

By Senator Burt

7-1359-98

See HB

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A bill to be entitled
An act relating to educational facilities;
amending s. 235.056, F.S.; authorizing boards
to rent or lease certain buildings or space
within buildings for conversion to use as
educational facilities; providing for funding;
requiring school board adoption of a resolution
certifying that specified conditions have been
met; amending s. 201.24, F.S., relating to
exemption from excise tax on documents;
conforming provisions; amending s. 236.25,
F.S., relating to school district tax for
capital outlay; conforming provisions;
providing an effective date.

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

Section 1. Subsection (3) is added to section 235.056,
Florida Statutes, as amended by chapter 97-384, Laws of
Florida, to read:

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

(3)(a) A board may rent or lease existing buildings,
or space within existing buildings, originally constructed or
used for purposes other than education, for conversion to use
as educational facilities. Such buildings rented or leased for
1 year or less shall be funded through the operations budget
or funds derived from millage pursuant to s. 236.25(2). A
rental agreement or lease contract for 1 year or less, when
extended or renewed beyond a year, becomes a multiple-year
rental or lease. Operational funds or funds derived from

1 millage proceeds pursuant to s. 236.25(2) may be authorized to
2 be expended for multiple-year rentals or leases.

3 Notwithstanding any other provisions of this section, if a
4 building was constructed in conformance with all applicable
5 building and life safety codes, it shall be deemed to meet the
6 requirements for use and occupancy as an educational facility
7 subject only to the provisions of this subsection.

8 (b) Prior to occupying a rented or a leased existing
9 building, or space within an existing building, pursuant to
10 this subsection, a school board shall, in a public meeting,
11 adopt a resolution certifying that the following circumstances
12 apply to the building proposed for occupancy:

13 1. Growth among the school-age population in the
14 school district has created a need for new educational
15 facilities in a neighborhood where there is little or no
16 vacant land.

17 2. There exists a supply of vacant space in existing
18 buildings that meet state minimum building and life safety
19 codes.

20 3. Acquisition and conversion to use as educational
21 facilities of an existing building or buildings is a
22 cost-saving means of providing the needed classroom space as
23 determined by the difference between the cost of new
24 construction, including land acquisition and preparation and,
25 if applicable, demolition of existing structures, and the cost
26 of acquisition through rental or lease and conversion of an
27 existing building or buildings.

28 4. The building has been examined for suitability,
29 safety, and conformance with state minimum building and life
30 safety codes. The building examination shall consist, at a
31 minimum, of a review of existing documents, building site

1 reconnaissance, and analysis of the building conducted by, or
2 under the responsible charge of, a licensed structural
3 engineer.

4 5. A certificate of evaluation has been issued by the
5 structural engineer which states that, based on available
6 documents, building site reconnaissance, current knowledge,
7 and engineering judgment in the engineer's professional
8 opinion, the building meets the requirements of state minimum
9 building and life safety codes, provides safe egress of
10 occupants from the building, provides adequate fire safety,
11 and does not pose a substantial threat to life to persons who
12 would occupy the building for classroom use.

13 6. The plans for conversion of the building were
14 prepared by an architect or structural engineer licensed in
15 this state, and the work of conversion was performed by
16 contractors licensed in this state.

17 7. The conversion of the building was observed by an
18 architect or structural engineer licensed in this state.

19 8. The building has been reviewed, inspected, and
20 granted a certificate of occupancy by the local building
21 department.

22 9. All ceilings, light fixtures, ducts, and registers
23 within the area to be occupied for classroom purposes were
24 constructed or have been reconstructed to meet state minimum
25 requirements.

26 Section 2. Subsection (2) of section 201.24, Florida
27 Statutes, is amended to read:

28 201.24 Obligations of municipalities, political
29 subdivisions, and agencies of the state.--There shall be
30 exempt from all taxes imposed by this chapter:

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1 (2) Any assignment, transfer, or other disposition, or
2 any document, which arises out of a rental, lease, or
3 lease-purchase for real property agreement entered pursuant to
4 s. 235.056(2) or (3).

5 Section 3. Paragraph (h) of subsection (2) and
6 subsection (5) of section 236.25, Florida Statutes, as amended
7 by chapter 97-384, Laws of Florida, are amended to read:

8 236.25 District school tax.--

9 (2) In addition to the maximum millage levy as
10 provided in subsection (1), each school board may levy not
11 more than 2 mills against the taxable value for school
12 purposes to fund:

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

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

23 (5)(a) It is the intent of the Legislature that, by
24 July 1, 2003, revenue generated by the millage levy authorized
25 by subsection (2) should be used only for the costs of
26 construction, renovation, remodeling, maintenance, and repair
27 of the educational plant; for the purchase, lease, or
28 lease-purchase of equipment, educational plants, and
29 construction materials directly related to the delivery of
30 student instruction; for the rental or lease of existing
31 buildings, or space within existing buildings, originally

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

13 (b) For purposes not delineated in paragraph (a) for
14 which proceeds received from millage levied under subsection
15 (2) may be legally expended, a district school board may spend
16 no more than the following percentages of the amount the
17 district spent for these purposes in fiscal year 1995-1996:

- 18 1. In fiscal year 1997-1998, 85 percent.
- 19 2. In fiscal year 1998-1999, 70 percent.
- 20 3. In fiscal year 1999-2000, 55 percent.
- 21 4. In fiscal year 2000-2001, 40 percent.
- 22 5. In fiscal year 2001-2002, 25 percent.
- 23 6. In fiscal year 2002-2003, 10 percent.

24 (c) Beginning July 1, 2003, revenue generated by the
25 millage levy authorized by subsection (2) must be used only
26 for the purposes delineated in paragraph (a).

27 (d) Notwithstanding any other provision of this
28 subsection, if through its adopted facilities work program a
29 district has clearly identified the need for an ancillary
30 plant, has provided opportunity for public input as to the
31 relative value of the ancillary plant versus an educational

1 plant, and has obtained public approval, the district may use
2 revenue generated by the millage levy authorized by subsection
3 (2) for the construction, renovation, remodeling, maintenance,
4 or repair of an ancillary plant.

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

17 Section 4. This act shall take effect July 1 of the
18 year in which enacted.

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21 LEGISLATIVE SUMMARY

22 Authorizes boards to rent or lease existing buildings, or
23 space within existing buildings, originally constructed
24 or used for purposes other than education, for conversion
25 to use as educational facilities. Provides certain
26 requirements and for funding through the school district
27 operations budget or school district tax for capital
28 outlay.
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