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A bill to be entitled  
 An act relating to educational facilities; creating s.  
 1013.358, F.S.; providing legislative intent; authorizing  
 the creation of workplace school benefit districts to  
 assist in financing construction and maintenance of  
 educational facilities; providing the powers of a  
 workplace school benefit district and its governing board;  
 providing for the creation of community redevelopment  
 agencies as an alternative; creating s. 1013.359, F.S.;  
 providing funding for workplace school benefit districts  
 or community redevelopment agencies; creating s.  
 1013.3595, F.S.; providing for educational facility  
 utilization; creating pt. VIII of ch. 159, F.S., the  
 "Florida Qualified Public Educational Facilities Private  
 Activity Bond Allocation Act"; providing purpose and  
 definitions; providing for allocation of state volume  
 limitation on private activity bonds to finance qualified  
 public educational facilities; providing for rules;  
 providing an effective date.

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

Section 1. Section 1013.358, Florida Statutes, is created  
 to read:

1013.358 Workplace school benefit districts.--

(1) It is the intent of the Legislature to encourage and  
 authorize public-private cooperation in the promotion of  
 economic development and the advancement of educational services  
 that benefit the resulting population growth. It is the further  
 intent of the Legislature to provide efficient alternative



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31 mechanisms and incentives to allow for sharing costs of  
32 educational facilities necessary to accommodate new growth and  
33 development among public agencies, including district school  
34 boards, affected local general purpose governments, and  
35 benefited private development interests.

36 (2) The Legislature authorizes the creation of workplace  
37 school benefit districts pursuant to agreements between a  
38 district school board and the primary local general purpose  
39 governments within whose jurisdiction a district is located. The  
40 purpose of workplace school benefit districts is to assist in  
41 financing the construction and maintenance of educational  
42 facilities.

43 (3)(a) A workplace school benefit district may be created  
44 pursuant to this act and chapter 159.

45 (b) Creation of any workplace school benefit district  
46 shall be conditioned upon the consent of the district school  
47 board, the primary local general purpose governments within  
48 whose jurisdiction any portion of the workplace school benefit  
49 district is located, and all landowners within the district. The  
50 membership of the governing board of any workplace school  
51 benefit district shall include representation of the district  
52 school board, each cooperating local general purpose government,  
53 and the landowners within the district. In the case of a  
54 workplace school benefit district's decision to create a charter  
55 school, the board of directors of the charter school may  
56 constitute the members of the governing board for the workplace  
57 school benefit district.

58 (4) The workplace school benefit district shall have, and  
59 its governing board may exercise, the following powers:



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

62 (b) To sue and be sued in the name of the district; to  
63 adopt and use a seal and authorize the use of a facsimile  
64 thereof; to acquire, by purchase, gift, devise, or otherwise and  
65 to dispose of real and personal property or any estate therein;  
66 and to make and execute contracts and other instruments  
67 necessary or convenient to the exercise of its powers.

68 (c) To contract for the services of consultants to perform  
69 planning, engineering, legal, or other appropriate services of a  
70 professional nature. Such contracts shall be subject to the  
71 public bidding or competitive negotiations required of local  
72 general purpose governments.

73 (d) To borrow money and accept gifts; to apply for unused  
74 grants or loans of money or other property from the United  
75 States, the state, a unit of local government, or any person for  
76 any district purposes and enter into agreements required in  
77 connection therewith; and to hold, use, and dispose of such  
78 moneys or property for any district purposes in accordance with  
79 the terms of the gift, grant, loan, or agreement relating  
80 thereto.

81 (e) To adopt resolutions and policies prescribing the  
82 powers, duties, and functions of the officers of the district,  
83 the conduct of the business of the district, and the maintenance  
84 of records and documents of the district.

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

88 (g) To lease as lessor or lessee to or from any person,  
89 firm, corporation, association, or body, public or private, any



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90 projects of the type that the district is authorized to  
91 undertake and facilities or property of any nature for use of  
92 the district to carry out any of the purposes authorized by this  
93 act.

94 (h) To borrow money and issue bonds, certificates,  
95 warrants, notes, or other evidence of indebtedness pursuant to  
96 this act for periods not longer than 30 years, provided such  
97 bonds, certificates, warrants, notes, or other indebtedness  
98 shall only be guaranteed by non-ad valorem assessments legally  
99 imposed by the district and other available sources of funds  
100 provided in this act and shall not pledge the full faith and  
101 credit of the primary local general purpose government or the  
102 district school board.

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

108 (j) To levy, impose, collect, and enforce non-ad valorem  
109 assessments, as defined by s. 197.3632(1)(d), pursuant to this  
110 act, chapters 125 and 166, and ss. 197.3631, 197.3632, and  
111 197.3635.

112 (k) To exercise all powers necessary, convenient,  
113 incidental, or proper in connection with any of the powers,  
114 duties, or purposes authorized by this act.

115 (5) As an alternative to the creation of a workplace  
116 school benefit district, the Legislature recognizes and  
117 encourages the consideration of community redevelopment agency  
118 creation pursuant to chapter 163 as a viable alternative for  
119 financing the construction and maintenance of educational



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120 facilities as described in this act. Community redevelopment  
 121 agencies are granted the authority to determine, order, levy,  
 122 impose, collect, and enforce non-ad valorem assessments for such  
 123 purposes pursuant to this act and chapters 163, 170, 190, and  
 124 197. This authority is in addition to any authority granted  
 125 community redevelopment agencies under chapter 163. Community  
 126 redevelopment agencies are therefore deemed eligible for the  
 127 financial enhancements available to workplace school benefit  
 128 districts providing for financing the construction and  
 129 maintenance of educational facilities pursuant to s. 1013.359.  
 130 In order to receive such financial enhancements, a community  
 131 redevelopment agency must enter into an interlocal agreement  
 132 with the district school board and affected local general  
 133 purpose governments that specifies the obligations of all  
 134 parties to the agreement. Nothing in this act or in any  
 135 interlocal agreement entered into pursuant to this act requires  
 136 any change in the method of election of a board of supervisors  
 137 of a community redevelopment agency provided in chapter 163.

138 Section 2. Section 1013.359, Florida Statutes, is created  
 139 to read:

140 1013.359 Local funding for workplace school benefit  
 141 districts or community redevelopment agencies.--Upon  
 142 confirmation by a district school board of the commitment of  
 143 revenues by a workplace school benefit district or community  
 144 redevelopment agency necessary to construct and maintain an  
 145 educational facility contained within an individual district  
 146 facilities work program or proposed by an approved charter  
 147 school or a charter school applicant, the following funds shall  
 148 be provided to the workplace school benefit district or  
 149 community redevelopment agency annually, beginning with the next



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150 fiscal year after confirmation until the district's financial  
151 obligations are completed:

152 (1) All educational facilities impact fee revenue  
153 collected for new development within the workplace school  
154 benefit district or community development district. Funds  
155 provided under this subsection shall be used to fund the  
156 construction and capital maintenance costs of educational  
157 facilities.

158 (2) For construction and capital maintenance costs not  
159 covered by the funds provided under subsection (1), an annual  
160 amount contributed by the district school board equal to one-  
161 half of the remaining costs of construction and capital  
162 maintenance of the educational facility. Any construction costs  
163 above the cost-per-student criteria established for the SIT  
164 Program in s.  
165 1013.72(2) shall be funded exclusively by the workplace school  
166 benefit district or the community redevelopment agency. Funds  
167 contributed by a district school board shall not be used to fund  
168 operational costs.

169 (3) Any incentives deemed appropriate by Enterprise  
170 Florida. Educational facilities funded pursuant to this act may  
171 be constructed on land that is owned by any person after the  
172 district school board has acquired from the owner of the land a  
173 long-term lease for the use of this land for a period of not  
174 less than 40 years or the life expectancy of the permanent  
175 facilities constructed thereon, whichever is longer. All  
176 interlocal agreements entered into pursuant to this act shall  
177 provide for ownership of educational facilities funded pursuant  
178 to this act to revert to the district school board if such  
179 facilities cease to be used for public educational purposes



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180 prior to 40 years after construction or prior to the end of the  
 181 life expectancy of the educational facilities, whichever is  
 182 longer.

183 Section 3. Section 1013.3595, Florida Statutes, is created  
 184 to read:

185 1013.3595 Workplace school benefit district or community  
 186 redevelopment agency facility utilization.--The student  
 187 population of all facilities funded pursuant to this act shall,  
 188 to the greatest extent possible, reflect the racial, ethnic, and  
 189 socioeconomic balance of the school district pursuant to state  
 190 and federal law. However, to the extent allowable pursuant to  
 191 state and federal law, the interlocal agreement providing for  
 192 the establishment of the workplace school benefit district or  
 193 the interlocal agreement between the community redevelopment  
 194 agency and the district school board and affected local general  
 195 purpose governments may provide for the district school board to  
 196 establish school attendance zones that allow students residing  
 197 within a reasonable distance of facilities financed through the  
 198 interlocal agreement to attend such facilities.

199 Section 4. Part VIII of chapter 159, Florida Statutes,  
 200 consisting of sections 159.831, 159.832, 159.833, 159.834, and  
 201 159.835, is created to read:

202 159.831 Popular name.--This part may be known by the  
 203 popular name the "Florida Qualified Public Educational  
 204 Facilities Private Activity Bond Allocation Act."

205 159.832 Purpose.--The purpose of this part is to allocate  
 206 the state volume limitation imposed by s. 142(k)(5)(A) of the  
 207 Code on private activity bonds to finance qualified public  
 208 educational facilities. No private activity bond subject to the  
 209 limitation in s. 142(k)(5)(A) of the Code shall be issued in



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210 this state unless a written confirmation therefor is issued  
 211 pursuant to this part.

212 159.833 Definitions.--As used in this part, the term:

213 (1) "Board" means the State Board of Education, created  
 214 pursuant to s. 2, Art. IX of the State Constitution.

215 (2) "Code" means the Internal Revenue Code of 1986, as  
 216 amended, and the regulations and rulings issued thereunder.

217 (3) "Commissioner" means the Commissioner of Education.

218 (4) "Department" means the Department of Education,  
 219 created pursuant to s. 20.15.

220 (5) "Issued" has the same meaning as in the Code.

221 (6) "Private activity bond" means any bond described in s.  
 222 141 of the Code.

223 (7) "Qualified public educational facility" means a  
 224 facility described in s. 142(k)(1) of the Code.

225 159.834 Allocation of state volume limitation.--

226 (1) The board shall establish a program for allocating the  
 227 state volume limitation imposed by s. 142(k)(5)(A) of the Code  
 228 on private activity bonds to finance qualified public  
 229 educational facilities. Such program shall include objective  
 230 criteria to be considered in determining whether to grant a  
 231 request for such volume limitation, including, but not limited  
 232 to: the need for a qualified public educational facility in the  
 233 area proposed in the application, the number of students to be  
 234 served by such facility, and the cost-effectiveness of the  
 235 proposed facility. The program shall be administered by the  
 236 department.

237 (2) The department shall annually determine the amount of  
 238 private activity bonds for qualified public educational  
 239 facilities permitted to be issued in this state under s.





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240 142(k)(5) of the Code and shall make such information available  
 241 upon request to any person or agency.

242 (3) The department shall ensure that any volume limitation  
 243 unused at the end of each calendar is carried forward pursuant  
 244 to s. 142(k)(5)(B)(ii) of the Code.

245 (4) The commissioner shall sign any certificate required  
 246 by the Code relating to the allocation of the state volume  
 247 limitation on private activity bonds to finance qualified public  
 248 educational facilities.

249 159.835 Rules.--The board and the department shall  
 250 prescribe any rules necessary to ensure the orderly  
 251 implementation and administration of this act.

252 Section 5. This act shall take effect July 1, 2003.