

By Representative Wasserman Schultz

1                                   A bill to be entitled  
2           An act relating to school district capital  
3           outlay revenue; amending s. 199.292, F.S.;  
4           providing for transfer of a portion of  
5           nonrecurring intangible personal property tax  
6           revenues to the School District Capital Outlay  
7           Trust Fund; providing for distribution of a  
8           portion of such revenues to school districts  
9           which collected impact fee revenues in fiscal  
10          year 1999-2000 to supplant such impact fees;  
11          providing requirements for distribution of the  
12          remainder of such revenues to all school  
13          districts; amending ss. 212.055 and 236.25,  
14          F.S.; providing that school boards may levy a  
15          local option sales surtax in lieu of levying  
16          all or a part of the nonvoted district school  
17          capital improvement millage; authorizing levy  
18          of such surtax by resolution and providing  
19          requirements with respect thereto; providing  
20          for uses of the surtax proceeds; amending s.  
21          212.054, F.S.; providing for application of  
22          certain notice requirements to levy of the  
23          surtax; amending s. 125.01, F.S.; providing  
24          that a county in which the school board is  
25          receiving such intangible tax revenues or  
26          levying the local option sales surtax is  
27          prohibited from levying school impact fees;  
28          amending s. 235.056, F.S., relating to lease or  
29          rental of educational facilities and sites, s.  
30          235.199, F.S., relating to funding of career  
31          educational facilities, and s. 235.435, F.S.,

1 relating to requests for funding from the  
2 Special Facility Construction Account, to  
3 conform; amending ss. 235.186 and 235.2197,  
4 F.S.; correcting references; providing a  
5 contingent effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Subsection (8) is added to section 125.01,  
10 Florida Statutes, to read:

11 125.01 Powers and duties.--

12 (8) Any county in which the school board is receiving  
13 intangible personal property tax revenues pursuant to s.  
14 199.292(2) or levying the local option sales surtax pursuant  
15 to ss. 212.055(7) and 236.25(2) is prohibited from levying any  
16 impact fee for school purposes.

17 Section 2. Section 199.292, Florida Statutes, is  
18 amended to read:

19 199.292 Disposition of intangible personal property  
20 taxes.--All intangible personal property taxes collected  
21 pursuant to this chapter shall be placed in a special fund  
22 designated as the "Intangible Tax Trust Fund." The fund shall  
23 be disbursed as follows:

24 (1) Revenues derived from the annual tax on a  
25 leasehold described in s. 199.023(1)(d) shall be returned to  
26 the local school board for the county in which the property  
27 subject to the leasehold is situated.

28 (2) Sixty-two and three-tenths percent of the revenues  
29 derived from the nonrecurring tax imposed by s. 199.133 shall  
30 be transferred to the School District Capital Outlay Trust  
31

1 Fund. These funds shall be distributed in the following  
2 manner:

3 (a) An amount equal to school impact fee collections  
4 in fiscal year 1999-2000 shall be distributed to the school  
5 districts which collected such fees to supplant their school  
6 impact fees. When any such school district levies a local  
7 option sales surtax pursuant to ss. 212.055(7) and 236.25(2),  
8 it will not be eligible to receive funds under this paragraph,  
9 but will remain eligible to receive funds under paragraph (b).

10 (b) The balance of these revenues shall be distributed  
11 to all school districts as follows:

12 1. Twenty-five percent of the balance shall be  
13 distributed on a pro rata basis to the districts based on each  
14 district's percentage of base capital outlay full-time  
15 equivalent membership, and 65 percent shall be distributed on  
16 a pro rata basis to the districts based on each district's  
17 percentage of gross capital outlay full-time equivalent  
18 membership as specified for the allocation of funds from the  
19 Public Education Capital Outlay and Debt Service Trust Fund by  
20 s. 235.435(3).

21 2. Ten percent of the balance shall be allocated among  
22 the district school boards according to the allocation formula  
23 in s. 235.435(1)(a).

24 (3)(2) There is hereby appropriated annually out of  
25 the fund the amount necessary for the effective and efficient  
26 administration and enforcement by the department of the  
27 provisions of chapters 192, 193, 194, 195, 196, 197, and 198  
28 and this chapter.

29 (4)(3) Of the remaining intangible personal property  
30 taxes collected, an amount equal to 35.3 percent in state  
31 fiscal year 1998-1999 and an amount equal to 37.7 percent in

1 each year thereafter, shall be transferred to the Revenue  
2 Sharing Trust Fund for Counties. Of the remaining taxes  
3 collected, an amount equal to 64.7 percent in state fiscal  
4 year 1998-1999 and an amount equal to 62.3 percent in each  
5 year thereafter, shall be transferred to the General Revenue  
6 Fund of the state.

7 Section 3. Subsection (7) of section 212.054, Florida  
8 Statutes, is amended to read:

9 212.054 Discretionary sales surtax; limitations,  
10 administration, and collection.--

11 (7)(a) The governing body of any county levying a  
12 discretionary sales surtax or the school board of any county  
13 levying the school capital outlay surtax authorized by s.  
14 212.055~~(6)~~ (6) or (7) shall notify the department within 10 days  
15 after final adoption by ordinance, resolution, or referendum  
16 of an imposition, termination, or rate change of the surtax,  
17 but no later than November 16 prior to the effective date.  
18 The notice must specify the time period during which the  
19 surtax will be in effect and the rate and must include a copy  
20 of the ordinance or resolution and such other information as  
21 the department requires by rule. Failure to timely provide  
22 such notification to the department shall result in the delay  
23 of the effective date for a period of 1 year.

24 (b) In addition to the notification required by  
25 paragraph (a), the governing body of any county proposing to  
26 levy a discretionary sales surtax or the school board of any  
27 county proposing to levy the school capital outlay surtax  
28 authorized by s. 212.055~~(6)~~ (6) or (7) shall notify the department  
29 by October 1 if the referendum or consideration of the  
30 ordinance or resolution that would result in imposition,  
31 termination, or rate change of the surtax is scheduled to

1 occur on or after October 1 of that year. Failure to timely  
2 provide such notification to the department shall result in  
3 the delay of the effective date for a period of 1 year.

4 Section 4. Subsection (7) is added to section 212.055,  
5 Florida Statutes, to read:

6 212.055 Discretionary sales surtaxes; legislative  
7 intent; authorization and use of proceeds.--It is the  
8 legislative intent that any authorization for imposition of a  
9 discretionary sales surtax shall be published in the Florida  
10 Statutes as a subsection of this section, irrespective of the  
11 duration of the levy. Each enactment shall specify the types  
12 of counties authorized to levy; the rate or rates which may be  
13 imposed; the maximum length of time the surtax may be imposed,  
14 if any; the procedure which must be followed to secure voter  
15 approval, if required; the purpose for which the proceeds may  
16 be expended; and such other requirements as the Legislature  
17 may provide. Taxable transactions and administrative  
18 procedures shall be as provided in s. 212.054.

19 (7) SCHOOL CAPITAL OUTLAY MILLAGE EXCHANGE SURTAX.--

20 (a) The school board in any county may levy by  
21 resolution a discretionary sales surtax of 1 percent in lieu  
22 of levying 2 mills of ad valorem tax under s. 236.25(2), or a  
23 discretionary sales surtax of 0.5 percent in lieu of levying 1  
24 mill of ad valorem tax under s. 236.25(2). If a school board  
25 that is levying millage under s. 236.25(2) levies the  
26 discretionary sales surtax under this subsection at the rate  
27 of 1 percent, it must reduce the millage it levies under s.  
28 236.25(2) by 2 mills. If a school board that is levying  
29 millage under s. 236.25(2) levies the discretionary sales  
30 surtax under this subsection at the rate of 0.5 percent, it  
31

1 must reduce the millage it levies under s. 236.25(2) by 1  
2 mill.

3 (b) The resolution levying a discretionary sales  
4 surtax under this subsection shall set forth a plan for the  
5 use of surtax proceeds for school capital outlay projects.

6 (c) The proceeds of a discretionary sales surtax  
7 levied under this subsection shall be used by the school  
8 district only for those purposes specified in s. 236.25(2) and  
9 (5).

10 (d) Surtax proceeds collected by the Department of  
11 Revenue pursuant to this subsection shall be distributed to  
12 the school board imposing the surtax in accordance with law.

13 Section 5. Section 236.25, Florida Statutes, is  
14 amended to read:

15 236.25 District school tax.--

16 (1) If the district school tax is not provided in the  
17 General Appropriations Act or the substantive bill  
18 implementing the General Appropriations Act, each school board  
19 desiring to participate in the state allocation of funds for  
20 current operation as prescribed by s. 236.081(9) shall levy on  
21 the taxable value for school purposes of the district,  
22 exclusive of millage voted under the provisions of s. 9(b) or  
23 s. 12, Art. VII of the State Constitution, a millage rate not  
24 to exceed the amount certified by the commissioner as the  
25 minimum millage rate necessary to provide the district  
26 required local effort for the current year, pursuant to s.  
27 236.081(4)(a)1. In addition to the required local effort  
28 millage levy, each school board may levy a nonvoted current  
29 operating discretionary millage. The Legislature shall  
30 prescribe annually in the appropriations act the maximum  
31 amount of millage a district may levy. The millage rate

1 prescribed shall exceed zero mills but shall not exceed the  
2 lesser of 1.6 mills or 25 percent of the millage which is  
3 required pursuant to s. 236.081(4), exclusive of millage  
4 levied pursuant to subsection (2).

5 (2) In addition to the maximum millage levy as  
6 provided in subsection (1), each school board may levy up to  
7 ~~not more than~~ 2 mills against the taxable value for school  
8 purposes, or in lieu of a levy of 2 mills, a school board may  
9 levy a 1-cent local option sales surtax in accordance with s.  
10 212.055(7), or in lieu of 1 mill of such levy, a school board  
11 may levy a 0.5-cent local option sales surtax in accordance  
12 with s. 212.055(7). This millage or sales surtax levy shall be  
13 used to fund:

14 (a) New construction and remodeling projects, as set  
15 forth in s. 235.435(3)(b) and (6)(b) and included in the  
16 district's educational plant survey pursuant to s. 235.15,  
17 without regard to prioritization, sites and site improvement  
18 or expansion to new sites, existing sites, auxiliary  
19 facilities, athletic facilities, or ancillary facilities.

20 (b) Maintenance, renovation, and repair of existing  
21 school plants or of leased facilities to correct deficiencies  
22 pursuant to s. 235.056(2).

23 (c) The purchase, lease-purchase, or lease of school  
24 buses; drivers' education vehicles; motor vehicles used for  
25 the maintenance or operation of plants and equipment; security  
26 vehicles; or vehicles used in storing or distributing  
27 materials and equipment.

28 (d) The purchase, lease-purchase, or lease of new and  
29 replacement equipment.

30 (e) Payments for educational facilities and sites due  
31 under a lease-purchase agreement entered into by a school

1 board pursuant to s. 230.23(9)(b)5. or s. 235.056(2), not  
2 exceeding, in the aggregate, an amount equal to three-fourths  
3 of the proceeds from the millage or sales surtax levied by a  
4 school board pursuant to this subsection.

5 (f) Payment of loans approved pursuant to ss. 237.161  
6 and 237.162.

7 (g) Payment of costs directly related to complying  
8 with state and federal environmental statutes and regulations  
9 governing school facilities.

10 (h) Payment of costs of leasing relocatable  
11 educational facilities, of renting or leasing educational  
12 facilities and sites pursuant to s. 235.056(2), or of renting  
13 or leasing buildings or space within existing buildings  
14 pursuant to s. 235.056(3).

15

16 Violations of these expenditure provisions shall result in an  
17 equal dollar reduction in the Florida Education Finance  
18 Program (FEFP) funds for the violating district in the fiscal  
19 year following the audit citation.

20 (3) These ad valorem taxes shall be certified,  
21 assessed, and collected as prescribed in s. 237.091 and shall  
22 be expended as provided by law.

23 (4) Nothing in s. 236.081(4)(a)1. shall in any way be  
24 construed to increase the maximum school millage levies as  
25 provided for in subsection (1).

26 (5)(a) It is the intent of the Legislature that, by  
27 July 1, 2003, revenue generated by the millage or local option  
28 sales surtax levy authorized by subsection (2) should be used  
29 only for the costs of construction, renovation, remodeling,  
30 maintenance, and repair of the educational plant; for the  
31 purchase, lease, or lease-purchase of equipment, educational

1 plants, and construction materials directly related to the  
2 delivery of student instruction; for the rental or lease of  
3 existing buildings, or space within existing buildings,  
4 originally constructed or used for purposes other than  
5 education, for conversion to use as educational facilities;  
6 for the opening day collection for the library media center of  
7 a new school; for the purchase, lease-purchase, or lease of  
8 school buses; and for servicing of payments related to  
9 certificates of participation issued for any purpose prior to  
10 the effective date of this act. Costs associated with the  
11 lease-purchase of equipment, educational plants, and school  
12 buses may include the issuance of certificates of  
13 participation on or after the effective date of this act and  
14 the servicing of payments related to certificates so issued.  
15 For purposes of this section, "maintenance and repair" is  
16 defined in s. 235.011.

17 (b) For purposes not delineated in paragraph (a) for  
18 which proceeds received from millage or a local option sales  
19 surtax levied under subsection (2) may be legally expended, a  
20 district school board may spend no more than the following  
21 percentages of the amount the district spent for these  
22 purposes in fiscal year 1995-1996:

- 23 1. In fiscal year 1997-1998, 85 percent.
- 24 2. In fiscal year 1998-1999, 70 percent.
- 25 3. In fiscal year 1999-2000, 55 percent.
- 26 4. In fiscal year 2000-2001, 40 percent.
- 27 5. In fiscal year 2001-2002, 25 percent.
- 28 6. In fiscal year 2002-2003, 10 percent.

29 (c) Beginning July 1, 2003, revenue generated by the  
30 millage or local option sales surtax levy authorized by  
31

1 subsection (2) must be used only for the purposes delineated  
2 in paragraph (a).

3 (d) Notwithstanding any other provision of this  
4 subsection, if through its adopted facilities work program a  
5 district has clearly identified the need for an ancillary  
6 plant, has provided opportunity for public input as to the  
7 relative value of the ancillary plant versus an educational  
8 plant, and has obtained public approval, the district may use  
9 revenue generated by the millage or local option sales surtax  
10 levy authorized by subsection (2) for the construction,  
11 renovation, remodeling, maintenance, or repair of an ancillary  
12 plant.

13

14 A district that violates these expenditure restrictions shall  
15 have an equal dollar reduction in funds appropriated to the  
16 district under s. 236.081 in the fiscal year following the  
17 audit citation. The expenditure restrictions do not apply to  
18 any school district that certifies to the Commissioner of  
19 Education that all of the district's instructional space needs  
20 for the next 5 years can be met from capital outlay sources  
21 that the district reasonably expects to receive during the  
22 next 5 years or from alternative scheduling or construction,  
23 leasing, rezoning, or technological methodologies that exhibit  
24 sound management.

25 Section 6. Paragraph (a) of subsection (2) and  
26 paragraph (a) of subsection (3) of section 235.056, Florida  
27 Statutes, are amended to read:

28 235.056 Lease, rental, and lease-purchase of  
29 educational facilities and sites.--

30 (2)(a) A board may rent or lease educational  
31 facilities and sites as defined in s. 235.011. Educational

1 facilities and sites rented or leased for 1 year or less shall  
2 be funded through the operations budget or funds derived from  
3 millage or local option sales surtax proceeds pursuant to s.  
4 236.25(2). A lease contract for 1 year or less, when extended  
5 or renewed beyond a year, becomes a multiple-year lease.  
6 Operational funds or funds derived from millage or local  
7 option sales surtax proceeds pursuant to s. 236.25(2) may be  
8 authorized to be expended for multiple-year leases. All  
9 leased facilities and sites must be inspected prior to  
10 occupancy by the board's Uniform Building Code inspector, who  
11 shall report to the department.

12         1. Beginning July 1, 1995, all newly leased spaces  
13 must be inspected and brought into compliance with the state  
14 minimum building code pursuant to chapter 553, and the life  
15 safety codes pursuant to chapter 633, prior to occupancy,  
16 using the board's operations budget or funds derived from  
17 millage or local option sales surtax proceeds pursuant to s.  
18 236.25(2). As an alternative, the board may elect to comply  
19 with the State Uniform Building Code for Public Educational  
20 Facilities Construction instead of the state minimum building  
21 code or the life safety code, or both.

22         2. Plans for renovation or remodeling of leased space  
23 shall conform to state minimum building and life safety codes  
24 for educational occupancies, or other occupancies as  
25 appropriate, as required in chapters 553 and 633, prior to  
26 occupancy. As an alternative, the board may elect to comply  
27 with the State Uniform Building Code for Public Educational  
28 Facilities Construction instead of the state minimum building  
29 code or the life safety code, or both.

30         3. All leased facilities must be inspected annually  
31 for firesafety deficiencies in accordance with the applicable

1 code and have corrections made in accordance with s. 235.06.  
2 Operational funds or funds derived from millage or local  
3 option sales surtax proceeds pursuant to s. 236.25(2) may be  
4 used to correct deficiencies in leased space.

5 4. When the board declares that a public emergency  
6 exists, it may take up to 30 days to bring the leased facility  
7 into compliance with the requirements of Commissioner of  
8 Education rules.

9 5. By July 1, 1998, the department shall present to  
10 the Governor, the Speaker of the House of Representatives, and  
11 the President of the Senate a report on the amount of leased  
12 space used by districts for prekindergarten programs and for  
13 instructional purposes of elementary schools, middle schools,  
14 and high schools. The report shall indicate the number of  
15 capital outlay full-time-equivalent students who are  
16 instructed in leased spaces, the number of permanent and  
17 relocatable facilities which are leased, the number of  
18 prekindergarten stations assigned in permanent facilities, the  
19 condition of leased facilities in accordance with applicable  
20 building and life safety codes, and the methods by which  
21 leased spaces are financed. The report shall make  
22 recommendations as to prescriptive changes that districts must  
23 make with regard to leased facilities, as well as  
24 recommendations regarding the assignment of student stations  
25 to such facilities.

26 (3)(a) A board may rent or lease existing buildings,  
27 or space within existing buildings, originally constructed or  
28 used for purposes other than education, for conversion to use  
29 as educational facilities. Such buildings rented or leased for  
30 1 year or less shall be funded through the operations budget  
31 or funds derived from millage or a local option sales surtax

1 pursuant to s. 236.25(2). A rental agreement or lease contract  
2 for 1 year or less, when extended or renewed beyond a year,  
3 becomes a multiple-year rental or lease. Operational funds or  
4 funds derived from millage or local option sales surtax  
5 proceeds pursuant to s. 236.25(2) may be authorized to be  
6 expended for multiple-year rentals or leases. Notwithstanding  
7 any other provisions of this section, if a building was  
8 constructed in conformance with all applicable building and  
9 life safety codes, it shall be deemed to meet the requirements  
10 for use and occupancy as an educational facility subject only  
11 to the provisions of this subsection.

12 Section 7. Subsection (1) of section 235.186, Florida  
13 Statutes, is amended to read:

14 235.186 Effort index grants for school district  
15 facilities.--

16 (1) The Legislature hereby allocates for effort index  
17 grants the sum of \$300 million from the funds appropriated  
18 from the Educational Enhancement Trust Fund by s. 46, chapter  
19 97-384, Laws of Florida, contingent upon the sale of school  
20 capital outlay bonds. From these funds, the Commissioner of  
21 Education shall allocate to the four school districts deemed  
22 eligible for an effort index grant by the SMART Schools  
23 Clearinghouse the sums of \$7,442,890 to the Clay County School  
24 District, \$62,755,920 to the Dade County School District,  
25 \$1,628,590 to the Hendry County School District, and \$414,950  
26 to the Madison County School District. The remaining funds  
27 shall be allocated among the remaining district school boards  
28 that qualify for an effort index grant by meeting the local  
29 capital outlay effort criteria in paragraph (a) or paragraph  
30 (b).

31

1 (a) Between July 1, 1995, and June 30, 1999, the  
2 school district received direct proceeds from the  
3 one-half-cent sales surtax for public school capital outlay  
4 authorized by s. 212.055(6)~~(7)~~ or from the local government  
5 infrastructure sales surtax authorized by s. 212.055(2).

6 (b) The school district met two of the following  
7 criteria:

8 1. Levied the full 2 mills of nonvoted discretionary  
9 capital outlay authorized by s. 236.25(2) during 1995-1996,  
10 1996-1997, 1997-1998, and 1998-1999.

11 2. Levied a cumulative voted millage for capital  
12 outlay and debt service equal to 2.5 mills for fiscal years  
13 1995 through 1999.

14 3. Received proceeds of school impact fees greater  
15 than \$500 per dwelling unit which were in effect on July 1,  
16 1998.

17 4. Received direct proceeds from either the  
18 one-half-cent sales surtax for public school capital outlay  
19 authorized by s. 212.055(6)~~(7)~~ or from the local government  
20 infrastructure sales surtax authorized by s. 212.055(2).

21 Section 8. Paragraph (b) of subsection (1) and  
22 paragraph (b) of subsection (5) of section 235.199, Florida  
23 Statutes, are amended to read:

24 235.199 Cooperative funding of vocational educational  
25 facilities.--

26 (1) Each district school board operating a designated  
27 area technical center may submit, prior to August 1 of each  
28 year, a request to the commissioner for funds from the Public  
29 Education Capital Outlay and Debt Service Trust Fund to plan,  
30 construct, and equip a career educational facility identified  
31 as being critical to the economic development and the

1 workforce needs of the school district. Prior to submitting a  
2 request, each school district shall:

3 (b) Except as provided in paragraph (5)(b), levy a  
4 millage or surtax, or combination thereof, under s. 236.25(2)  
5 that generates an amount that is at least equal to the amount  
6 that would be generated by levy of the maximum millage rate  
7 authorized by s. 236.25(2)~~the maximum millage against the~~  
8 ~~nonexempt assessed property value as provided in s. 236.25(2).~~

9 (5)

10 (b) In the event that a school district is not  
11 imposing a levy at the rate required by ~~levying the maximum~~  
12 ~~millage against the nonexempt assessed property value pursuant~~  
13 ~~to~~ paragraph (1)(b), state and school district funding  
14 pursuant to paragraph (a) shall be reduced by the same  
15 proportion as the rate of the actual levy ~~millage actually~~  
16 ~~being levied~~ bears to the rate required by paragraph (1)(b)  
17 ~~maximum allowable millage.~~

18 Section 9. Paragraph (c) of subsection (2) of section  
19 235.2197, Florida Statutes, is amended to read:

20 235.2197 Florida Frugal Schools Program.--

21 (2) The "Florida Frugal Schools Program" is created to  
22 recognize publicly each district school board that agrees to  
23 build frugal yet functional educational facilities and that  
24 implements "best financial management practices" when  
25 planning, constructing, and operating educational facilities.  
26 The State Board of Education shall recognize a district school  
27 board as having a Florida Frugal Schools Program if the  
28 district requests recognition and satisfies two or more of the  
29 following criteria:

30 (c) The district school board submits a plan to the  
31 Commissioner of Education certifying how the revenues

1 generated by the levy of the capital outlay sales surtax  
2 authorized by s. 212.055~~(6)~~~~(7)~~ will be spent. The plan must  
3 include at least the following assurances about the use of the  
4 proceeds of the surtax and any accrued interest:

5         1. The district school board will use the surtax and  
6 accrued interest only for the fixed capital outlay purposes  
7 identified by s. 212.055~~(6)~~~~(7)~~(d) which will reduce school  
8 overcrowding that has been validated by the Department of  
9 Education, or for the repayment of bonded indebtedness related  
10 to such capital outlay purposes.

11         2. The district school board will not spend the surtax  
12 or accrued interest to pay for operational expenses or for the  
13 construction, renovation, or remodeling of any administrative  
14 building or any other ancillary facility that is not directly  
15 related to the instruction, feeding, or transportation of  
16 students enrolled in the public schools.

17         3. The district school board's use of the surtax and  
18 accrued interest will be consistent with the best financial  
19 management practices identified and approved under s.  
20 230.23025.

21         4. The district school board will apply the  
22 educational facilities contracting and construction techniques  
23 authorized by s. 235.211 or other construction management  
24 techniques to reduce the cost of educational facilities.

25         5. The district school board will discontinue the  
26 surtax levy when the district has provided the  
27 survey-recommended educational facilities that were determined  
28 to be necessary to relieve school overcrowding; when the  
29 district has satisfied any bonded indebtedness incurred for  
30 such educational facilities; or when the district's other  
31

1 sources of capital outlay funds are sufficient to provide such  
2 educational facilities, whichever occurs first.

3           6. The district school board will use any excess  
4 surtax collections or accrued interest to reduce the  
5 discretionary outlay millage levied under s. 236.25(2).

6           Section 10. Paragraph (a) of subsection (2) and  
7 paragraph (c) of subsection (3) of section 235.435, Florida  
8 Statutes, are amended to read:

9           235.435 Funds for comprehensive educational plant  
10 needs; construction cost maximums for school district capital  
11 projects.--Allocations from the Public Education Capital  
12 Outlay and Debt Service Trust Fund to the various boards for  
13 capital outlay projects shall be determined as follows:

14           (2)(a) The department shall establish, as a part of  
15 the Public Education Capital Outlay and Debt Service Trust  
16 Fund, a separate account, in an amount determined by the  
17 Legislature, to be known as the "Special Facility Construction  
18 Account." The Special Facility Construction Account shall be  
19 used to provide necessary construction funds to school  
20 districts which have urgent construction needs but which lack  
21 sufficient resources at present, and cannot reasonably  
22 anticipate sufficient resources within the period of the next  
23 3 years, for these purposes from currently authorized sources  
24 of capital outlay revenue. A school district requesting  
25 funding from the Special Facility Construction Account shall  
26 submit one specific construction project, not to exceed one  
27 complete educational plant, to the Special Facility  
28 Construction Committee. No district shall receive funding for  
29 more than one approved project in any 3-year period. The first  
30 year of the 3-year period shall be the first year a district  
31 receives an appropriation. The department shall encourage a

1 construction program that reduces the average size of schools  
2 in the district. The request must meet the following criteria  
3 to be considered by the committee:

4       1. The project must be deemed a critical need and must  
5 be recommended for funding by the Special Facility  
6 Construction Committee. Prior to developing plans for the  
7 proposed facility, the district school board must request a  
8 preapplication review by the Special Facility Construction  
9 Committee or a project review subcommittee convened by the  
10 committee to include two representatives of the department and  
11 two staff from school districts other than the district  
12 submitting the project. Within 60 days after receiving the  
13 preapplication review request, the committee or subcommittee  
14 must meet in the school district to review the project  
15 proposal and existing facilities. To determine whether the  
16 proposed project is a critical need, the committee or  
17 subcommittee shall consider, at a minimum, the capacity of all  
18 existing facilities within the district as determined by the  
19 Florida Inventory of School Houses; the district's pattern of  
20 student growth; the district's existing and projected capital  
21 outlay full-time equivalent student enrollment as determined  
22 by the department; the district's existing satisfactory  
23 student stations; the use of all existing district property  
24 and facilities; grade level configurations; and any other  
25 information that may affect the need for the proposed project.

26       2. The construction project must be recommended in the  
27 most recent survey or surveys by the district under the rules  
28 of the State Board of Education.

29       3. The construction project must appear on the  
30 district's approved project priority list under the rules of  
31 the State Board of Education.

1           4. The district must have selected and had approved a  
2 site for the construction project in compliance with s. 235.19  
3 and the rules of the State Board of Education.

4           5. The district shall have developed a school board  
5 adopted list of facilities that do not exceed the norm for net  
6 square feet occupancy requirements under the State  
7 Requirements for Educational Facilities, using all possible  
8 programmatic combinations for multiple use of space to obtain  
9 maximum daily use of all spaces within the facility under  
10 consideration.

11           6. Upon construction, the total cost per student  
12 station, including change orders, must not exceed the cost per  
13 student station as provided in subsection (6).

14           7. There shall be an agreement signed by the district  
15 school board stating that it will advertise for bids within 30  
16 days of receipt of its encumbrance authorization from the  
17 department.

18           8. The district shall, at the time of the request and  
19 for a continuing period of 3 years, levy a millage or surtax,  
20 or combination thereof, under the maximum millage against  
21 their nonexempt assessed property value as allowed in s.  
22 236.25(2) that generates an amount that is at least equal to  
23 the amount that would be generated by levy of the maximum  
24 millage rate authorized by s. 236.25(2). Effective July 1,  
25 1991, any district with a new or active project, funded under  
26 the provisions of this subsection, shall be required to budget  
27 no more than the value of 1.5 mills per year to the project to  
28 satisfy the annual participation requirement in the Special  
29 Facility Construction Account.

30           9. If a contract has not been signed 90 days after the  
31 advertising of bids, the funding for the specific project

1 shall revert to the Special Facility New Construction Account  
2 to be reallocated to other projects on the list. However, an  
3 additional 90 days may be granted by the commissioner.

4 10. The department shall certify the inability of the  
5 district to fund the survey-recommended project over a  
6 continuous 3-year period using projected capital outlay  
7 revenue derived from s. 9(d), Art. XII of the State  
8 Constitution, as amended, paragraph (3)(a) of this section,  
9 and s. 236.25(2).

10 11. The district shall have on file with the  
11 department an adopted resolution acknowledging its 3-year  
12 commitment of all unencumbered and future revenue acquired  
13 from s. 9(d), Art. XII of the State Constitution, as amended,  
14 paragraph (3)(a) of this section, and s. 236.25(2).

15 12. Final phase III plans must be certified by the  
16 board as complete and in compliance with the building and life  
17 safety codes prior to August 1.

18 (3)

19 (c) A district school board may lease relocatable  
20 educational facilities for up to 3 years using nonbonded PECO  
21 funds and for any time period using local capital outlay  
22 millage or local option sales surtax revenues authorized by s.  
23 212.055(7).

24 Section 11. This act shall take effect July 1, 2000,  
25 if House Bill \_\_\_\_\_ or similar legislation creating the School  
26 District Capital Outlay Trust Fund is adopted in the same  
27 legislative session or an extension thereof and becomes law.

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HOUSE SUMMARY

Provides for transfer of a portion of nonrecurring intangible personal property tax revenues to the School District Capital Outlay Trust Fund. Provides for distribution of a portion of such revenues to school districts which collected impact fee revenues in fiscal year 1999-2000 to supplant such impact fees. Provides requirements for distribution of the remainder of such revenues to all school districts. Provides that school boards may levy by resolution a local option sales surtax in lieu of levying all or a part of the nonvoted district school capital improvement millage, for the same uses as are authorized for such millage. Provides that a county in which the school board is receiving such intangible tax revenues or levying the local option sales surtax is prohibited from levying school impact fees.