

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. Subsection (2), paragraph (b) of subsection  
25 (3), and paragraph (c) of subsection (13) of section 163.3177,  
26 Florida Statutes, are amended to read:

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

29 (2) Coordination of the several elements of the local  
30 comprehensive plan shall be a major objective of the planning  
31 process. The several elements of the comprehensive plan shall be  
32 consistent, and the comprehensive plan shall be ~~financially~~  
33 feasible. ~~Financial~~ Feasibility shall be determined using  
34 professionally accepted methodologies.

35 (3)

36 (b)1. The capital improvements element shall be reviewed  
37 on an annual basis and modified as necessary in accordance with  
38 s. 163.3187 or s. 163.3189 in order to maintain a financially  
39 feasible 5-year schedule of capital improvements. Corrections  
40 and modifications concerning costs; revenue sources; or  
41 acceptance of facilities pursuant to dedications which are  
42 consistent with the plan may be accomplished by ordinance and  
43 shall not be deemed to be amendments to the local comprehensive  
44 plan. A copy of the ordinance shall be transmitted to the state  
45 land planning agency. An amendment to the comprehensive plan is  
46 required to update the schedule on an annual basis or to

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47 eliminate, defer, or delay the construction for any facility  
48 listed in the 5-year schedule. An affected person may challenge  
49 the addition of a facility, or the elimination, deferral, or  
50 delay of a project, only when the facility is first added to the  
51 5-year schedule of capital improvements or when the project is  
52 proposed to be eliminated, deferred, or delayed. All public  
53 facilities shall be consistent with the capital improvements  
54 element. Amendments to implement this section must be adopted  
55 and transmitted no later than December 1, 2007. Thereafter, a  
56 local government may not amend its future land use map, except  
57 for plan amendments to meet new requirements under this part and  
58 emergency amendments pursuant to s. 163.3187(1)(a), after  
59 December 1, 2007, and every year thereafter, unless and until  
60 the local government has adopted the annual update and it has  
61 been transmitted to the state land planning agency. If an  
62 affected party challenges the 5-year schedule of capital  
63 improvements, a local government may continue to adopt plan  
64 amendments to the future land use map during the pendency of the  
65 challenge and any related litigation.

66 2. Capital improvements element amendments adopted after  
67 the effective date of this act shall require only a single  
68 public hearing before the governing board which shall be an  
69 adoption hearing as described in s. 163.3184(7). Such amendments  
70 are not subject to the requirements of s. 163.3184(3)-(6).

71 (13) Local governments are encouraged to develop a  
72 community vision that provides for sustainable growth,  
73 recognizes its fiscal constraints, and protects its natural  
74 resources. At the request of a local government, the applicable

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75 regional planning council shall provide assistance in the  
76 development of a community vision.

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

80 1. Strategies to preserve open space and environmentally  
81 sensitive lands, and to encourage a healthy agricultural  
82 economy, including innovative planning and development  
83 strategies, such as the transfer of development rights;

84 2. Incentives for mixed-use development, including  
85 increased height and intensity standards for buildings that  
86 provide residential use in combination with office or commercial  
87 space;

88 3. Incentives for workforce housing;

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

91 5. Strategies to provide mobility within the community and  
92 to protect the Strategic Intermodal System, including the  
93 development of a transportation corridor management plan under  
94 s. 337.273.

95 Section 3. Paragraph (c) of subsection (2), subsections  
96 (6) and (7), paragraph (a) of subsection (9), paragraphs (d),  
97 (e), (f), and (g) of subsection (13), and paragraphs (a), (b),  
98 (c), (e), and (f) of subsection (16) of section 163.3180,  
99 Florida Statutes, are amended, and paragraph (f) of subsection  
100 (5) of that section is amended and paragraphs (h), (i), and (j)  
101 are added to that subsection, to read:

102 163.3180 Concurrency.--

103 (2)

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104 (c) Consistent with the public welfare, and except as  
105 otherwise provided in this section, transportation facilities  
106 needed to serve new development shall be in place or under  
107 actual construction or programmed for construction to commence  
108 in the Department of Transportation's work program or the local  
109 government's schedule of capital improvements within 3 years  
110 after the local government approves a building permit or its  
111 functional equivalent that results in traffic generation.

112 (5)

113 (f) Prior to the designation of a concurrency exception  
114 area, the Department of Transportation shall be consulted by the  
115 local government to assess the impact that the proposed  
116 exception area is expected to have on the adopted level-of-  
117 service standards established for Strategic Intermodal System  
118 facilities, as defined in s. 339.64, and roadway facilities  
119 funded in accordance with s. 339.2819. Further, the local  
120 government shall, in cooperation with the Department of  
121 Transportation, develop a plan to mitigate ~~any~~ impacts to the  
122 Strategic Intermodal System, including, if appropriate, the  
123 development of a long-term concurrency management system  
124 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions  
125 may be available only within the specific geographic area of the  
126 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
127 any affected person may challenge a plan amendment establishing  
128 these guidelines and the areas within which an exception could  
129 be granted. By October 1, 2006, the Department of  
130 Transportation, after publicly noticed workshops, shall publish  
131 and distribute to local governments a policy guideline  
132 containing criteria and options to assist local governments in  
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133 planning to assess and mitigate the impacts of a proposed  
134 concurrency exception area as described in this paragraph.

135 (h) It is a high state priority that urban infill and  
136 redevelopment be promoted and provided incentives. By promoting  
137 the revitalization of existing communities of this state, a more  
138 efficient maximization of space and facilities may be achieved  
139 and urban sprawl discouraged. If a local government creates a  
140 long-term vision for its community that includes adequate  
141 funding, services, and multimodal transportation options, the  
142 transportation facilities concurrency requirements of paragraph  
143 (2) (c) are waived:

144 1.a. For urban infill and redevelopment areas designated  
145 in the comprehensive plan under s. 163.2517; or

146 b. For areas designated in the comprehensive plan prior to  
147 January 1, 2006, as urban infill development, urban  
148 redevelopment, or downtown revitalization.

149  
150 The local government and the Department of Transportation shall  
151 cooperatively establish a plan for maintaining the adopted  
152 level-of-service standards established by the Department of  
153 Transportation for Strategic Intermodal System facilities, as  
154 defined in s. 339.64.

155 2. For municipalities that are built-out. For purposes of  
156 this exemption:

157 a. The term "built-out" means that 90 percent of the  
158 property within the municipality's boundaries, excluding lands  
159 that are designated as conservation, preservation, recreation,  
160 or public facilities categories, have been developed or are the  
161 subject of an approved development order that has received a

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162 building permit and the municipality has an average density of  
163 five units per acre for residential developments.

164 b. The municipality must have adopted an ordinance that  
165 provides the methodology for determining its built-out  
166 percentage, declares that transportation concurrency  
167 requirements are waived within its municipal boundary or within  
168 a designated area of the municipality, and addresses multimodal  
169 options and strategies, including alternative modes of  
170 transportation within the municipality. Prior to the adoption of  
171 the ordinance, the local government shall consult with the  
172 Department of Transportation to assess the impact that the  
173 waiver of the transportation concurrency requirements is  
174 expected to have on the adopted level-of-service standards  
175 established for Strategic Intermodal System facilities, as  
176 defined in s. 339.64. Further, the local government shall  
177 cooperatively establish a plan for maintaining the adopted  
178 level-of-service standards established by the department for  
179 Strategic Intermodal System facilities, as described in s.  
180 339.64.

181 c. If a municipality annexes any property, the  
182 municipality must recalculate its built-out percentage pursuant  
183 to the methodology set forth in its ordinance to verify whether  
184 the annexed property may be included within the exemption.

185 d. If transportation concurrency requirements are waived  
186 under this subparagraph, the municipality must adopt a  
187 comprehensive plan amendment pursuant to s. 163.3187(1)(c),  
188 which updates its transportation element to reflect the  
189 transportation concurrency requirements waiver, and must submit

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190 a copy of its ordinance, adopted in sub-subparagraph b., to the  
191 state land planning agency.

192 (i) An areawide development of regional impact granted to  
193 a municipality under s. 380.06(25) is exempt from the  
194 requirements of transportation facilities concurrency if the  
195 development of regional impact's boundaries have not been  
196 increased after July 1, 2005, and a mitigation plan with  
197 identified funding has been submitted and approved by the  
198 Department of Transportation to address transportation  
199 deficiencies, if the approved development order did not address  
200 such deficiencies. New applications for development approval  
201 that are located outside of but are adjacent and contiguous to  
202 the specified exempt development-of-regional-impact boundaries  
203 shall not include the trips generated by such exempt development  
204 of regional impact as part of their transportation facilities  
205 concurrency calculations.

206 (j) A development of regional impact granted to a downtown  
207 development authority under s. 380.06(22) is exempt from the  
208 requirements of transportation facilities concurrency if the  
209 development of regional impact's boundaries have not been  
210 increased after July 1, 2005, and a mitigation plan with  
211 identified funding has been submitted and approved by the  
212 Department of Transportation to address transportation  
213 deficiencies, if the approved development order did not address  
214 such deficiencies. New applications for development approval  
215 that are located outside of but are adjacent and contiguous to  
216 the specified exempt development-of-regional-impact boundaries  
217 shall not include the trips generated by such exempt development

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218 of regional impact as part of their transportation facilities  
219 concurrency calculations.

220 (6) The Legislature finds that a de minimis impact is  
221 consistent with this part. A de minimis impact is an impact that  
222 would not affect more than 1 percent of the maximum volume at  
223 the adopted level of service of the affected transportation  
224 facility as determined by the local government. No impact will  
225 be de minimis if the sum of existing roadway volumes and the  
226 projected volumes from approved projects on a transportation  
227 facility would exceed 110 percent of the maximum volume at the  
228 adopted level of service of the affected transportation  
229 facility; provided however, that an impact of a single family  
230 home on an existing lot will constitute a de minimis impact on  
231 all roadways regardless of the level of the deficiency of the  
232 roadway. Further, no impact will be de minimis if it would  
233 exceed the adopted level-of-service standard of any affected  
234 designated hurricane evacuation routes. ~~Each local government~~  
235 ~~shall maintain sufficient records to ensure that the 110 percent~~  
236 ~~criterion is not exceeded. Each local government shall submit~~  
237 ~~annually, with its updated capital improvements element, a~~  
238 ~~summary of the de minimis records. If the state land planning~~  
239 ~~agency determines that the 110 percent criterion has been~~  
240 ~~exceeded, the state land planning agency shall notify the local~~  
241 ~~government of the exceedance and that no further de minimis~~  
242 ~~exceptions for the applicable roadway may be granted until such~~  
243 ~~time as the volume is reduced below the 110 percent. The local~~  
244 ~~government shall provide proof of this reduction to the state~~  
245 ~~land planning agency before issuing further de minimis~~  
246 ~~exceptions.~~

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247 (7) In order to promote infill development and  
248 redevelopment, one or more transportation concurrency management  
249 areas may be designated in a local government comprehensive  
250 plan. A transportation concurrency management area must be a  
251 compact geographic area with an existing network of roads where  
252 multiple, viable alternative travel paths or modes are available  
253 for common trips. A local government may establish an areawide  
254 level-of-service standard for such a transportation concurrency  
255 management area based upon an analysis that provides for a  
256 justification for the areawide level of service, how urban  
257 infill development or redevelopment will be promoted, and how  
258 mobility will be accomplished within the transportation  
259 concurrency management area. Prior to the designation of a  
260 concurrency management area, the Department of Transportation  
261 shall be consulted by the local government to assess the impact  
262 that the proposed concurrency management area is expected to  
263 have on the adopted level-of-service standards established for  
264 Strategic Intermodal System facilities, as defined in s. 339.64,  
265 and roadway facilities funded in accordance with s. 339.2819.  
266 Further, the local government shall, in cooperation with the  
267 Department of Transportation, develop a plan to mitigate any  
268 impacts to the Strategic Intermodal System, including, if  
269 appropriate, the development of a long-term concurrency  
270 management system pursuant to subsection (9) and s.  
271 163.3177(3)(d). Transportation concurrency management areas  
272 existing prior to July 1, 2005, shall meet, at a minimum, the  
273 provisions of this section by July 1, 2006, or at the time of  
274 the comprehensive plan update pursuant to the evaluation and  
275 appraisal report, whichever occurs last. The state land planning

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276 agency shall amend chapter 9J-5, Florida Administrative Code, to  
277 be consistent with this subsection. By October 1, 2006, the  
278 Department of Transportation, after publicly noticed workshops,  
279 shall publish and distribute to local governments a policy  
280 guideline containing criteria and options to assist local  
281 governments in planning to assess and mitigate the impacts of a  
282 proposed concurrency management area as described in this  
283 paragraph.

284 (9) (a) Each local government may adopt as a part of its  
285 plan, long-term transportation and school concurrency management  
286 systems with a planning period of up to 10 years for specially  
287 designated districts or areas where significant backlogs exist.  
288 The plan may include interim level-of-service standards on  
289 certain facilities and shall rely on the local government's  
290 schedule of capital improvements for up to 10 years as a basis  
291 for issuing development orders that authorize commencement of  
292 construction in these designated districts or areas. The  
293 concurrency management system must be designed to correct  
294 existing deficiencies and set priorities for addressing  
295 backlogged facilities. The concurrency management system must be  
296 financially feasible and consistent with other portions of the  
297 adopted local plan, including the future land use map. If a  
298 long-term concurrency management system is adopted pursuant to  
299 this paragraph for specially designated districts or areas where  
300 significant backlog exists, then such plan shall be deemed  
301 concurrent throughout the duration of the plan even if, in any  
302 particular year, such transportation improvements are not  
303 concurrent.

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304 (13) School concurrency shall be established on a  
305 districtwide basis and shall include all public schools in the  
306 district and all portions of the district, whether located in a  
307 municipality or an unincorporated area unless exempt from the  
308 public school facilities element pursuant to s. 163.3177(12).  
309 The application of school concurrency to development shall be  
310 based upon the adopted comprehensive plan, as amended. All local  
311 governments within a county, except as provided in paragraph  
312 (f), shall adopt and transmit to the state land planning agency  
313 the necessary plan amendments, along with the interlocal  
314 agreement, for a compliance review pursuant to s. 163.3184(7)  
315 and (8). The minimum requirements for school concurrency are the  
316 following:

317 (d) Financial feasibility.--The Legislature recognizes  
318 that financial feasibility is an important issue because the  
319 premise of concurrency is that the public facilities will be  
320 provided in order to achieve and maintain the adopted level-of-  
321 service standard. This part and chapter 9J-5, Florida  
322 Administrative Code, contain specific standards to determine the  
323 financial feasibility of capital programs. These standards were  
324 adopted to make concurrency more predictable and local  
325 governments more accountable.

326 1. A comprehensive plan amendment seeking to impose school  
327 concurrency shall contain appropriate amendments to the capital  
328 improvements element of the comprehensive plan, consistent with  
329 the requirements of s. 163.3177(3) and rule 9J-5.016, Florida  
330 Administrative Code. The capital improvements element shall set  
331 forth a financially feasible public school capital facilities  
332 program, established in conjunction with the school board, that

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333 demonstrates that the adopted level-of-service standards will be  
334 achieved and maintained.

335 2. Such amendments shall demonstrate that the public  
336 school capital facilities program meets all of the financial  
337 feasibility standards of this part and chapter 9J-5, Florida  
338 Administrative Code, that apply to capital programs which  
339 provide the basis for mandatory concurrency on other public  
340 facilities and services.

341 3. When the financial feasibility of a public school  
342 capital facilities program is evaluated by the state land  
343 planning agency for purposes of a compliance determination, the  
344 evaluation shall be based upon the service areas selected by the  
345 local governments and school board.

346 4. School capacity shall not be the basis to find any  
347 amendment to a local government comprehensive plan not in  
348 compliance pursuant to s. 163.3184 until the date established  
349 pursuant to s. 163.3177(12)(i), provided data and analysis are  
350 submitted to the state land planning agency demonstrating  
351 coordination between the school board and the local government  
352 to plan on addressing capacity issues.

353 (e) Availability standard.--Consistent with the public  
354 welfare, a local government may not deny an application for site  
355 plan, final subdivision approval, or the functional equivalent  
356 for a development or phase of a development authorizing  
357 residential development for failure to achieve and maintain the  
358 level-of-service standard for public school capacity in a local  
359 school concurrency management system where adequate school  
360 facilities will be in place or under actual construction within  
361 3 years after the issuance of final subdivision or site plan

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362 approval, or the functional equivalent. School concurrency shall  
363 be satisfied if the developer executes a legally binding  
364 commitment to provide proportionate fair-share mitigation  
365 proportionate to the demand for public school facilities to be  
366 created by actual development of the property, including, but  
367 not limited to, the options described in subparagraph 1. Options  
368 for proportionate fair-share ~~proportionate share~~ mitigation of  
369 impacts on public school facilities shall be established in the  
370 public school facilities element and the interlocal agreement  
371 pursuant to s. 163.31777.

372 1. Appropriate proportionate fair-share mitigation options  
373 include the contribution of land; the construction, expansion,  
374 or payment for land acquisition or construction of a public  
375 school facility; or the creation of mitigation banking based on  
376 the construction of a public school facility in exchange for the  
377 right to sell capacity credits. Such options must include  
378 execution by the applicant and the local government of a binding  
379 development agreement that constitutes a legally binding  
380 commitment to pay proportionate fair-share ~~proportionate share~~  
381 mitigation for the additional residential units approved by the  
382 local government in a development order and actually developed  
383 on the property, taking into account residential density allowed  
384 on the property prior to the plan amendment that increased  
385 overall residential density. The district school board shall be  
386 a party to such an agreement. As a condition of its entry into  
387 such a development agreement, the local government may require  
388 the landowner to agree to continuing renewal of the agreement  
389 upon its expiration.

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390           2. If the education facilities plan and the public  
391 educational facilities element authorize a contribution of land;  
392 the construction, expansion, or payment for land acquisition; or  
393 the construction or expansion of a public school facility, or a  
394 portion thereof, as proportionate fair-share ~~proportionate share~~  
395 mitigation, the local government shall credit such a  
396 contribution, construction, expansion, or payment toward any  
397 other impact fee or exaction imposed by local ordinance for the  
398 same need, on a dollar-for-dollar basis at fair market value.

399           3. Any proportionate fair-share ~~proportionate share~~  
400 mitigation must be directed by the school board toward a school  
401 capacity improvement identified in a financially feasible 5-year  
402 district work plan and which satisfies the demands created by  
403 that development in accordance with a binding developer's  
404 agreement.

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

409           (f) Intergovernmental coordination.--

410           1. When establishing concurrency requirements for public  
411 schools, a local government shall satisfy the requirements for  
412 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
413 and 2., except that a municipality is not required to be a  
414 signatory to the interlocal agreement required by ss.  
415 163.3177(6)(h)2. and 163.31777(~~6~~), as a prerequisite for  
416 imposition of school concurrency, and as a nonsignatory, shall  
417 not participate in the adopted local school concurrency system,

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418 | if the municipality meets all of the following criteria for  
419 | having no significant impact on school attendance:

420 |       a. The municipality has issued development orders for  
421 | fewer than 50 residential dwelling units during the preceding 5  
422 | years, or the municipality has generated fewer than 25  
423 | additional public school students during the preceding 5 years.

424 |       b. The municipality has not annexed new land during the  
425 | preceding 5 years in land use categories which permit  
426 | residential uses that will affect school attendance rates.

427 |       c. The municipality has no public schools located within  
428 | its boundaries.

429 |       d. At least 80 percent of the developable land within the  
430 | boundaries of the municipality has been built upon.

431 |       2. A municipality which qualifies as having no significant  
432 | impact on school attendance pursuant to the criteria of  
433 | subparagraph 1. must review and determine at the time of its  
434 | evaluation and appraisal report pursuant to s. 163.3191 whether  
435 | it continues to meet the criteria pursuant to s. 163.3177(6).  
436 | If the municipality determines that it no longer meets the  
437 | criteria, it must adopt appropriate school concurrency goals,  
438 | objectives, and policies in its plan amendments based on the  
439 | evaluation and appraisal report, and enter into the existing  
440 | interlocal agreement required by ss. 163.3177(6)(h)2. and  
441 | 163.31777, in order to fully participate in the school  
442 | concurrency system. If such a municipality fails to do so, it  
443 | will be subject to the enforcement provisions of s. 163.3191.

444 |       (g) Interlocal agreement for school concurrency.--When  
445 | establishing concurrency requirements for public schools, a  
446 | local government must enter into an interlocal agreement that

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447 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
448 163.31777 and the requirements of this subsection. The  
449 interlocal agreement shall acknowledge both the school board's  
450 constitutional and statutory obligations to provide a uniform  
451 system of free public schools on a countywide basis, and the  
452 land use authority of local governments, including their  
453 authority to approve or deny comprehensive plan amendments and  
454 development orders. The interlocal agreement shall be submitted  
455 to the state land planning agency by the local government as a  
456 part of the compliance review, along with the other necessary  
457 amendments to the comprehensive plan required by this part. In  
458 addition to the requirements of ss. 163.3177(6)(h) and  
459 163.31777, the interlocal agreement shall meet the following  
460 requirements:

461 1. Establish the mechanisms for coordinating the  
462 development, adoption, and amendment of each local government's  
463 public school facilities element with each other and the plans  
464 of the school board to ensure a uniform districtwide school  
465 concurrency system.

466 2. Establish a process for the development of siting  
467 criteria which encourages the location of public schools  
468 proximate to urban residential areas to the extent possible and  
469 seeks to collocate schools with other public facilities such as  
470 parks, libraries, and community centers to the extent possible.

471 3. Specify uniform, districtwide level-of-service  
472 standards for public schools of the same type and the process  
473 for modifying the adopted level-of-service standards.

474 4. Establish a process for the preparation, amendment, and  
475 joint approval by each local government and the school board of

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476 a public school capital facilities program which is financially  
477 feasible, and a process and schedule for incorporation of the  
478 public school capital facilities program into the local  
479 government comprehensive plans on an annual basis.

480 5. Define the geographic application of school  
481 concurrency. If school concurrency is to be applied on a less  
482 than districtwide basis in the form of concurrency service  
483 areas, the agreement shall establish criteria and standards for  
484 the establishment and modification of school concurrency service  
485 areas. ~~The agreement shall also establish a process and schedule~~  
486 ~~for the mandatory incorporation of the school concurrency~~  
487 ~~service areas and the criteria and standards for establishment~~  
488 ~~of the service areas into the local government comprehensive~~  
489 ~~plans.~~ The agreement shall ensure maximum utilization of school  
490 capacity, taking into account transportation costs and court-  
491 approved desegregation plans, as well as other factors. The  
492 agreement shall also ensure the achievement and maintenance of  
493 the adopted level-of-service standards for the geographic area  
494 of application throughout the 5 years covered by the public  
495 school capital facilities plan and thereafter by adding a new  
496 fifth year during the annual update.

497 6. Establish a uniform districtwide procedure for  
498 implementing school concurrency which provides for:

499 a. The evaluation of development applications for  
500 compliance with school concurrency requirements, including  
501 information provided by the school board on affected schools,  
502 impact on levels of service, and programmed improvements for  
503 affected schools and any options to provide sufficient capacity;

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504           b. An opportunity for the school board to review and  
505 comment on the effect of comprehensive plan amendments and  
506 rezonings on the public school facilities plan; and

507           c. The monitoring and evaluation of the school concurrency  
508 system.

509           7. Include provisions relating to amendment of the  
510 agreement.

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

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

520           (a) By December 1, 2006, each local government shall adopt  
521 by ordinance a methodology for assessing proportionate fair-  
522 share mitigation options. A local government that fails to adopt  
523 a methodology for assessing proportionate fair-share mitigation  
524 options by December 1, 2006, shall be subject to the sanctions  
525 described in s. 163.3184(11)(a) imposed by the Administration  
526 Commission. By December 1, 2005, the Department of  
527 Transportation shall develop a model transportation concurrency  
528 management ordinance with methodologies for assessing  
529 proportionate fair-share mitigation options.

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

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533 fair-share mitigation. A local government that fails to include  
534 such methodologies by December 1, 2006, shall be subject to the  
535 sanctions described in s. 163.3184(11)(a) imposed by the  
536 Administration Commission. A developer may choose to satisfy all  
537 transportation concurrency requirements by contributing or  
538 paying proportionate fair-share mitigation if transportation  
539 facilities or facility segments identified as mitigation for  
540 traffic impacts are specifically identified for funding in the  
541 5-year schedule of capital improvements in the capital  
542 improvements element of the local plan or the long-term  
543 concurrency management system or if such contributions or  
544 payments to such facilities or segments are reflected in the 5-  
545 year schedule of capital improvements in the next regularly  
546 scheduled update of the capital improvements element. Updates to  
547 the 5-year capital improvements element which reflect  
548 proportionate fair-share contributions may not be found not in  
549 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3)  
550 if additional contributions, payments or funding sources are  
551 reasonably anticipated during a period not to exceed 10 years to  
552 fully mitigate impacts on the transportation facilities.

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

558 (c) Proportionate fair-share mitigation includes, without  
559 limitation, separately or collectively, private funds,  
560 contributions of land, and construction and contribution of  
561 facilities and may include public funds as determined by the

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562 local government. The fair market value of the proportionate  
563 fair-share mitigation shall not differ based on the form of  
564 mitigation. A local government may not require a development to  
565 pay more than its proportionate fair-share mitigation  
566 ~~contribution~~ regardless of the method of mitigation.

567 (e) Mitigation for development impacts to facilities on  
568 the Strategic Intermodal System made pursuant to this subsection  
569 requires the concurrence of the Department of Transportation.  
570 The department has 60 days from the date of submission by the  
571 applicable local government to concur or withhold concurrence  
572 with the mitigation of development impacts to facilities on the  
573 Strategic Intermodal System. If the department does not respond  
574 within the 60-day period, the department is deemed to have  
575 concurred with the mitigation.

576 (f) If ~~In the event the~~ funds in an adopted 5-year capital  
577 improvements element are insufficient to fully fund construction  
578 of a transportation improvement required by the local  
579 government's concurrency management system, a local government  
580 and a developer may still enter into a binding proportionate  
581 fair-share mitigation ~~proportionate share~~ agreement authorizing  
582 the developer to construct that amount of development on which  
583 the proportionate fair-share mitigation ~~proportionate share~~ is  
584 calculated if the proportionate fair-share mitigation  
585 ~~proportionate share~~ amount in such agreement is sufficient to  
586 pay for one or more improvements which will, in the opinion of  
587 the governmental entity or entities maintaining the  
588 transportation facilities, significantly benefit the impacted  
589 transportation system. The improvement or improvements funded by  
590 the proportionate fair-share mitigation ~~proportionate share~~

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591 component must be adopted into the 5-year capital improvements  
592 schedule of the comprehensive plan at the next annual capital  
593 improvements element update.

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

596 163.3184 Process for adoption of comprehensive plan or  
597 plan amendment.--

598 (17) A local government that has adopted a community  
599 vision and urban service boundary under s. 163.3177(13)  
600 ~~163.3177(13)~~ and (14) may adopt a plan amendment related to map  
601 amendments solely to property within an urban service boundary  
602 in the manner described in subsections (1), (2), (7), (14),  
603 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,  
604 such that state and regional agency review is eliminated. The  
605 department may not issue an objections, recommendations, and  
606 comments report on proposed plan amendments or a notice of  
607 intent on adopted plan amendments; however, affected persons, as  
608 defined by paragraph (1)(a), may file a petition for  
609 administrative review pursuant to the requirements of s.  
610 163.3187(3)(a) to challenge the compliance of an adopted plan  
611 amendment. This subsection does not apply to any amendment  
612 within an area of critical state concern, to any amendment that  
613 increases residential densities allowable in high-hazard coastal  
614 areas as defined in s. 163.3178(2)(h), or to a text change to  
615 the goals, policies, or objectives of the local government's  
616 comprehensive plan. Amendments submitted under this subsection  
617 are exempt from the limitation on the frequency of plan  
618 amendments in s. 163.3187.

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619 Section 5. Paragraph (p) is added to subsection (1) of  
620 section 163.3187, Florida Statutes, to read:

621 163.3187 Amendment of adopted comprehensive plan.--

622 (1) Amendments to comprehensive plans adopted pursuant to  
623 this part may be made not more than two times during any  
624 calendar year, except:

625 (p)1. For municipalities that are more than 90 percent  
626 built-out, any municipality's comprehensive plan amendments may  
627 be approved without regard to limits imposed by law on the  
628 frequency of consideration of amendments to the local  
629 comprehensive plan only if the proposed amendment involves a use  
630 of 100 acres or fewer and:

631 a. The cumulative annual effect of the acreage for all  
632 amendments adopted pursuant to this paragraph does not exceed  
633 500 acres.

634 b. The proposed amendment does not involve the same  
635 property granted a change within the prior 12 months.

636 c. The proposed amendment does not involve the same  
637 owner's property within 200 feet of property granted a change  
638 within the prior 12 months.

639 d. The proposed amendment does not involve a text change  
640 to the goals, policies, and objectives of the local government's  
641 comprehensive plan but only proposes a land use change to the  
642 future land use map for a site-specific small scale development  
643 activity.

644 e. The property that is the subject of the proposed  
645 amendment is not located within an area of critical state  
646 concern.

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647 2. For purposes of this paragraph, the term "built-out"  
648 means 90 percent of the property within the municipality's  
649 boundaries, excluding lands that are designated as conservation,  
650 preservation, recreation, or public facilities categories, have  
651 been developed or are the subject of an approved development  
652 order that has received a building permit and the municipality  
653 has an average density of five units per acre for residential  
654 development.

655 3.a. A local government that proposes to consider a plan  
656 amendment pursuant to this paragraph is not required to comply  
657 with the procedures and public notice requirements of s.  
658 163.3184(15)(c) for such plan amendments if the local government  
659 complies with the provisions of s. 166.041(3)(c). If a request  
660 for a plan amendment under this paragraph is initiated by other  
661 than the local government, public notice of the amendment is  
662 required.

663 b. The local government shall send copies of the notice  
664 and amendment to the state land planning agency, the regional  
665 planning council, and any other person or entity requesting a  
666 copy. This information shall also include a statement  
667 identifying any property subject to the amendment that is  
668 located within a coastal high hazard area as identified in the  
669 local comprehensive plan.

670 4. Amendments adopted pursuant to this paragraph require  
671 only one public hearing before the governing board, which shall  
672 be an adoption hearing as described in s. 163.3184(7), and are  
673 not subject to the requirements of s. 163.3184(3)-(6) unless the  
674 local government elects to have them subject to those  
675 requirements.

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676       5. This paragraph shall not apply if a municipality  
677 annexes unincorporated property that decreases the percentage of  
678 build-out to an amount below 90 percent.

679       6. A municipality shall notify the state land planning  
680 agency in writing of the municipality's built-out percentage  
681 prior to the submission of any comprehensive plan amendments  
682 under this subsection.

683       Section 6. Paragraph (a) of subsection (3) of section  
684 163.3247, Florida Statutes, is amended to read:

685       163.3247 Century Commission for a Sustainable Florida.--

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

691       (a) The commission shall consist of 15 members, 5  
692 appointed by the Governor, 5 appointed by the President of the  
693 Senate, and 5 appointed by the Speaker of the House of  
694 Representatives. Appointments shall be made no later than  
695 October 1, 2005. The membership must represent local  
696 governments, school boards, developers and homebuilders, the  
697 business community, the agriculture community, the environmental  
698 community, and other appropriate stakeholders. The membership  
699 shall reflect the demographic makeup of the state. One member  
700 shall be designated by the Governor as chair of the commission.  
701 Any vacancy that occurs on the commission must be filled in the  
702 same manner as the original appointment and shall be for the  
703 unexpired term of that commission seat. Members shall serve 4-  
704 year terms, except that, initially, to provide for staggered

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705 terms, the Governor, the President of the Senate, and the  
706 Speaker of the House of Representatives shall each appoint one  
707 member to serve a 2-year term, two members to serve 3-year  
708 terms, and two members to serve 4-year terms. All subsequent  
709 appointments shall be for 4-year terms. An appointee may not  
710 serve more than 6 years.

711 Section 7. Subsection (2) and paragraph (a) of subsection  
712 (4) of section 339.2819, Florida Statutes, are amended to read:

713 339.2819 Transportation Regional Incentive Program.--

714 (2) The percentage of matching funds provided from the  
715 Transportation Regional Incentive Program shall be 50 percent of  
716 project costs, ~~or up to 50 percent of the nonfederal share of~~  
717 ~~the eligible project cost for a public transportation facility~~  
718 ~~project.~~

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

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

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

729 Further, the project shall be in compliance with local  
730 government comprehensive plan policies relative to corridor  
731 management.

732 3. Be consistent with the Strategic Intermodal System Plan  
733 developed under s. 339.64.

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734 4. Have a commitment for local, regional, or private  
735 financial matching funds as a percentage of the overall project  
736 cost.

737 Section 8. Subsection (10) of section 339.55, Florida  
738 Statutes, is amended to read:

739 339.55 State-funded infrastructure bank.--

740 ~~(10) Funds paid into the State Transportation Trust Fund~~  
741 ~~pursuant to s. 201.15(1)(d) for the purposes of the State~~  
742 ~~Infrastructure Bank are hereby annually appropriated for~~  
743 ~~expenditure to support that program.~~

744 Section 9. Paragraphs (l), (m), and (n) of subsection (24)  
745 of section 380.06, Florida Statutes, are amended, and subsection  
746 (28) is added to that section, to read:

747 380.06 Developments of regional impact.--

748 (24) STATUTORY EXEMPTIONS.--

749 (l) Any proposed development within an urban service  
750 boundary established under s. 163.3177(14) is exempt from the  
751 provisions of this section if the local government having  
752 jurisdiction over the area where the development is proposed has  
753 adopted the urban service boundary, ~~and~~ has entered into a  
754 binding agreement with ~~adjacent~~ jurisdictions that would be  
755 impacted and with the Department of Transportation regarding the  
756 mitigation of impacts on state and regional transportation  
757 facilities, and has adopted a proportionate fair-share  
758 mitigation share methodology pursuant to s. 163.3180(16).

759 (m) Any proposed development within a rural land  
760 stewardship area created under s. 163.3177(11)(d) is exempt from  
761 the provisions of this section if the local government that has  
762 adopted the rural land stewardship area has entered into a

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763 binding agreement with jurisdictions that would be impacted and  
764 the Department of Transportation regarding the mitigation of  
765 impacts on state and regional transportation facilities, and has  
766 adopted a proportionate fair-share mitigation ~~share~~ methodology  
767 pursuant to s. 163.3180(16).

768 (n) Any proposed development or redevelopment within an  
769 area designated as an urban infill and redevelopment area under  
770 s. 163.2517 is exempt from ~~the provisions of~~ this section if the  
771 local government has entered into a binding agreement with  
772 jurisdictions that would be impacted and the Department of  
773 Transportation regarding the mitigation of impacts on state and  
774 regional transportation facilities, and has adopted a  
775 proportionate fair-share mitigation ~~share~~ methodology pursuant  
776 to s. 163.3180(16).

777 (28) PARTIAL STATUTORY EXEMPTIONS.--

778 (a) If the binding agreement referenced under paragraph  
779 (24)(l) for urban service boundaries is not entered into within  
780 12 months after establishment of the urban service boundary, the  
781 development-of-regional-impact review for projects within the  
782 urban service boundary must address transportation impacts only.

783 (b) If the binding agreement referenced under paragraph  
784 (24)(n) for designated urban infill and redevelopment areas is  
785 not entered into within 12 months after the designation of the  
786 area or July 1, 2007, whichever occurs later, the development-  
787 of-regional-impact review for projects within the urban infill  
788 and redevelopment area must address transportation impacts only.

789 (c) If the binding agreement referenced under paragraph  
790 (24)(m) for rural land stewardship areas is not entered into  
791 within 12 months after the designation of a rural land

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792 stewardship area, the development-of-regional-impact review for  
793 projects within the rural land stewardship area must address  
794 transportation impacts only.

795 (d) A local government that does not wish to enter into a  
796 binding agreement or that is unable to agree on the terms of the  
797 agreement referenced under paragraph (24)(l), paragraph (24)(m),  
798 or paragraph (24)(n) shall provide written notification to the  
799 state land planning agency of the desire not to enter into a  
800 binding agreement or a failure to enter into a binding agreement  
801 within the 12-month period referenced in paragraph (a),  
802 paragraph (b), or paragraph (c). Following the notification of  
803 the state land planning agency, the development-of-regional-  
804 impact review for projects within the urban service boundary  
805 under paragraph (24)(l), within a rural land stewardship area  
806 under paragraph (24)(m), or for an urban infill and  
807 redevelopment area under paragraph (24)(n) must address  
808 transportation impacts only.

809 Section 10. Paragraph (a) of subsection (2) of section  
810 1013.65, Florida Statutes, is amended to read:

811 1013.65 Educational and ancillary plant construction  
812 funds; Public Education Capital Outlay and Debt Service Trust  
813 Fund; allocation of funds.--

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

817 1. Proceeds, premiums, and accrued interest from the sale  
818 of public education bonds and that portion of the revenues  
819 accruing from the gross receipts tax as provided by s. 9(a)(2),

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820 Art. XII of the State Constitution, as amended, interest on  
821 investments, and federal interest subsidies.

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

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

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

827 b. The sum of \$75 ~~\$41.75~~ million of such funds shall be  
828 appropriated annually for expenditure to fund the Classrooms for  
829 Kids Program created in s. 1013.735 and shall be distributed as  
830 provided by that section.

831 c. The sum of \$30 million of such funds shall be  
832 appropriated each year for expenditure to fund the High Growth  
833 District Capital Outlay Assistance Grant Program created in s.  
834 1013.738 and shall be distributed as provided in that section.

835 Section 11. Subsections (2) and (3) of section 1013.738,  
836 Florida Statutes, are amended to read:

837 1013.738 High Growth District Capital Outlay Assistance  
838 Grant Program.--

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

841 (a) The district must have levied the full 2 mills of  
842 nonvoted discretionary capital outlay millage authorized in s.  
843 1011.71(2) for each of the past 3 4 fiscal years or currently  
844 receive an amount from the school capital outlay surtax  
845 authorized in s. 212.055(6) that, when added to the nonvoted  
846 discretionary capital outlay millage collected, equals the  
847 amount that would be generated if the full 2 mills of nonvoted

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848 discretionary capital outlay millage had been collected over the  
849 past 3 fiscal years.

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

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

856 2. A school capital outlay surtax authorized in s.  
857 212.055(6). If the school capital outlay surtax is used to meet  
858 the conditions of paragraph (a), the amount of the school  
859 capital outlay surtax collected must be in excess of the amount  
860 in paragraph (a).

861 3. A local bond referendum as authorized in ss. 1010.40-  
862 1010.55. Fifty percent of the revenue derived from the 2 mill  
863 nonvoted discretionary capital outlay millage for the past 4  
864 fiscal years, when divided by the district's growth in capital  
865 outlay FTE students over this period, produces a value that is  
866 less than the average cost per student station calculated  
867 pursuant to s. 1013.72(2), and weighted by statewide growth in  
868 capital outlay FTE students in elementary, middle, and high  
869 schools for the past 4 fiscal years.

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

873 (d) The district must not have received an appropriation  
874 from the special facilities construction program in the current  
875 fiscal year. The Commissioner of Education must have released  
876 all funds allocated to the district from the Classrooms First

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877 ~~Program authorized in s. 1013.68, and these funds were fully~~  
878 ~~expended by the district as of February 1 of the current fiscal~~  
879 ~~year.~~

880 ~~(c) The total capital outlay FTE students of the district~~  
881 ~~is greater than 15,000 students.~~

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

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

889 1. K-12 students, except hospital and homebound part-time  
890 students; and

891 2. Students who are career education students and adult  
892 disabled students and who are enrolled in school district career  
893 centers. For each eligible district, the Department of Education  
894 shall calculate the value of 50 percent of the revenue derived  
895 from the 2-mill nonvoted discretionary capital outlay millage  
896 for the past 4 fiscal years divided by the increase in capital  
897 outlay FTE students for the same period.

898 (b) The capital outlay full-time equivalent membership  
899 shall be determined for kindergarten through grade 12 and for  
900 career centers by averaging the unweighted full-time equivalent  
901 membership for the second and third surveys and comparing the  
902 results on a school-by-school basis with the Florida Inventory  
903 for School Houses. The capital outlay full-time equivalent  
904 membership by grade-level organization shall be used in making  
905 the following calculation: the capital outlay full-time

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906 equivalent membership by grade-level organization for the prior  
907 year must be used to compute the growth over the highest of the  
908 3 years preceding the prior year. The Department of Education  
909 shall determine, for each eligible district, the amount that  
910 must be added to the value calculated pursuant to paragraph (a)  
911 to produce the weighted average value per student station  
912 calculated pursuant to paragraph (2) (b).

913 (c) The total amount appropriated by the Legislature  
914 pursuant to this subsection shall be allocated among the growth  
915 capital outlay full-time equivalent membership. The allocation  
916 shall be prorated to the districts based upon each district's  
917 percentage of growth capital outlay full-time equivalent  
918 membership. The most recent 4-year capital outlay full-time  
919 equivalent membership data shall be used in each subsequent  
920 year's calculation for the allocation of funds pursuant to this  
921 subsection. If a change, correction, or recomputation of data  
922 during any year results in a reduction or increase of the  
923 calculated amount previously allocated to a district, the  
924 allocation to that district shall be adjusted correspondingly.  
925 If such recomputation results in an increase or decrease of the  
926 calculated amount, such additional or reduced amounts shall be  
927 added to or reduced from the district's future appropriations.  
928 However, no change, correction, or recomputation of data shall  
929 be made subsequent to 2 years following the initial annual  
930 allocation. The value calculated for each eligible district  
931 pursuant to paragraph (b) shall be multiplied by the average  
932 increase in capital outlay FTE students for the past 4 fiscal  
933 years to determine the maximum amount of a grant that may be  
934 awarded to a district pursuant to this section.

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935 ~~(d) In the event the funds provided in the General~~  
936 ~~Appropriations Act are insufficient to fully fund the maximum~~  
937 ~~grants calculated pursuant to paragraph (c), the Department of~~  
938 ~~Education shall allocate the funds based on each district's~~  
939 ~~prorated share of the total maximum award amount calculated for~~  
940 ~~all eligible districts.~~

941 Section 12. Paragraph (a) of subsection (2) of section 27  
942 of chapter 2005-290, Laws of Florida, is amended to read:

943 Section 27.

944 (2) The following appropriations are made for the 2005-  
945 2006 fiscal year only on a nonrecurring basis:

946 (a) From the State Transportation Trust Fund in the  
947 Department of Transportation:

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

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

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

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

957 Section 13. The Legislature finds that local governments  
958 should have the ability to require all new development to  
959 mitigate the development's impact on transportation facilities,  
960 regardless of the size or type of development, by payment of a  
961 per-trip fee as an alternative to the adoption by the local  
962 government of impact fees for transportation facilities or the  
963 implementation of proportionate fair-share mitigation.

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964 Therefore, the Legislature hereby directs that the Department of  
 965 Transportation shall conduct a study to determine if a per-trip  
 966 fee would provide local government with an effective method of  
 967 ensuring that the cost of transportation facilities is equitable  
 968 and equally distributed. Such fees would be imposed on roadways  
 969 and paid at the time of the issuance of a building permit or its  
 970 functional equivalent. The revenues derived from such fees would  
 971 be used to fund new facilities or to fix existing deficiencies  
 972 on transportation facilities. The department shall submit a  
 973 report of its findings and recommendations to the Governor, the  
 974 President of the Senate, and the Speaker of the House of  
 975 Representatives by December 1, 2006.

976       Section 14. Effective upon this act becoming a law, the  
 977 \$30 million appropriated in s. 1013.65(2)(a)4.c., Florida  
 978 Statutes, as provided by section 25 of chapter 2005-290, Laws of  
 979 Florida, which was vetoed for the 2005-2006 fiscal year, which  
 980 sum is in the Public Education Capital Outlay and Debt Service  
 981 Trust Fund in the Department of Education, is appropriated for  
 982 the 2005-2006 fiscal year on a nonrecurring basis to the High  
 983 Growth District Capital Outlay Assistance Grant Program created  
 984 in s. 1013.738, Florida Statutes.

985       Section 15. This act shall take effect July 1, 2006.

986  
 987 ===== T I T L E   A M E N D M E N T =====

988       Remove the entire title, and insert:  
 989       An act relating to growth management; amending s.  
 990       163.3164, F.S.; revising a definition; amending s.  
 991       163.3177, F.S.; deleting a requirement that the entire  
 992       comprehensive plan be financially feasible; specifying

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993 limitations on challenges to certain changes in a 5-year  
994 schedule of capital improvements; authorizing local  
995 governments to continue adopting land use plan amendments  
996 during challenges to the plan; correcting a cross-  
997 reference; amending s. 163.3180, F.S.; revising  
998 concurrency requirements and procedures; providing  
999 sanctions; providing for a waiver of transportation  
1000 facilities concurrency requirements for certain urban  
1001 infill, redevelopment, and downtown revitalization areas  
1002 and certain built-out municipalities; requiring local  
1003 governments and the Department of Transportation to  
1004 establish a plan for maintaining certain level-of-service  
1005 standards; providing requirements for the waiver for such  
1006 built-out municipalities; exempting certain areas from  
1007 certain transportation concurrency requirements; deleting  
1008 recordkeeping and reporting requirements related to  
1009 transportation de minimis impacts; providing that school  
1010 capacity is not a basis for finding a comprehensive plan  
1011 amendment not in compliance; deleting a requirement to  
1012 incorporate the school concurrency service areas and  
1013 criteria and standards for establishment of the service  
1014 areas into the local government comprehensive plan;  
1015 amending s. 163.3184, F.S.; correcting a cross-reference;  
1016 amending s. 163.3187, F.S.; authorizing approval of  
1017 certain small scale amendments to a comprehensive plan for  
1018 certain built-out municipalities; providing criteria,  
1019 requirements, and procedures; providing for nonapplication  
1020 under certain circumstances; amending s. 163.3247, F.S. ;  
1021 providing a requirement on the makeup of the Century

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Amendment No. (for drafter's use only)

1022 Commission for a Sustainable Florida; amending s.  
1023 339.2819, F.S.; revising criteria for matching funds for  
1024 the Transportation Regional Incentive Program; correcting  
1025 a cross-reference; amending s. 339.55, F.S.; deleting an  
1026 annual appropriation from the State Transportation Trust  
1027 Fund for State Infrastructure Bank purposes; amending s.  
1028 380.06, F.S.; revising certain statutory exemption  
1029 provisions for developments of regional impact; revising  
1030 an exemption from development of regional impact review  
1031 for certain developments within an urban service boundary;  
1032 limiting development-of-regional-impact review of certain  
1033 urban service boundaries, urban infill and redevelopment  
1034 areas, and rural land stewardship areas to transportation  
1035 impacts only under certain circumstances; amending s.  
1036 1013.65, F.S.; revising the sum appropriated for the  
1037 Classrooms for Kids Program; providing a continuing  
1038 appropriation for the High Growth District Capital Outlay  
1039 Assistance Grant Program; amending s. 1013.738, F.S.;  
1040 revising the eligibility criteria for the High Growth  
1041 District Capital Outlay Assistance Grant Program; revising  
1042 provisions for allocation of funds; providing  
1043 calculations; amending s. 27, ch. 2005-290, Laws of  
1044 Florida; revising an appropriation from the State  
1045 Transportation Trust Fund for Florida Strategic Intermodal  
1046 System purposes; providing legislative findings; requiring  
1047 the Department of Transportation to conduct a study of  
1048 per-trip fees on certain transportation facilities for  
1049 certain purposes; providing study criteria; requiring a  
1050 report to the Governor and Legislature; providing an

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Amendment No. (for drafter's use only)

1051 appropriation from the Public Education Capital Outlay and  
1052 Debt Service Trust Fund to the High Growth District  
1053 Capital Outlay Assistance Grant Program; providing an  
1054 effective date.