

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 1858

INTRODUCER: Community Affairs Committee and Community Affairs Committee

SUBJECT: Growth Management

DATE: April 18, 2006 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Fav/CS
2.			GE	
3.			WM	
4.				
5.				
6.				

I. Summary:

The committee substitute (PCS) corrects cross-references, conforms terminology, and revises appropriations glitches in CS/CS/CS for SB 360 that was enacted in 2005. It increases the membership of the Century Commission for a Sustainable Florida, provides additional criteria for appointing members, and extends the deadline for making the appointments. It also appropriates \$870,000 in recurring funding for the Century Commission.

This bill amends the following sections of the Florida Statutes: 163.3164, 163.3177, 163.3180, 163.3184, 163.3247, 201.15, 339.2819, 380.06, 1013.65, and 1013.78.

II. Present Situation:

In 2005, the Legislature enacted CS/CS/CS for SB 360 (SB 360) to provide the critical infrastructure and planning needed to accommodate Florida's continued population growth. The bill created and amended numerous provisions relating to school, water and transportation concurrency, the development of a regional impact program and other significant portions of the local government comprehensive planning process. It also appropriated \$1.5 billion in fiscal year 2005-2006 for infrastructure funding for transportation, water and schools, with recurring funding of \$750 million annually thereafter. Because of the timing and magnitude of these growth management legislative changes, the bill contained glitches.

This committee's interim project report 2006-108 focused on identifying glitches in the bill and any changes necessary to fully implement the provisions of the bill. Staff solicited comments and met with various stakeholders and interested parties. Staff categorized the comments received from stakeholders and those comments are included in the interim project report. In addition to glitch issues, other questions and concerns have been stakeholders. Many of these may be

resolved during the implementation phase as the provisions of SB 360 take effect. Any significant changes at this point may further complicate efforts to fully implement the bill.

Century Commission for a Sustainable Florida

Section 11 of SB 360 created the 15-member Century Commission for a Sustainable Florida with its members to be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Governor designates the chair of the commission. The membership should represent various interests, including local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The commission is charged with developing a shared image of the state and its developed and natural areas and recommending policies or strategies to achieve that vision.

The commission has met twice since its inception and has five additional meetings scheduled for 2006. Beginning January 16, 2007, the Century Commission will send an annual written report to the Governor and the Legislature. The President of the Senate and the Speaker of the House of Representatives are required to create a joint select committee in 2007 to review the findings and recommendations of the commission.

The Governor signed SB 360 into law on June 24, 2005. However, three funding provisions were vetoed. Section 27 of this bill appropriated \$250,000 in nonrecurring general revenue to support the Century Commission. Also, section 40 of the bill appropriated \$250,000 from the Grants and Donations Trust Fund in the Department of Community Affairs (DCA) annually to support the commission. One of the provisions vetoed by the Governor was the \$250,000 recurring funding for the commission in section 40.

Transportation Funding in SB 360

The Strategic Intermodal System (SIS) consists of statewide and interregionally significant transportation facilities and services and plays a critical role in moving people and goods to and from other states and nations, as well as between major economic regions in Florida. As such, the SIS is the primary focus of state transportation resource investment. SB 360 appropriated additional funding for state transportation projects. Specifically, section 27 of the bill appropriated \$575 million in nonrecurring general revenue for the 2005-2006 fiscal year for transportation. From this \$575 million, \$200 million was appropriated for the purposes of SIS. Although this section refers to \$575 million, it actually appropriated \$600 million for various transportation projects. It was determined that the \$25 million error was in the SIS funding and it should be reduced from \$200 million to \$175 million.

High Growth District Capital Outlay Assistance Grant Program

SB 360 created the High Growth District Capital Outlay Assistance Program in s. 1013.78, F.S., to provide funds for qualifying high student enrollment growth school districts. The bill provided additional funding for school construction to districts meeting the program's criteria. The eligibility criteria for this program includes a requirement that the school district must have levied the full 2 mills of nonvoted discretionary capital outlay millage for each of the past 4 fiscal years. Under the criteria, a district must have also equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period. Section 26 of SB 360 appropriated \$30 million in recurring revenue for this program. Also, section 27 of the bill

appropriated \$30 million in nonrecurring general revenue for fiscal year 2005-2006. The Governor vetoed the \$30 million recurring funding. These monies remain in the Public Education Capital Outlay and Debt Service Trust Fund (PECO) in the Department of Education.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3164, F.S., to conform terminology.

Section 2 amends s. 163.3177, F.S., to correct a cross-reference.

Section 3 amends s. 163.3180, F.S., to correct cross-references and terminology.

Section 4 amends s. 163.3184(17), F.S., to correct a cross-reference.

Section 5 amends s. 163.3247(3)(a), F.S., to add 7 members to the 15-member Century Commission for a Sustainable Florida for a total of 21 members. It adds language to ensure the membership reflects the racial, ethnic, and gender diversity, as well as the geographic distribution, of the state's population. It also extends the date for appointments to August 1, 2006.

Section 6 amends s. 201.15, F.S., to delete language distributing \$250,000 to the Grants and Donations Trust Fund in DCA for the Century Commission for a Sustainable Florida.¹ This \$250,000 is used to increase the amount appropriated in SB 360 to the State Transportation Trust Fund in the Department of Transportation by \$250,000 for a total of \$542 million.

It also deletes language that distributed \$30 million in recurring funding for the High Growth District Capital Outlay Grant Assistance Program.² This \$30 million in recurring funding is then used to increase the amount appropriated in SB 360 as recurring funding that goes into PECO for the Classrooms for Kids Program from \$75 million to \$104,130,000 and to appropriate \$870,000 in recurring funding for the Century Commission for a Sustainable Florida. It also corrects a cross-reference.

Section 7 amends s. 201.15, F.S., to combine the changes made in section 6 of this PCS and the changes made by section 1 of ch. 2005-92, L.O.F., that take effect on July 1, 2007.

Section 8 amends s. 339.2819(4)(a), F.S., to correct a cross-reference.

Section 9 amends s. 380.06, F.S., to conform terminology.

Section 10 amends s. 1013.65(2)(a), F.S., to correct an error in SB 360 that appropriated \$75 million to the Public Education Capital Outlay and Debt Service Trust Fund (PECO) in the Department of Education but only transferred \$41.75 million to the Classrooms for Kids program. The language is amended to distribute \$104,130,000 to the Classrooms for Kids Program created in s. 1013.735, F.S. This amount of \$104,130,000 reflects the increase of \$30

¹ This \$250,000 in recurring funding was vetoed by the Governor.

² This \$30 million in recurring funding was vetoed by the Governor.

million from the High Growth District Capital Outlay Assistance Grant Program that was vetoed less the \$870,000 in recurring funding that is appropriated in this PCS to fund the Century Commission for a Sustainable Florida.

Section 11 amends s. 1013.78, F.S., to reflect that funds for the High Growth District Capital Outlay Assistance Grant Program were appropriated in SB 360 and not the General Appropriations Act.

Section 12 appropriates and distributes \$250,000 from the Grants and Donations Trust Fund in DCA to the State Transportation Trust Fund on a nonrecurring basis for the 2005-2006 fiscal year for the purposes of SIS.

Section 13 reduces the \$200 million appropriated in section 27 of SB 360 for the purposes of SIS to its intended \$175 million.

Section 14 appropriates \$30 million from the PECO fund in the Department of Education on a nonrecurring basis for fiscal year 2005-2006 for the purposes of the Classrooms for Kids Program.

Section 13 provides effective dates.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This CS provides an additional \$250,000 for transportation funding that was previously appropriated to support the Century Commission. It transfers \$29,130,000 from PECO to

the Classrooms for Kids Program. It also appropriates \$870,000 in recurring funding for the Century Commission for a Sustainable Florida.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
