

Bill No. CS for SB 1060

Barcode 461804

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 1060 recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (1) of section 201.15, Florida Statutes, as amended by chapters 2005-92, 2006-1, 2006-185, and 2006-231, Laws of Florida, is amended to read:

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

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

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

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

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

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

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

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

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

29 ~~3. The Public Education Capital Outlay and Debt~~
30 ~~Service Trust Fund in the Department of Education in the~~
31 ~~amount of \$105 million in each fiscal year, to be paid in~~

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1 ~~monthly installments with \$75 million used to fund the~~
 2 ~~Classrooms for Kids Program created in s. 1013.735, and \$30~~
 3 ~~million to be used to fund the High Growth County District~~
 4 ~~Capital Outlay Assistance Grant Program created in s.~~
 5 ~~1013.738. If required, new facilities constructed under the~~
 6 ~~Classrooms for Kids Program must meet the requirements of s.~~
 7 ~~1013.372.~~

8 ~~3.4.~~ The Grants and Donations Trust Fund in the
 9 Department of Community Affairs in the amount of \$3.25 million
 10 in each fiscal year to be paid in monthly installments, with
 11 \$3 million to be used to fund technical assistance to local
 12 governments and school boards on the requirements and
 13 implementation of this act and \$250,000 to be used to fund the
 14 Century Commission established in s. 163.3247.

15
 16 Moneys distributed pursuant to this paragraph may not be
 17 pledged for debt service unless such pledge is approved by
 18 referendum of the voters.

19 Section 2. Paragraph (c) of subsection (1) of section
 20 203.01, Florida Statutes, is amended to read:

21 203.01 Tax on gross receipts for utility and
 22 communications services.--

23 (1)

24 (c)1. The tax shall be levied against the total amount
 25 of gross receipts received by a distribution company for its
 26 sale of utility services if the utility service is delivered
 27 to the retail consumer by a distribution company and the
 28 retail consumer pays the distribution company a charge for
 29 utility service which includes a charge for both the
 30 electricity and the transportation of electricity to the
 31 retail consumer. The distribution company shall report and

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1 remit to the Department of Revenue by the 20th ~~last~~ day of
2 each month the taxes levied pursuant to this paragraph during
3 the preceding month.

4 2. To the extent practicable, the Department of
5 Revenue must distribute all receipts of taxes remitted under
6 this chapter to the Public Education Capital Outlay and Debt
7 Service Trust Fund in the same month as the department
8 collects such taxes.

9 Section 3. Paragraph (a) of subsection (1), paragraph
10 (a) of subsection (3), and subsection (7) of section 1013.64,
11 Florida Statutes, are amended to read:

12 1013.64 Funds for comprehensive educational plant
13 needs; construction cost maximums for school district capital
14 projects.--Allocations from the Public Education Capital
15 Outlay and Debt Service Trust Fund to the various boards for
16 capital outlay projects shall be determined as follows:

17 (1)(a) Funds for remodeling, renovation, maintenance,
18 repairs, and site improvement for existing satisfactory
19 facilities shall be given priority consideration by the
20 Legislature for appropriations allocated to the boards from
21 the total amount of the Public Education Capital Outlay and
22 Debt Service Trust Fund appropriated. These funds shall be
23 calculated pursuant to the following basic formula: the
24 building value times the building age over the sum of the
25 years' digits assuming a 50-year building life. For modular
26 noncombustible facilities, a 35-year life shall be used, and
27 for relocatable facilities, a 20-year life shall be used.

28 "Building value" is calculated by multiplying each building's
29 total assignable square feet times the appropriate
30 net-to-gross conversion rate found in state board rules and
31 that product times the current average new construction cost.

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1 "Building age" is calculated by multiplying the prior year's
 2 building age times 1 minus the prior year's sum received from
 3 this subsection divided by the prior year's building value. To
 4 the net result shall be added the number 1. Each board shall
 5 receive the percentage generated by the preceding formula of
 6 the total amount appropriated for the purposes of this
 7 section.

8 (3)(a) Each district school board shall receive an
 9 amount from the Public Education Capital Outlay and Debt
 10 Service Trust Fund to be calculated by computing the capital
 11 outlay full-time equivalent membership as determined by the
 12 department. Such membership must include, but is not limited
 13 to:

14 1. K-12 students for whom the school district provides
 15 the educational facility, except hospital and homebound
 16 part-time students; and

17 2. Students who are career education students, and
 18 adult disabled students and who are enrolled in school
 19 district career centers. The capital outlay full-time
 20 equivalent membership shall be determined for kindergarten
 21 through the 12th grade and for career centers by averaging the
 22 unweighted full-time equivalent student membership for the
 23 second and third surveys and comparing the results on a
 24 school-by-school basis with the Florida Inventory for School
 25 Houses. The capital outlay full-time equivalent membership by
 26 grade level organization shall be used in making the following
 27 calculations: The capital outlay full-time equivalent
 28 membership by grade level organization for the 4th prior year
 29 must be used to compute the base-year allocation. The capital
 30 outlay full-time equivalent membership by grade-level
 31 organization for the prior year must be used to compute the

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1 growth over the highest of the 3 years preceding the prior
 2 year. From the total amount appropriated by the Legislature
 3 pursuant to this subsection, 40 percent shall be allocated
 4 among the base capital outlay full-time equivalent membership
 5 and 60 percent among the growth capital outlay full-time
 6 equivalent membership. The allocation within each of these
 7 groups shall be prorated to the districts based upon each
 8 district's percentage of base and growth capital outlay
 9 full-time membership. The most recent 4-year capital outlay
 10 full-time equivalent membership data shall be used in each
 11 subsequent year's calculation for the allocation of funds
 12 pursuant to this subsection. If a change, correction, or
 13 recomputation of data during any year results in a reduction
 14 or increase of the calculated amount previously allocated to a
 15 district, the allocation to that district shall be adjusted
 16 correspondingly. If such recomputation results in an increase
 17 or decrease of the calculated amount, such additional or
 18 reduced amounts shall be added to or reduced from the
 19 district's future appropriations. However, no change,
 20 correction, or recomputation of data shall be made subsequent
 21 to 2 years following the initial annual allocation.

22 ~~(7) Moneys distributed to the Public Education Capital~~
 23 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~
 24 ~~to fund the Classrooms for Kids Program created in s. 1013.735~~
 25 ~~and the High Growth County District Capital Outlay Assistance~~
 26 ~~Grant Program created in s. 1013.738 shall be distributed as~~
 27 ~~provided by those sections.~~

28 Section 4. Paragraph (a) of subsection (2) of section
 29 1013.65, Florida Statutes, is amended to read:

30 1013.65 Educational and ancillary plant construction
 31 funds; Public Education Capital Outlay and Debt Service Trust

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1 Fund; allocation of funds.--

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

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

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

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

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

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

19 Section 5. Subsection (4) of section 1013.738, Florida
20 Statutes, is amended to read:

21 1013.738 High Growth District Capital Outlay
22 Assistance Grant Program.--

23 ~~(4) Moneys distributed to the Public Education Capital~~
24 ~~Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)~~
25 ~~for the High Growth District Capital Outlay Assistance Grant~~
26 ~~Program created in this section shall be distributed as~~
27 ~~provided by this section.~~

28 Section 6. This act shall take effect July 1, 2007.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to educational facilities;

8 amending s. 201.15, F.S.; deleting provisions

9 relating to distribution of proceeds from the

10 excise tax on documents to the Public Education

11 Capital Outlay and Debt Service Trust Fund;

12 amending s. 203.01, F.S.; revising the date by

13 which a distribution company must remit taxes

14 on gross receipts from the sale of utility

15 services; prescribing an aspirational date for

16 remission of gross receipts taxes to such trust

17 fund; amending s. 1013.64, F.S.; prescribing

18 the life to be used for certain facilities in

19 calculating distributions from such trust fund;

20 clarifying those K-12 students on whose behalf

21 distributions will be made from such trust

22 fund; deleting provisions relating to

23 distributions from such trust fund for

24 specified programs; amending s. 1013.65, F.S.;

25 deleting reference to certain moneys paid into

26 such trust fund and to moneys set aside for

27 distribution to a specified program; amending

28 s. 1013.738, F.S.; deleting a provision

29 relating to distributions from such trust fund

30 for a specified program; providing an effective

31 date.