

743-118AX-38

Bill No. HB 2001

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Attkisson offered the following:

**Amendment**

Remove everything after the enacting clause

and insert:

Section 1. Section 235.1851, Florida Statutes, is created to read:

235.1851 Educational facilities benefit districts.--

(1) It is the intent of the Legislature to encourage and authorize public cooperation among district school boards, affected local general purpose governments, and benefited private interests in order to implement financing for timely construction and maintenance of school facilities, including facilities identified in individual district facilities work programs or proposed by charter schools. It is the further intent of the Legislature to provide efficient alternative mechanisms and incentives to allow for sharing costs of educational facilities necessary to accommodate new growth and development among public agencies, including district school boards, affected local general purpose governments, and

1 benefited private development interests.

2 (2) The Legislature hereby authorizes the creation of  
3 educational facilities benefit districts pursuant to  
4 interlocal cooperation agreements between a district school  
5 board and all local general purpose governments within whose  
6 jurisdiction a district is located. The purpose of  
7 educational facilities benefit districts is to assist in  
8 financing the construction and maintenance of educational  
9 facilities.

10 (3)(a) An educational facilities benefit district may  
11 be created pursuant to this act and chapters 125, 163, 166,  
12 and 189. An educational facilities benefit district charter  
13 may be created by a county or municipality by entering into an  
14 interlocal agreement, as authorized by s. 163.01, with the  
15 district school board and any local general purpose government  
16 within whose jurisdiction a portion of the district is located  
17 and adoption of an ordinance that includes all provisions  
18 contained within s. 189.4041. The creating entity shall be  
19 the local general purpose government within whose boundaries a  
20 majority of the educational facilities benefit district's  
21 lands are located.

22 (b) Creation of any educational facilities benefit  
23 district shall be conditioned upon the consent of the district  
24 school board, all local general purpose governments within  
25 whose jurisdiction any portion of the educational facilities  
26 benefit district is located, and all landowners within the  
27 district. The membership of the governing board of any  
28 educational facilities benefit district shall include  
29 representation of the district school board, each cooperating  
30 local general purpose government, and the landowners within  
31 the district. In the case of an educational facilities

1 benefit district's decision to create a charter school, the  
2 board of directors of the charter school may constitute the  
3 members of the governing board for the educational facilities  
4 benefit district.

5 (4) The educational facilities benefit district shall  
6 have, and its governing board may exercise, the following  
7 powers:

8 (a) To finance and construct educational facilities  
9 within the district's boundaries.

10 (b) To sue and be sued in the name of the district; to  
11 adopt and use a seal and authorize the use of a facsimile  
12 thereof; to acquire, by purchase, gift, devise, or otherwise,  
13 and to dispose of real and personal property or any estate  
14 therein; and to make and execute contracts and other  
15 instruments necessary or convenient to the exercise of its  
16 powers.

17 (c) To contract for the services of consultants to  
18 perform planning, engineering, legal, or other appropriate  
19 services of a professional nature. Such contracts shall be  
20 subject to the public bidding or competitive negotiations  
21 required of local general purpose governments.

22 (d) To borrow money and accept gifts; to apply for  
23 unused grants or loans of money or other property from the  
24 United States, the state, a unit of local government, or any  
25 person for any district purposes and enter into agreements  
26 required in connection therewith; and to hold, use, and  
27 dispose of such moneys or property for any district purposes  
28 in accordance with the terms of the gift, grant, loan, or  
29 agreement relating thereto.

30 (e) To adopt resolutions and polices prescribing the  
31 powers, duties, and functions of the officers of the district,

1 the conduct of the business of the district, and the  
2 maintenance of records and documents of the district.

3 (f) To maintain an office at such place or places as  
4 it may designate within the district or within the boundaries  
5 of the local general purpose government that created the  
6 district.

7 (g) To lease as lessor or lessee to or from any  
8 person, firm, corporation, association, or body, public or  
9 private, any projects of the type that the district is  
10 authorized to undertake and facilities or property of any  
11 nature for use of the district to carry out any of the  
12 purposes authorized by this act.

13 (h) To borrow money and issue bonds, certificates,  
14 warrants, notes, or other evidence of indebtedness pursuant to  
15 this act for periods not longer than 30 years, provided such  
16 bonds, certificates, warrants, notes, or other indebtedness  
17 shall only be guaranteed by non-ad valorem assessments legally  
18 imposed by the district and other available sources of funds  
19 provided in this act and shall not pledge the full faith and  
20 credit of any local general purpose government or the district  
21 school board.

22 (i) To cooperate with or contract with other  
23 governmental agencies as may be necessary, convenient,  
24 incidental, or proper in connection with any of the powers,  
25 duties, or purposes authorized by this act and to accept  
26 funding from local and state agencies as provided in this act.

27 (j) To levy, impose, collect, and enforce non-ad  
28 valorem assessments, as defined by s. 197.3632(1)(d), pursuant  
29 to this act, chapters 125 and 166, and ss. 197.3631, 197.3632,  
30 and 197.3635.

31 (k) To exercise all powers necessary, convenient,

1 incidental, or proper in connection with any of the powers,  
2 duties, or purposes authorized by this act.

3 (5) As an alternative to the creation of an  
4 educational facilities benefit district, the Legislature  
5 hereby recognizes and encourages the consideration of  
6 community development district creation pursuant to chapter  
7 190 as a viable alternative for financing the construction and  
8 maintenance of educational facilities as described in this  
9 act. Community development districts are therefore deemed  
10 eligible for the financial enhancements available to  
11 educational facilities benefit districts providing for  
12 financing the construction and maintenance of educational  
13 facilities pursuant to s. 235.1852. In order to receive such  
14 financial enhancements, a community development district must  
15 enter into an interlocal agreement with the district school  
16 board and affected local general purpose governments that  
17 specifies the obligations of all parties to the agreement.

18 Section 2. Section 235.1852, Florida Statutes, is  
19 created to read:

20 235.1852 Local funding for educational facilities  
21 benefit districts or community development districts.--Upon  
22 confirmation by a district school board of the commitment of  
23 revenues by an educational facilities benefit district or  
24 community development district necessary to construct and  
25 maintain an educational facility contained within an  
26 individual district facilities work program or proposed by an  
27 approved charter school or a charter school applicant, the  
28 following funds shall be provided to the educational  
29 facilities benefit district or community development district  
30 annually, beginning with the next fiscal year after  
31 confirmation until the district's financial obligations are

1 completed:

2 (1) All educational facilities impact fee revenue  
3 collected for new development within the educational  
4 facilities benefit district or community development district.  
5 Funds provided under this subsection shall be used to fund the  
6 construction and capital maintenance costs of educational  
7 facilities.

8 (2) For construction and capital maintenance costs not  
9 covered by the funds provided under subsection (1), an annual  
10 amount contributed by the district school board equal to  
11 one-half of the remaining costs of construction and capital  
12 maintenance of the educational facility. Any construction  
13 costs above the cost-per-student criteria established for the  
14 SIT Program in s. 235.216(2) shall be funded exclusively by  
15 the educational facilities benefit district or the community  
16 development district. Funds contributed by a district school  
17 board shall not be used to fund operational costs.

18  
19 Educational facilities funded pursuant to this act may be  
20 constructed on land that is owned by any person after the  
21 district school board has acquired from the owner of the land  
22 a long-term lease for the use of this land for a period of not  
23 less than 40 years or the life expectancy of the permanent  
24 facilities constructed thereon, whichever is longer. All  
25 interlocal agreements entered into pursuant to this act shall  
26 provide for ownership of educational facilities funded  
27 pursuant to this act to revert to the district school board if  
28 such facilities cease to be used for public educational  
29 purposes prior to 40 years after construction or prior to the  
30 end of the life expectancy of the educational facilities,  
31 whichever is longer.

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1           Section 3. Section 235.1853, Florida Statutes, is  
2 created to read:  
3           235.1853 Educational facilities benefit district or  
4 community development district facility utilization.--The  
5 student population of all facilities funded pursuant to this  
6 act shall reflect the racial balance of the school district  
7 pursuant to state and federal law. However, to the extent  
8 allowable pursuant to state and federal law, the interlocal  
9 agreement providing for the establishment of the educational  
10 facilities benefit district or the interlocal agreement  
11 between the community development district and the district  
12 school board and affected local general purpose governments  
13 may provide for the district school board to establish school  
14 attendance zones that allow students residing within a  
15 reasonable distance of facilities financed through the  
16 interlocal agreement to attend such facilities.

17           Section 4. This act shall take effect upon becoming a  
18 law.

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