

By the Committee on Local Government & Veterans Affairs
and Representatives Attkisson and Bennett

1 A bill to be entitled
2 An act relating to educational facilities
3 benefit districts; creating s. 235.1851, F.S.;
4 providing legislative intent; authorizing the
5 creation of educational facilities benefit
6 districts pursuant to interlocal agreement;
7 providing for creation of an educational
8 facilities benefit district through adoption of
9 an ordinance; specifying content of such
10 ordinances; providing for the creating entity
11 to be the local general purpose government
12 within whose boundaries a majority of the
13 educational facilities benefit district's lands
14 are located; providing that educational
15 facilities benefit districts may only be
16 created with the consent of the district school
17 board, all affected local general purpose
18 governments, and all landowners within the
19 district; providing for the membership of the
20 governing boards of educational facilities
21 benefit districts; providing the powers of
22 educational facilities benefit districts;
23 authorizing community development districts,
24 created pursuant to ch. 190, F.S., to be
25 eligible for financial enhancements available
26 to educational facilities benefit districts;
27 conditioning such eligibility upon the
28 establishment of an interlocal agreement;
29 creating s. 235.1852, F.S.; providing funding
30 for educational facilities benefit districts
31 and community development districts; creating

1 s. 235.1853, F.S.; providing for the
2 utilization of educational facilities built
3 pursuant to this act; providing an effective
4 date.

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

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

10 235.1851 Educational facilities benefit districts.--

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

24 (2) The Legislature hereby authorizes the creation of
25 educational facilities benefit districts pursuant to
26 interlocal cooperation agreements between a district school
27 board and all local general purpose governments within whose
28 jurisdiction a district is located. The purpose of
29 educational facilities benefit districts is to assist in
30 financing the construction and maintenance of educational
31 facilities.

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

13 (b) Creation of any educational facilities benefit
14 district shall be conditioned upon the consent of the district
15 school board, all local general purpose governments within
16 whose jurisdiction any portion of the educational facilities
17 benefit district is located, and all landowners within the
18 district. The membership of the governing board of any
19 educational facilities benefit district shall include
20 representation of the district school board, each cooperating
21 local general purpose government, and the landowners within
22 the district. In the case of an educational facilities
23 benefit district's decision to create a charter school, the
24 board of directors of the charter school shall constitute the
25 members of the governing board for the educational facilities
26 benefit district.

27 (4) The educational facilities benefit district shall
28 have, and its governing board may exercise, the following
29 powers:

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

1 (b) To sue and be sued in the name of the district; to
2 adopt and use a seal and authorize the use of a facsimile
3 thereof; to acquire, by purchase, gift, devise, or otherwise,
4 and to dispose of real and personal property or any estate
5 therein; and to make and execute contracts and other
6 instruments necessary or convenient to the exercise of its
7 powers.

8 (c) To apply for coverage of its employees under the
9 Florida Retirement System in the same manner as if such
10 employees were state employees, subject to necessary action by
11 the district to pay employer contributions into the state
12 retirement fund.

13 (d) To contract for the services of consultants to
14 perform planning, engineering, legal, or other appropriate
15 services of a professional nature. Such contracts shall be
16 subject to the public bidding or competitive negotiations
17 required of local general purpose governments.

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

26 (f) To adopt resolutions and polices prescribing the
27 powers, duties, and functions of the officers of the district,
28 the conduct of the business of the district, and the
29 maintenance of records and documents of the district.

30 (g) To maintain an office at such place or places as
31 it may designate within the district or within the boundaries

1 of the local general purpose government that created the
2 district.

3 (h) To hold, control, and acquire by donation,
4 purchase, or condemnation pursuant to chapter 73 or chapter 74
5 if authorized by all governmental entities that are party to
6 the interlocal agreement, or dispose of any public easements,
7 dedication to public use, platted reservations for public
8 purposes, or any reservations for those purposes authorized by
9 this act and to make use of such easements, dedications, or
10 reservations for any of the purposes authorized by this act.

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

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

26 (k) To cooperate with or contract with other
27 governmental agencies as may be necessary, convenient,
28 incidental, or proper in connection with any of the powers,
29 duties, or purposes authorized by this act and to accept
30 funding from local and state agencies as provided in this act.
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1 (1) To levy, impose, collect, and enforce non-ad
2 valorem assessments, as defined by s. 197.3632(1)(d), pursuant
3 to this act, chapters 125 and 166, and ss. 197.3631, 197.3632,
4 and 197.3635.

5 (m) To exercise all powers necessary, convenient,
6 incidental, or proper in connection with any of the powers,
7 duties, or purposes authorized by this act.

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

23 Section 2. Section 235.1852, Florida Statutes, is
24 created to read:

25 235.1852 Local funding for educational facilities
26 benefit districts or community development districts.--Upon
27 confirmation by a district school board of the commitment of
28 revenues by an educational facilities benefit district or
29 community development district necessary to construct and
30 maintain an educational facility contained within an
31 individual district facilities work program or proposed by an

1 approved charter school, the following funds shall be provided
2 to the educational facilities benefit district or community
3 development district annually, beginning with the next fiscal
4 year after confirmation until the district's financial
5 obligations are completed:

6 (1) An annual amount equal to 1 mill of taxation for
7 all taxable property within the educational facilities benefit
8 district or community development district, contributed by the
9 district school board.

10 (2) All educational facilities impact fee revenue
11 collected for new development within the educational
12 facilities benefit district or community development district.

13 Section 3. Section 235.1853, Florida Statutes, is
14 created to read:

15 235.1853 Educational facilities benefit district or
16 community development district facility utilization.--All
17 facilities funded pursuant to this act shall reflect the
18 racial balance of the school district pursuant to state and
19 federal law. However, to the extent allowable pursuant to
20 state and federal law, the interlocal agreement providing for
21 the establishment of the educational facilities benefit
22 district or the interlocal agreement between the community
23 development district and the district school board and
24 affected local general purpose governments may provide for the
25 district school board to establish school attendance zones
26 that allow students residing within a reasonable distance of
27 facilities financed through the interlocal agreement to attend
28 such facilities.

29 Section 4. This act shall take effect upon becoming a
30 law.

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HOUSE SUMMARY

Authorizes the creation of educational facilities benefit districts pursuant to interlocal agreement. Provides for creation of an educational facilities benefit district through adoption of an ordinance. Provides for the creating entity to be the local general purpose government within whose boundaries a majority of the educational facilities benefit district's lands are located. Provides that educational facilities benefit districts may only be created with the consent of the district school board, all affected local general purpose governments, and all landowners within the district. Provides for the membership of the governing boards of educational facilities benefit districts. Provides the powers of educational facilities benefit districts. Authorizes community development districts, created pursuant to ch. 190, F.S., to be eligible for financial enhancements available to educational facilities benefit districts. Provides funding for educational facilities benefit districts and community development districts. Provides for the utilization of educational facilities built pursuant to this act.