

1 A bill to be entitled

2 An act relating to growth management; amending s.
3 163.3164, F.S.; revising a definition; amending s.
4 163.3177, F.S.; correcting a cross-reference; amending s.
5 163.3180, F.S.; revising concurrency requirements and
6 procedures; providing sanctions; amending ss. 163.3184 and
7 339.2819, F.S.; correcting cross-references; amending s.
8 163.3247, F.S.; providing a requirement on the makeup of
9 the Century Commission for a Sustainable Florida; amending
10 s. 339.55, F.S.; deleting an annual appropriation from the
11 State Transportation Trust Fund for State Infrastructure
12 Bank purposes; amending s. 380.06, F.S.; revising certain
13 statutory exemption provisions for developments of
14 regional impact; amending s. 1013.65, F.S.; revising
15 provisions relating to sources of appropriations to the
16 Public Education Capital Outlay and Debt Service Trust
17 Fund to delete an annual appropriation to the Classroom
18 for Kids Program; amending s. 1013.738, F.S.; revising the
19 eligibility criteria for the High Growth District Capital
20 Outlay Assistance Grant Program; revising provisions for
21 allocation of funds; providing calculations; amending s.
22 27, ch. 2005-290, Laws of Florida; revising an
23 appropriation from the State Transportation Trust Fund for
24 Florida Strategic Intermodal System purposes; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

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

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

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

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

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

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural

55 resources. At the request of a local government, the applicable
56 regional planning council shall provide assistance in the
57 development of a community vision.

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

61 1. Strategies to preserve open space and environmentally
62 sensitive lands, and to encourage a healthy agricultural
63 economy, including innovative planning and development
64 strategies, such as the transfer of development rights;

65 2. Incentives for mixed-use development, including
66 increased height and intensity standards for buildings that
67 provide residential use in combination with office or commercial
68 space;

69 3. Incentives for workforce housing;

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

72 5. Strategies to provide mobility within the community and
73 to protect the Strategic Intermodal System, including the
74 development of a transportation corridor management plan under
75 s. 337.273.

76 Section 3. Paragraph (c) of subsection (2), paragraph (f)
77 of subsection (5), subsection (7), paragraphs (e) and (f) of
78 subsection (13), and paragraphs (a), (b), (c), (e), and (f) of
79 subsection (16) of section 163.3180, Florida Statutes, are
80 amended to read:

81 163.3180 Concurrency.--

82 (2)

83 (c) Consistent with the public welfare, and except as
84 otherwise provided in this section, transportation facilities
85 needed to serve new development shall be in place or under
86 actual construction or programmed for construction to commence
87 in the Department of Transportation's work program or the local
88 government's schedule of capital improvements within 3 years
89 after the local government approves a building permit or its
90 functional equivalent that results in traffic generation.

91 (5)

92 (f) Prior to the designation of a concurrency exception
93 area, the Department of Transportation shall be consulted by the
94 local government to assess the impact that the proposed
95 exception area is expected to have on the adopted level-of-
96 service standards established for Strategic Intermodal System
97 facilities, as defined in s. 339.64, and roadway facilities
98 funded in accordance with s. 339.2819. Further, the local
99 government shall, in cooperation with the Department of
100 Transportation, develop a plan to mitigate ~~any~~ impacts to the
101 Strategic Intermodal System, including, if appropriate, the
102 development of a long-term concurrency management system
103 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions
104 may be available only within the specific geographic area of the
105 jurisdiction designated in the plan. Pursuant to s. 163.3184,
106 any affected person may challenge a plan amendment establishing
107 these guidelines and the areas within which an exception could
108 be granted. By October 1, 2006, the Department of

109 Transportation, after publicly noticed workshops, shall publish
110 and distribute to local governments a policy guideline
111 containing criteria and options to assist local governments in
112 planning to assess and mitigate the impacts of a proposed
113 concurrency exception area as described in this paragraph.

114 (7) In order to promote infill development and
115 redevelopment, one or more transportation concurrency management
116 areas may be designated in a local government comprehensive
117 plan. A transportation concurrency management area must be a
118 compact geographic area with an existing network of roads where
119 multiple, viable alternative travel paths or modes are available
120 for common trips. A local government may establish an areawide
121 level-of-service standard for such a transportation concurrency
122 management area based upon an analysis that provides for a
123 justification for the areawide level of service, how urban
124 infill development or redevelopment will be promoted, and how
125 mobility will be accomplished within the transportation
126 concurrency management area. Prior to the designation of a
127 concurrency management area, the Department of Transportation
128 shall be consulted by the local government to assess the impact
129 that the proposed concurrency management area is expected to
130 have on the adopted level-of-service standards established for
131 Strategic Intermodal System facilities, as defined in s. 339.64,
132 and roadway facilities funded in accordance with s. 339.2819.
133 Further, the local government shall, in cooperation with the
134 Department of Transportation, develop a plan to mitigate any
135 impacts to the Strategic Intermodal System, including, if

136 appropriate, the development of a long-term concurrency
137 management system pursuant to subsection (9) and s.
138 163.3177(3)(d). Transportation concurrency management areas
139 existing prior to July 1, 2005, shall meet, at a minimum, the
140 provisions of this section by July 1, 2006, or at the time of
141 the comprehensive plan update pursuant to the evaluation and
142 appraisal report, whichever occurs last. The state land planning
143 agency shall amend chapter 9J-5, Florida Administrative Code, to
144 be consistent with this subsection. By October 1, 2006, the
145 Department of Transportation, after publicly noticed workshops,
146 shall publish and distribute to local governments a policy
147 guideline containing criteria and options to assist local
148 governments in planning to assess and mitigate the impacts of a
149 proposed concurrency management area as described in this
150 paragraph.

151 (13) School concurrency shall be established on a
152 districtwide basis and shall include all public schools in the
153 district and all portions of the district, whether located in a
154 municipality or an unincorporated area unless exempt from the
155 public school facilities element pursuant to s. 163.3177(12).
156 The application of school concurrency to development shall be
157 based upon the adopted comprehensive plan, as amended. All local
158 governments within a county, except as provided in paragraph
159 (f), shall adopt and transmit to the state land planning agency
160 the necessary plan amendments, along with the interlocal
161 agreement, for a compliance review pursuant to s. 163.3184(7)

162 and (8). The minimum requirements for school concurrency are the
163 following:

164 (e) Availability standard.--Consistent with the public
165 welfare, a local government may not deny an application for site
166 plan, final subdivision approval, or the functional equivalent
167 for a development or phase of a development authorizing
168 residential development for failure to achieve and maintain the
169 level-of-service standard for public school capacity in a local
170 school concurrency management system where adequate school
171 facilities will be in place or under actual construction within
172 3 years after the issuance of final subdivision or site plan
173 approval, or the functional equivalent. School concurrency shall
174 be satisfied if the developer executes a legally binding
175 commitment to provide proportionate fair-share mitigation
176 proportionate to the demand for public school facilities to be
177 created by actual development of the property, including, but
178 not limited to, the options described in subparagraph 1. Options
179 for proportionate fair-share ~~proportionate share~~ mitigation of
180 impacts on public school facilities shall be established in the
181 public school facilities element and the interlocal agreement
182 pursuant to s. 163.31777.

183 1. Appropriate proportionate fair-share mitigation options
184 include the contribution of land; the construction, expansion,
185 or payment for land acquisition or construction of a public
186 school facility; or the creation of mitigation banking based on
187 the construction of a public school facility in exchange for the
188 right to sell capacity credits. Such options must include

189 execution by the applicant and the local government of a binding
190 development agreement that constitutes a legally binding
191 commitment to pay proportionate fair-share ~~proportionate-share~~
192 mitigation for the additional residential units approved by the
193 local government in a development order and actually developed
194 on the property, taking into account residential density allowed
195 on the property prior to the plan amendment that increased
196 overall residential density. The district school board shall be
197 a party to such an agreement. As a condition of its entry into
198 such a development agreement, the local government may require
199 the landowner to agree to continuing renewal of the agreement
200 upon its expiration.

201 2. If the education facilities plan and the public
202 educational facilities element authorize a contribution of land;
203 the construction, expansion, or payment for land acquisition; or
204 the construction or expansion of a public school facility, or a
205 portion thereof, as proportionate fair-share ~~proportionate-share~~
206 mitigation, the local government shall credit such a
207 contribution, construction, expansion, or payment toward any
208 other impact fee or exaction imposed by local ordinance for the
209 same need, on a dollar-for-dollar basis at fair market value.

210 3. Any proportionate fair-share ~~proportionate-share~~
211 mitigation must be directed by the school board toward a school
212 capacity improvement identified in a financially feasible 5-year
213 district work plan and which satisfies the demands created by
214 that development in accordance with a binding developer's
215 agreement.

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

220 (f) Intergovernmental coordination.--

221 1. When establishing concurrency requirements for public
 222 schools, a local government shall satisfy the requirements for
 223 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
 224 and 2., except that a municipality is not required to be a
 225 signatory to the interlocal agreement required by ss.
 226 163.3177(6)(h)2. and ~~163.31777(6)~~, as a prerequisite for
 227 imposition of school concurrency, and as a nonsignatory, shall
 228 not participate in the adopted local school concurrency system,
 229 if the municipality meets all of the following criteria for
 230 having no significant impact on school attendance:

231 a. The municipality has issued development orders for
 232 fewer than 50 residential dwelling units during the preceding 5
 233 years, or the municipality has generated fewer than 25
 234 additional public school students during the preceding 5 years.

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

238 c. The municipality has no public schools located within
 239 its boundaries.

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

242 2. A municipality which qualifies as having no significant
243 impact on school attendance pursuant to the criteria of
244 subparagraph 1. must review and determine at the time of its
245 evaluation and appraisal report pursuant to s. 163.3191 whether
246 it continues to meet the criteria pursuant to s. 163.3177(6).
247 If the municipality determines that it no longer meets the
248 criteria, it must adopt appropriate school concurrency goals,
249 objectives, and policies in its plan amendments based on the
250 evaluation and appraisal report, and enter into the existing
251 interlocal agreement required by ss. 163.3177(6)(h)2. and
252 163.31777, in order to fully participate in the school
253 concurrency system. If such a municipality fails to do so, it
254 will be subject to the enforcement provisions of s. 163.3191.

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

261 (a) By December 1, 2006, each local government shall adopt
262 by ordinance a methodology for assessing proportionate fair-
263 share mitigation options. A local government that fails to adopt
264 a methodology for assessing proportionate fair-share mitigation
265 options by December 1, 2006, shall be subject to the sanctions
266 described in s. 163.3184(11)(a) imposed by the Administration
267 Commission. By December 1, 2005, the Department of
268 Transportation shall develop a model transportation concurrency

269 management ordinance with methodologies for assessing
270 proportionate fair-share mitigation options.

271 (b)1. In its transportation concurrency management system,
272 a local government shall, by December 1, 2006, include
273 methodologies that will be applied to calculate proportionate
274 fair-share mitigation. A local government that fails to include
275 such methodologies by December 1, 2006, shall be subject to the
276 sanctions described in s. 163.3184(11)(a) imposed by the
277 Administration Commission. A developer may choose to satisfy all
278 transportation concurrency requirements by contributing or
279 paying proportionate fair-share mitigation if transportation
280 facilities or facility segments identified as mitigation for
281 traffic impacts are specifically identified for funding in the
282 5-year schedule of capital improvements in the capital
283 improvements element of the local plan or the long-term
284 concurrency management system or if such contributions or
285 payments to such facilities or segments are reflected in the 5-
286 year schedule of capital improvements in the next regularly
287 scheduled update of the capital improvements element. Updates to
288 the 5-year capital improvements element which reflect
289 proportionate fair-share contributions may not be found not in
290 compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3)
291 if additional contributions, payments or funding sources are
292 reasonably anticipated during a period not to exceed 10 years to
293 fully mitigate impacts on the transportation facilities.

294 2. Proportionate fair-share mitigation shall be applied as
295 a credit against impact fees to the extent that all or a portion

296 of the proportionate fair-share mitigation is used to address
297 the same capital infrastructure improvements contemplated by the
298 local government's impact fee ordinance.

299 (c) Proportionate fair-share mitigation includes, without
300 limitation, separately or collectively, private funds,
301 contributions of land, and construction and contribution of
302 facilities and may include public funds as determined by the
303 local government. The fair market value of the proportionate
304 fair-share mitigation shall not differ based on the form of
305 mitigation. A local government may not require a development to
306 pay more than its proportionate fair-share mitigation
307 ~~contribution~~ regardless of the method of mitigation.

308 (e) Mitigation for development impacts to facilities on
309 the Strategic Intermodal System made pursuant to this subsection
310 requires the concurrence of the Department of Transportation.
311 The department has 60 days from the date of submission by the
312 applicable local government to concur or withhold concurrence
313 with the mitigation of development impacts to facilities on the
314 Strategic Intermodal System. If the department does not respond
315 within the 60-day period, the department is deemed to have
316 concurred with the mitigation.

317 (f) If ~~In the event~~ the funds in an adopted 5-year capital
318 improvements element are insufficient to fully fund construction
319 of a transportation improvement required by the local
320 government's concurrency management system, a local government
321 and a developer may still enter into a binding proportionate
322 fair-share mitigation ~~proportionate share~~ agreement authorizing

323 the developer to construct that amount of development on which
324 the proportionate fair-share mitigation ~~proportionate share~~ is
325 calculated if the proportionate fair-share mitigation
326 ~~proportionate share~~ amount in such agreement is sufficient to
327 pay for one or more improvements which will, in the opinion of
328 the governmental entity or entities maintaining the
329 transportation facilities, significantly benefit the impacted
330 transportation system. The improvement or improvements funded by
331 the proportionate fair-share mitigation ~~proportionate share~~
332 component must be adopted into the 5-year capital improvements
333 schedule of the comprehensive plan at the next annual capital
334 improvements element update.

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

337 163.3184 Process for adoption of comprehensive plan or
338 plan amendment.--

339 (17) A local government that has adopted a community
340 vision and urban service boundary under s. 163.3177(13)
341 ~~163.31773(13)~~ and (14) may adopt a plan amendment related to map
342 amendments solely to property within an urban service boundary
343 in the manner described in subsections (1), (2), (7), (14),
344 (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3.,
345 such that state and regional agency review is eliminated. The
346 department may not issue an objections, recommendations, and
347 comments report on proposed plan amendments or a notice of
348 intent on adopted plan amendments; however, affected persons, as
349 defined by paragraph (1)(a), may file a petition for

350 administrative review pursuant to the requirements of s.
351 163.3187(3) (a) to challenge the compliance of an adopted plan
352 amendment. This subsection does not apply to any amendment
353 within an area of critical state concern, to any amendment that
354 increases residential densities allowable in high-hazard coastal
355 areas as defined in s. 163.3178(2) (h), or to a text change to
356 the goals, policies, or objectives of the local government's
357 comprehensive plan. Amendments submitted under this subsection
358 are exempt from the limitation on the frequency of plan
359 amendments in s. 163.3187.

360 Section 5. Paragraph (a) of subsection (3) of section
361 163.3247, Florida Statutes, is amended to read:

362 163.3247 Century Commission for a Sustainable Florida.--

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

368 (a) The commission shall consist of 15 members, 5
369 appointed by the Governor, 5 appointed by the President of the
370 Senate, and 5 appointed by the Speaker of the House of
371 Representatives. Appointments shall be made no later than
372 October 1, 2005. The membership must represent local
373 governments, school boards, developers and homebuilders, the
374 business community, the agriculture community, the environmental
375 community, and other appropriate stakeholders. The membership
376 shall reflect the demographic makeup of the state. One member

377 shall be designated by the Governor as chair of the commission.
378 Any vacancy that occurs on the commission must be filled in the
379 same manner as the original appointment and shall be for the
380 unexpired term of that commission seat. Members shall serve 4-
381 year terms, except that, initially, to provide for staggered
382 terms, the Governor, the President of the Senate, and the
383 Speaker of the House of Representatives shall each appoint one
384 member to serve a 2-year term, two members to serve 3-year
385 terms, and two members to serve 4-year terms. All subsequent
386 appointments shall be for 4-year terms. An appointee may not
387 serve more than 6 years.

388 Section 6. Paragraph (a) of subsection (4) of section
389 339.2819, Florida Statutes, is amended to read:

390 339.2819 Transportation Regional Incentive Program.--

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

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

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

401 Further, the project shall be in compliance with local
402 government comprehensive plan policies relative to corridor
403 management.

404 3. Be consistent with the Strategic Intermodal System Plan
405 developed under s. 339.64.

406 4. Have a commitment for local, regional, or private
407 financial matching funds as a percentage of the overall project
408 cost.

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

411 339.55 State-funded infrastructure bank.--

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

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

418 380.06 Developments of regional impact.--

419 (24) STATUTORY EXEMPTIONS.--

420 (1) Any proposed development within an urban service
421 boundary established under s. 163.3177(14) is exempt from the
422 provisions of this section if the local government having
423 jurisdiction over the area where the development is proposed has
424 adopted the urban service boundary and has entered into a
425 binding agreement with adjacent jurisdictions and the Department
426 of Transportation regarding the mitigation of impacts on state
427 and regional transportation facilities, and has adopted a
428 proportionate fair-share mitigation ~~share~~ methodology pursuant
429 to s. 163.3180(16).

430 (m) Any proposed development within a rural land
431 stewardship area created under s. 163.3177(11)(d) is exempt from
432 the provisions of this section if the local government that has
433 adopted the rural land stewardship area has entered into a
434 binding agreement with jurisdictions that would be impacted and
435 the Department of Transportation regarding the mitigation of
436 impacts on state and regional transportation facilities, and has
437 adopted a proportionate fair-share mitigation ~~share~~ methodology
438 pursuant to s. 163.3180(16).

439 (n) Any proposed development or redevelopment within an
440 area designated as an urban infill and redevelopment area under
441 s. 163.2517 is exempt from the provisions of this section if the
442 local government has entered into a binding agreement with
443 jurisdictions that would be impacted and the Department of
444 Transportation regarding the mitigation of impacts on state and
445 regional transportation facilities, and has adopted a
446 proportionate fair-share mitigation ~~share~~ methodology pursuant
447 to s. 163.3180(16).

448 Section 9. Paragraph (a) of subsection (2) of section
449 1013.65, Florida Statutes, is amended to read:

450 1013.65 Educational and ancillary plant construction
451 funds; Public Education Capital Outlay and Debt Service Trust
452 Fund; allocation of funds.--

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

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

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

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

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

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

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

472 1013.738 High Growth District Capital Outlay Assistance
 473 Grant Program.--

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

476 (a) The district must have levied the full 2 mills of
 477 nonvoted discretionary capital outlay millage authorized in s.
 478 1011.71(2) for each of the past 3 ~~4~~ fiscal years or currently
 479 receive an amount from the school capital outlay surtax
 480 authorized in s. 212.055(6) that, when added to the nonvoted
 481 discretionary capital outlay millage collected, equals the
 482 amount that would be generated if the full 2 mills of nonvoted

483 discretionary capital outlay millage had been collected over the
484 past 3 fiscal years.

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

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

491 2. A school capital outlay surtax authorized in s.
492 212.055(6). If the school capital outlay surtax is used to meet
493 the conditions of paragraph (a), the amount of the school
494 capital outlay surtax collected must be in excess of the amount
495 in paragraph (a).

496 3. A local bond referendum as authorized in ss. 1010.40-
497 1010.55. Fifty percent of the revenue derived from the 2 mill
498 nonvoted discretionary capital outlay millage for the past 4
499 fiscal years, when divided by the district's growth in capital
500 outlay FTE students over this period, produces a value that is
501 less than the average cost per student station calculated
502 pursuant to s. 1013.72(2), and weighted by statewide growth in
503 capital outlay FTE students in elementary, middle, and high
504 schools for the past 4 fiscal years.

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

508 (d) The district must not have received an appropriation
509 from the special facilities construction program in the current

510 ~~fiscal year. The Commissioner of Education must have released~~
511 ~~all funds allocated to the district from the Classrooms First~~
512 ~~Program authorized in s. 1013.68, and these funds were fully~~
513 ~~expended by the district as of February 1 of the current fiscal~~
514 ~~year.~~

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

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

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

524 1. K-12 students, except hospital and homebound part-time
525 students; and

526 2. Students who are career education students and adult
527 disabled students and who are enrolled in school district career
528 centers. ~~For each eligible district, the Department of Education~~
529 ~~shall calculate the value of 50 percent of the revenue derived~~
530 ~~from the 2 mill nonvoted discretionary capital outlay millage~~
531 ~~for the past 4 fiscal years divided by the increase in capital~~
532 ~~outlay FTE students for the same period.~~

533 (b) The capital outlay full-time equivalent membership
534 shall be determined for kindergarten through grade 12 and for
535 career centers by averaging the unweighted full-time equivalent
536 membership for the second and third surveys and comparing the

537 results on a school-by-school basis with the Florida Inventory
538 for School Houses. The capital outlay full-time equivalent
539 membership by grade-level organization shall be used in making
540 the following calculation: the capital outlay full-time
541 equivalent membership by grade-level organization for the prior
542 year must be used to compute the growth over the highest of the
543 3 years preceding the prior year. The Department of Education
544 shall determine, for each eligible district, the amount that
545 must be added to the value calculated pursuant to paragraph (a)
546 to produce the weighted average value per student station
547 calculated pursuant to paragraph (2)(b).

548 (c) The total amount appropriated by the Legislature
549 pursuant to this subsection shall be allocated among the growth
550 capital outlay full-time equivalent membership. The allocation
551 shall be prorated to the districts based upon each district's
552 percentage of growth capital outlay full-time equivalent
553 membership. The most recent 4-year capital outlay full-time
554 equivalent membership data shall be used in each subsequent
555 year's calculation for the allocation of funds pursuant to this
556 subsection. If a change, correction, or recomputation of data
557 during any year results in a reduction or increase of the
558 calculated amount previously allocated to a district, the
559 allocation to that district shall be adjusted correspondingly.
560 If such recomputation results in an increase or decrease of the
561 calculated amount, such additional or reduced amounts shall be
562 added to or reduced from the district's future appropriations.
563 However, no change, correction, or recomputation of data shall

564 be made subsequent to 2 years following the initial annual
565 allocation. ~~The value calculated for each eligible district~~
566 ~~pursuant to paragraph (b) shall be multiplied by the average~~
567 ~~increase in capital outlay FTE students for the past 4 fiscal~~
568 ~~years to determine the maximum amount of a grant that may be~~
569 ~~awarded to a district pursuant to this section.~~

570 ~~(d) In the event the funds provided in the General~~
571 ~~Appropriations Act are insufficient to fully fund the maximum~~
572 ~~grants calculated pursuant to paragraph (c), the Department of~~
573 ~~Education shall allocate the funds based on each district's~~
574 ~~prorated share of the total maximum award amount calculated for~~
575 ~~all eligible districts.~~

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

578 Section 27.

579 (2) The following appropriations are made for the 2005-
580 2006 fiscal year only on a nonrecurring basis:

581 (a) From the State Transportation Trust Fund in the
582 Department of Transportation:

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

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

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

590 | 4. Twenty-five million for the purposes specified in
591 | section 339.2817, Florida Statutes.

592 | Section 12. This act shall take effect July 1, 2006.