

By Senator Sobel

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1                   A bill to be entitled  
2           An act relating to discretionary education funding;  
3           providing a short title; amending s. 1011.71, F.S.;  
4           increasing the maximum millage a district school board  
5           may levy for capital outlay purposes; amending ss.  
6           1013.64 and 1013.738, F.S.; conforming provisions to  
7           changes made by the act; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. This act may be cited as the "Reinventing Our  
12 Schools Act."

13           Section 2. Subsection (2) and paragraph (a) of subsection  
14 (3) of section 1011.71, Florida Statutes, are amended to read:  
15           1011.71 District school tax.—

16           (2) In addition to the maximum millage levy as provided in  
17 subsection (1), each school board may levy up to 1.75 ~~not more~~  
18 ~~than 1.5~~ mills against the taxable value for school purposes for  
19 district schools, including charter schools at the discretion of  
20 the school board, to fund:

21           (a) New construction and remodeling projects, as set forth  
22 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
23 educational plant survey pursuant to s. 1013.31, without regard  
24 to prioritization, sites and site improvement or expansion to  
25 new sites, existing sites, auxiliary facilities, athletic  
26 facilities, or ancillary facilities.

27           (b) Maintenance, renovation, and repair of existing school  
28 plants or of leased facilities to correct deficiencies pursuant  
29 to s. 1013.15(2).

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30 (c) The purchase, lease-purchase, or lease of school buses.

31 (d) The purchase, lease-purchase, or lease of new and  
32 replacement equipment; computer hardware, including electronic  
33 hardware and other hardware devices necessary for gaining access  
34 to or enhancing the use of electronic content and resources or  
35 for facilitating ~~to facilitate~~ the access to and the use of a  
36 school district's local instructional improvement electronic  
37 ~~learning management~~ system pursuant to s. 1006.281, excluding  
38 software other than the operating system necessary to operate  
39 the hardware or device; and enterprise resource software  
40 applications that are classified as capital assets in accordance  
41 with definitions of the Governmental Accounting Standards Board,  
42 have a useful life of at least 5 years, and are used to support  
43 districtwide administration or state-mandated reporting  
44 requirements.

45 (e) Payments for educational facilities and sites due under  
46 a lease-purchase agreement entered into by a district school  
47 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
48 exceeding, in the aggregate, an amount equal to three-fourths of  
49 the proceeds from the millage levied by a district school board  
50 pursuant to this subsection. The three-fourths limit is waived  
51 for lease-purchase agreements entered into before June 30, 2009,  
52 by a district school board pursuant to this paragraph.

53 (f) Payment of loans approved pursuant to ss. 1011.14 and  
54 1011.15.

55 (g) Payment of costs directly related to complying with  
56 state and federal environmental statutes, rules, and regulations  
57 governing school facilities.

58 (h) Payment of costs of leasing relocatable educational

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59 facilities, of renting or leasing educational facilities and  
60 sites pursuant to s. 1013.15(2), or of renting or leasing  
61 buildings or space within existing buildings pursuant to s.  
62 1013.15(4).

63 (i) Payment of the cost of school buses when a school  
64 district contracts with a private entity to provide student  
65 transportation services if the district meets the requirements  
66 of this paragraph.

67 1. The district's contract must require that the private  
68 entity purchase, lease-purchase, or lease, and operate and  
69 maintain, one or more school buses of a specific type and size  
70 which ~~that~~ meet the requirements of s. 1006.25.

71 2. Each such school bus must be used for the daily  
72 transportation of public school students in the manner required  
73 by the school district.

74 3. Annual payment for each such school bus may not exceed  
75 10 percent of the purchase price of the state pool bid.

76 4. The proposed expenditure of the funds for this purpose  
77 must have been included in the district school board's notice of  
78 proposed tax for school capital outlay as provided in s.  
79 200.065(10).

80 (j) Payment of the cost of the opening day collection for  
81 the library media center of a new school.

82 (3) (a) Notwithstanding subsection (2), if the revenue from  
83 1.75 ~~1.5~~ mills is insufficient to meet the payments due under a  
84 lease-purchase agreement entered into before June 30, 2009, by a  
85 district school board pursuant to paragraph (2) (e), or to meet  
86 other critical district fixed capital outlay needs, the board,  
87 in addition to the 1.75 ~~1.5~~ mills, may levy up to 0.25 mills for

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88 fixed capital outlay in lieu of levying an equivalent amount of  
89 the discretionary mills for operations as provided in the  
90 General Appropriations Act. Millage levied pursuant to this  
91 subsection is subject to ~~the provisions of~~ s. 200.065 and,  
92 combined with the 1.75 ~~1.5~~ mills authorized in subsection (2),  
93 may not exceed 2 ~~1.75~~ mills. If the district chooses to use up  
94 to 0.25 mills for fixed capital outlay, the compression  
95 adjustment pursuant to s. 1011.62(5) shall be calculated for the  
96 standard discretionary millage that is not eligible for transfer  
97 to capital outlay.

98 Section 3. Paragraph (a) of subsection (2) and paragraph  
99 (b) of subsection (6) of section 1013.64, Florida Statutes, are  
100 amended to read:

101 1013.64 Funds for comprehensive educational plant needs;  
102 construction cost maximums for school district capital  
103 projects.—Allocations from the Public Education Capital Outlay  
104 and Debt Service Trust Fund to the various boards for capital  
105 outlay projects shall be determined as follows:

106 (2)(a) The department shall establish, as a part of the  
107 Public Education Capital Outlay and Debt Service Trust Fund, a  
108 separate account, in an amount determined by the Legislature, to  
109 be known as the "Special Facility Construction Account." The  
110 Special Facility Construction Account shall be used to provide  
111 necessary construction funds to school districts that ~~which~~ have  
112 urgent construction needs but that ~~which~~ lack sufficient  
113 resources at present, and cannot reasonably anticipate  
114 sufficient resources within the period of the next 3 years, for  
115 these purposes from currently authorized sources of capital  
116 outlay revenue. A school district requesting funding from the

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117 Special Facility Construction Account shall submit one specific  
118 construction project, not to exceed one complete educational  
119 plant, to the Special Facility Construction Committee. A ~~No~~  
120 district may not ~~shall~~ receive funding for more than one  
121 approved project in any 3-year period. The first year of the 3-  
122 year period shall be the first year a district receives an  
123 appropriation. The department shall encourage a construction  
124 program that reduces the average size of schools in the  
125 district. The request must meet the following criteria to be  
126 considered by the committee:

127 1. The project must be deemed a critical need and must be  
128 recommended for funding by the Special Facility Construction  
129 Committee. Prior to developing plans for the proposed facility,  
130 the district school board must request a preapplication review  
131 by the Special Facility Construction Committee or a project  
132 review subcommittee convened by the committee to include two  
133 representatives of the department and two staff from school  
134 districts not eligible to participate in the program. Within 60  
135 days after receiving the preapplication review request, the  
136 committee or subcommittee shall ~~must~~ meet in the school district  
137 to review the project proposal and existing facilities. To  
138 determine whether the proposed project is a critical need, the  
139 committee or subcommittee shall consider, at a minimum, the  
140 capacity of all existing facilities within the district as  
141 determined by the Florida Inventory of School Houses; the  
142 district's pattern of student growth; the district's existing  
143 and projected capital outlay full-time equivalent student  
144 enrollment as determined by the department; the district's  
145 existing satisfactory student stations; the use of all existing

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146 district property and facilities; grade level configurations;  
147 and any other information that may affect the need for the  
148 proposed project.

149 2. The construction project must be recommended in the most  
150 recent survey or surveys by the district under the rules of the  
151 State Board of Education.

152 3. The construction project must appear on the district's  
153 approved project priority list under the rules of the State  
154 Board of Education.

155 4. The district must have selected and had approved a site  
156 for the construction project in compliance with s. 1013.36 and  
157 the rules of the State Board of Education.

158 5. The district must ~~shall~~ have developed a district-  
159 school-board-adopted ~~district school board adopted~~ list of  
160 facilities that do not exceed the norm for net square feet  
161 occupancy requirements under the State Requirements for  
162 Educational Facilities, using all possible programmatic  
163 combinations for multiple use of space to obtain maximum daily  
164 use of all spaces within the facility under consideration.

165 6. Upon construction, the total cost per student station,  
166 including change orders, may ~~must~~ not exceed the cost per  
167 student station as provided in subsection (6).

168 7. ~~There shall be an agreement signed by~~ The district  
169 school board shall sign an agreement stating that it will  
170 advertise for bids within 30 days of receipt of its encumbrance  
171 authorization from the department.

172 8. The district must ~~shall~~, at the time of the request and  
173 for a continuing period of 3 years, levy the maximum millage  
174 against its ~~their~~ nonexempt assessed property value as allowed

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175 in s. 1011.71(2) or must ~~shall~~ raise an equivalent amount of  
176 revenue from the school capital outlay surtax authorized under  
177 s. 212.055(6). Any district with a new or active project that  
178 is ~~is~~ funded under ~~the provisions of~~ this subsection, ~~shall be~~  
179 ~~required to~~ budget up to no more than the value of 1.75 ~~1.5~~  
180 mills per year to the project to satisfy the annual  
181 participation requirement in the Special Facility Construction  
182 Account.

183 9. If a contract has not been signed 90 days after the  
184 advertising of bids, the funding for the specific project must  
185 ~~shall~~ revert to the Special Facility New Construction Account to  
186 be reallocated to other projects on the list. However, an  
187 additional 90 days may be granted by the commissioner.

188 10. The department must ~~shall~~ certify the inability of the  
189 district to fund the survey-recommended project over a  
190 continuous 3-year period using projected capital outlay revenue  
191 derived from s. 9(d), Art. XII of the State Constitution, as  
192 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

193 11. The district must ~~shall~~ have on file with the  
194 department an adopted resolution acknowledging its 3-year  
195 commitment of all unencumbered and future revenue acquired from  
196 s. 9(d), Art. XII of the State Constitution, as amended,  
197 paragraph (3)(a) of this section, and s. 1011.71(2).

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

201 (6)

202 (b)1. A district school board may ~~must~~ not use funds from  
203 the following sources: the Public Education Capital Outlay and

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204 Debt Service Trust Fund; the School District and Community  
 205 College District Capital Outlay and Debt Service Trust Fund;  
 206 Classrooms First Program funds provided in s. 1013.68; the  
 207 nonvoted 1.75-mill ~~1.5-mill~~ levy of ad valorem property taxes  
 208 provided in s. 1011.71(2); Classrooms for Kids Program funds  
 209 provided in s. 1013.735; District Effort Recognition Program  
 210 funds provided in s. 1013.736; or High Growth District Capital  
 211 Outlay Assistance Grant Program funds provided in s. 1013.738  
 212 for any new construction of educational plant space with a total  
 213 cost per student station, including change orders, which ~~that~~  
 214 equals more than:

- 215       a. \$17,952 for an elementary school;7  
 216       ~~b.~~ \$19,386 for a middle school;7 or  
 217       ~~c.~~ \$25,181 for a high school,

218

219 (January 2006) as adjusted annually to reflect increases or  
 220 decreases in the Consumer Price Index.

221       2. A district school board may ~~must~~ not use funds from the  
 222 Public Education Capital Outlay and Debt Service Trust Fund or  
 223 the School District and Community College District Capital  
 224 Outlay and Debt Service Trust Fund for any new construction of  
 225 an ancillary plant which ~~that~~ exceeds 70 percent of the average  
 226 cost per square foot of new construction for all schools.

227       Section 4. Paragraphs (a) and (b) of subsection (2) and  
 228 paragraph (a) of subsection (3) of section 1013.738, Florida  
 229 Statutes, are amended to read:

230       1013.738 High Growth District Capital Outlay Assistance  
 231 Grant Program.—

232       (2) In order to qualify for a grant, a school district must

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233 meet the following criteria:

234 (a) The district must have levied the maximum ~~full 2 mills~~  
235 ~~of~~ nonvoted discretionary capital outlay millage authorized in  
236 s. 1011.71(2) for each of the past 4 fiscal years.

237 (b) Fifty percent of the revenue derived from the maximum  
238 ~~2-mill~~ nonvoted discretionary capital outlay millage authorized  
239 in s. 1011.71(2) for the past 4 fiscal years, when divided by  
240 the district's growth in capital outlay FTE students over this  
241 period, produces a value that is less than the average cost per  
242 student station calculated pursuant to s. 1013.64(6) (b)1., and  
243 weighted by statewide growth in capital outlay FTE students in  
244 elementary, middle, and high schools for the past 4 fiscal  
245 years.

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

248 (a) For each eligible district, the Department of Education  
249 shall calculate the value of 50 percent of the revenue derived  
250 from the maximum ~~2-mill~~ nonvoted discretionary capital outlay  
251 millage authorized in s. 1011.71(2) for the past 4 fiscal years  
252 divided by the increase in capital outlay FTE students for the  
253 same period.

254 Section 5. This act shall take effect July 1, 2014.