements element which reflect  
265 proportionate fair-share contributions may not be found not in  
266 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3)  
267 if additional contributions, payments or funding sources are  
268 reasonably anticipated during a period not to exceed 10 years to  
269 fully mitigate impacts on the transportation facilities.

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

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275 (c) Proportionate fair-share mitigation includes, without  
276 limitation, separately or collectively, private funds,  
277 contributions of land, and construction and contribution of  
278 facilities and may include public funds as determined by the  
279 local government. The fair market value of the proportionate  
280 fair-share mitigation shall not differ based on the form of  
281 mitigation. A local government may not require a development to  
282 pay more than its proportionate fair-share mitigation  
283 ~~contribution~~ regardless of the method of mitigation.

284 (e) Mitigation for development impacts to facilities on  
285 the Strategic Intermodal System made pursuant to this subsection  
286 requires the concurrence of the Department of Transportation.  
287 The department has 60 days from the date of submission by the  
288 applicable local government to concur or withhold concurrence  
289 with the mitigation of development impacts to facilities on the  
290 Strategic Intermodal System. If the department does not respond  
291 within the 60-day period, the department is deemed to have  
292 concurred with the mitigation.

293 (f) If ~~In the event the~~ funds in an adopted 5-year capital  
294 improvements element are insufficient to fully fund construction  
295 of a transportation improvement required by the local  
296 government's concurrency management system, a local government  
297 and a developer may still enter into a binding proportionate  
298 fair-share mitigation ~~proportionate share~~ agreement authorizing  
299 the developer to construct that amount of development on which  
300 the proportionate fair-share mitigation ~~proportionate share~~ is  
301 calculated if the proportionate fair-share mitigation  
302 ~~proportionate share~~ amount in such agreement is sufficient to  
303 pay for one or more improvements which will, in the opinion of

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304 the governmental entity or entities maintaining the  
305 transportation facilities, significantly benefit the impacted  
306 transportation system. The improvement or improvements funded by  
307 the proportionate fair-share mitigation ~~proportionate-share~~  
308 component must be adopted into the 5-year capital improvements  
309 schedule of the comprehensive plan at the next annual capital  
310 improvements element update.

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

313 163.3184 Process for adoption of comprehensive plan or  
314 plan amendment.--

315 (17) A local government that has adopted a community  
316 vision and urban service boundary under s. 163.3177(13)  
317 ~~163.3177(13)~~ and (14) may adopt a plan amendment related to map  
318 amendments solely to property within an urban service boundary  
319 in the manner described in subsections (1), (2), (7), (14),  
320 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,  
321 such that state and regional agency review is eliminated. The  
322 department may not issue an objections, recommendations, and  
323 comments report on proposed plan amendments or a notice of  
324 intent on adopted plan amendments; however, affected persons, as  
325 defined by paragraph (1)(a), may file a petition for  
326 administrative review pursuant to the requirements of s.  
327 163.3187(3)(a) to challenge the compliance of an adopted plan  
328 amendment. This subsection does not apply to any amendment  
329 within an area of critical state concern, to any amendment that  
330 increases residential densities allowable in high-hazard coastal  
331 areas as defined in s. 163.3178(2)(h), or to a text change to  
332 the goals, policies, or objectives of the local government's  
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333 comprehensive plan. Amendments submitted under this subsection  
334 are exempt from the limitation on the frequency of plan  
335 amendments in s. 163.3187.

336 Section 5. Paragraph (a) of subsection (3) of section  
337 163.3247, Florida Statutes, is amended to read:

338 163.3247 Century Commission for a Sustainable Florida.--

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

344 (a) The commission shall consist of 15 members, 5  
345 appointed by the Governor, 5 appointed by the President of the  
346 Senate, and 5 appointed by the Speaker of the House of  
347 Representatives. Appointments shall be made no later than  
348 October 1, 2005. The membership must represent local  
349 governments, school boards, developers and homebuilders, the  
350 business community, the agriculture community, the environmental  
351 community, and other appropriate stakeholders. The membership  
352 shall reflect the demographic makeup of the state. One member  
353 shall be designated by the Governor as chair of the commission.  
354 Any vacancy that occurs on the commission must be filled in the  
355 same manner as the original appointment and shall be for the  
356 unexpired term of that commission seat. Members shall serve 4-  
357 year terms, except that, initially, to provide for staggered  
358 terms, the Governor, the President of the Senate, and the  
359 Speaker of the House of Representatives shall each appoint one  
360 member to serve a 2-year term, two members to serve 3-year  
361 terms, and two members to serve 4-year terms. All subsequent

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362 appointments shall be for 4-year terms. An appointee may not  
363 serve more than 6 years.

364 Section 6. Paragraph (a) of subsection (4) of section  
365 339.2819, Florida Statutes, is amended to read:

366 339.2819 Transportation Regional Incentive Program.--

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

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

372 2. Be identified in the capital improvements element of a  
373 comprehensive plan that has been determined to be in compliance  
374 with part II of chapter 163, after July 1, 2005, or to implement  
375 a long-term concurrency management system adopted by a local  
376 government in accordance with s. 163.3180(9) ~~163.3177(9)~~.

377 Further, the project shall be in compliance with local  
378 government comprehensive plan policies relative to corridor  
379 management.

380 3. Be consistent with the Strategic Intermodal System Plan  
381 developed under s. 339.64.

382 4. Have a commitment for local, regional, or private  
383 financial matching funds as a percentage of the overall project  
384 cost.

385 Section 7. Subsection (10) of section 339.55, Florida  
386 Statutes, is amended to read:

387 339.55 State-funded infrastructure bank.--

388 ~~(10) Funds paid into the State Transportation Trust Fund~~  
389 ~~pursuant to s. 201.15(1)(d) for the purposes of the State~~

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390 ~~Infrastructure Bank are hereby annually appropriated for~~  
391 ~~expenditure to support that program.~~

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

394 380.06 Developments of regional impact.--

395 (24) STATUTORY EXEMPTIONS.--

396 (l) Any proposed development within an urban service  
397 boundary established under s. 163.3177(14) is exempt from the  
398 provisions of this section if the local government having  
399 jurisdiction over the area where the development is proposed has  
400 adopted the urban service boundary and has entered into a  
401 binding agreement with adjacent jurisdictions and the Department  
402 of Transportation regarding the mitigation of impacts on state  
403 and regional transportation facilities, and has adopted a  
404 proportionate fair-share mitigation share methodology pursuant  
405 to s. 163.3180(16).

406 (m) Any proposed development within a rural land  
407 stewardship area created under s. 163.3177(11)(d) is exempt from  
408 the provisions of this section if the local government that has  
409 adopted the rural land stewardship area has entered into a  
410 binding agreement with jurisdictions that would be impacted and  
411 the Department of Transportation regarding the mitigation of  
412 impacts on state and regional transportation facilities, and has  
413 adopted a proportionate fair-share mitigation share methodology  
414 pursuant to s. 163.3180(16).

415 (n) Any proposed development or redevelopment within an  
416 area designated as an urban infill and redevelopment area under  
417 s. 163.2517 is exempt from the provisions of this section if the  
418 local government has entered into a binding agreement with

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419 jurisdictions that would be impacted and the Department of  
420 Transportation regarding the mitigation of impacts on state and  
421 regional transportation facilities, and has adopted a  
422 proportionate fair-share mitigation ~~share~~ methodology pursuant  
423 to s. 163.3180(16).

424 Section 9. Paragraph (a) of subsection (2) of section  
425 1013.65, Florida Statutes, is amended to read:

426 1013.65 Educational and ancillary plant construction  
427 funds; Public Education Capital Outlay and Debt Service Trust  
428 Fund; allocation of funds.--

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

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

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

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

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

442 ~~b. The sum of \$41.75 million of such funds shall be~~  
443 ~~appropriated annually for expenditure to fund the Classrooms for~~  
444 ~~Kids Program created in s. 1013.735 and shall be distributed as~~  
445 ~~provided by that section.~~

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

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448 1013.738 High Growth District Capital Outlay Assistance  
449 Grant Program.--

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

452 (a) The district must have levied the full 2 mills of  
453 nonvoted discretionary capital outlay millage authorized in s.  
454 1011.71(2) for each of the past 3 4 fiscal years or currently  
455 receive an amount from the school capital outlay surtax  
456 authorized in s. 212.055(6) that, when added to the nonvoted  
457 discretionary capital outlay millage collected, equals the  
458 amount that would be generated if the full 2 mills of nonvoted  
459 discretionary capital outlay millage had been collected over the  
460 past 3 fiscal years.

461 (b) The district must receive, in the current fiscal year,  
462 revenue from the collection of an impact fee specifically for  
463 schools and revenue from the collection of one of the following:

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

467 2. A school capital outlay surtax authorized in s.  
468 212.055(6). If the school capital outlay surtax is used to meet  
469 the conditions of paragraph (a), the amount of the school  
470 capital outlay surtax collected must be in excess of the amount  
471 in paragraph (a).

472 3. A local bond referendum as authorized in ss. 1010.40-  
473 1010.55. Fifty percent of the revenue derived from the 2-mill  
474 nonvoted discretionary capital outlay millage for the past 4  
475 fiscal years, when divided by the district's growth in capital  
476 outlay FTE students over this period, produces a value that is  
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477 ~~less than the average cost per student station calculated~~  
478 ~~pursuant to s. 1013.72(2), and weighted by statewide growth in~~  
479 ~~capital outlay FTE students in elementary, middle, and high~~  
480 ~~schools for the past 4 fiscal years.~~

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

484 (d) The district must not have received an appropriation  
485 from the special facilities construction program in the current  
486 fiscal year. ~~The Commissioner of Education must have released~~  
487 ~~all funds allocated to the district from the Classrooms First~~  
488 ~~Program authorized in s. 1013.68, and these funds were fully~~  
489 ~~expended by the district as of February 1 of the current fiscal~~  
490 ~~year.~~

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

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

495 (a) Each eligible district school board shall receive an  
496 amount from the Public Education Capital Outlay and Debt Service  
497 Trust Fund to be calculated by computing the capital outlay  
498 full-time equivalent membership as determined by the department.  
499 Such membership must include, but is not limited to:

500 1. K-12 students, except hospital and homebound part-time  
501 students; and

502 2. Students who are career education students and adult  
503 disabled students and who are enrolled in school district career  
504 centers. ~~For each eligible district, the Department of Education~~  
505 ~~shall calculate the value of 50 percent of the revenue derived~~

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506 ~~from the 2 mill nonvoted discretionary capital outlay millage~~  
507 ~~for the past 4 fiscal years divided by the increase in capital~~  
508 ~~outlay FTE students for the same period.~~

509       (b) The capital outlay full-time equivalent membership  
510 shall be determined for kindergarten through grade 12 and for  
511 career centers by averaging the unweighted full-time equivalent  
512 membership for the second and third surveys and comparing the  
513 results on a school-by-school basis with the Florida Inventory  
514 for School Houses. The capital outlay full-time equivalent  
515 membership by grade-level organization shall be used in making  
516 the following calculation: the capital outlay full-time  
517 equivalent membership by grade-level organization for the prior  
518 year must be used to compute the growth over the highest of the  
519 3 years preceding the prior year. The Department of Education  
520 ~~shall determine, for each eligible district, the amount that~~  
521 ~~must be added to the value calculated pursuant to paragraph (a)~~  
522 ~~to produce the weighted average value per student station~~  
523 ~~calculated pursuant to paragraph (2) (b).~~

524       (c) The total amount appropriated by the Legislature  
525 pursuant to this subsection shall be allocated among the growth  
526 capital outlay full-time equivalent membership. The allocation  
527 shall be prorated to the districts based upon each district's  
528 percentage of growth capital outlay full-time equivalent  
529 membership. The most recent 4-year capital outlay full-time  
530 equivalent membership data shall be used in each subsequent  
531 year's calculation for the allocation of funds pursuant to this  
532 subsection. If a change, correction, or recomputation of data  
533 during any year results in a reduction or increase of the  
534 calculated amount previously allocated to a district, the

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535 allocation to that district shall be adjusted correspondingly.  
536 If such recomputation results in an increase or decrease of the  
537 calculated amount, such additional or reduced amounts shall be  
538 added to or reduced from the district's future appropriations.  
539 However, no change, correction, or recomputation of data shall  
540 be made subsequent to 2 years following the initial annual  
541 allocation. The value calculated for each eligible district  
542 pursuant to paragraph (b) shall be multiplied by the average  
543 increase in capital outlay FTE students for the past 4 fiscal  
544 years to determine the maximum amount of a grant that may be  
545 awarded to a district pursuant to this section.

546 ~~(d) In the event the funds provided in the General~~  
547 ~~Appropriations Act are insufficient to fully fund the maximum~~  
548 ~~grants calculated pursuant to paragraph (c), the Department of~~  
549 ~~Education shall allocate the funds based on each district's~~  
550 ~~prorated share of the total maximum award amount calculated for~~  
551 ~~all eligible districts.~~

552 Section 11. Paragraph (a) of subsection (2) of section 27  
553 of chapter 2005-290, Laws of Florida, is amended to read:

554 Section 27.

555 (2) The following appropriations are made for the 2005-  
556 2006 fiscal year only on a nonrecurring basis:

557 (a) From the State Transportation Trust Fund in the  
558 Department of Transportation:

559 1. One hundred seventy-five ~~Two hundred~~ million dollars  
560 for the purposes specified in sections 339.61, 339.62, 339.63,  
561 and 339.64, Florida Statutes.

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

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

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

568 Section 12. This act shall take effect July 1, 2006.  
569  
570

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

572 Remove the entire title and insert:

573 A bill to be entitled

574 An act relating to growth management; amending s.  
575 163.3164, F.S.; revising a definition; amending s.  
576 163.3177, F.S.; correcting a cross-reference; amending s.  
577 163.3180, F.S.; revising concurrency requirements and  
578 procedures; providing sanctions; amending ss. 163.3184 and  
579 339.2819, F.S.; correcting cross-references; amending s.  
580 163.3247, F.S.; providing a requirement on the makeup of  
581 the Century Commission for a Sustainable Florida; amending  
582 s. 339.55, F.S.; deleting an annual appropriation from the  
583 State Transportation Trust Fund for State Infrastructure  
584 Bank purposes; amending s. 380.06, F.S.; revising certain  
585 statutory exemption provisions for developments of  
586 regional impact; amending s. 1013.65, F.S.; revising  
587 provisions relating to sources of appropriations to the  
588 Public Education Capital Outlay and Debt Service Trust  
589 Fund to delete an annual appropriation to the Classroom  
590 for Kids Program; amending s. 1013.738, F.S.; revising the  
591 eligibility criteria for the High Growth District Capital  
592 Outlay Assistance Grant Program; revising provisions for

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593 allocation of funds; providing calculations; amending s.  
594 27, ch. 2005-290, Laws of Florida; revising an  
595 appropriation from the State Transportation Trust Fund for  
596 Florida Strategic Intermodal System purposes; providing an  
597 effective date.