

By the Committee on Education; and Senators Wise and Bullard

304-2003-04

1 A bill to be entitled
2 An act relating to the district school tax;
3 amending s. 1011.71, F.S.; continuing
4 indefinitely a provision, previously applicable
5 only in the 2003-2004 fiscal year, which allows
6 a specified tax levy to be used to offset the
7 cost of school buses purchased through
8 contracts with private providers; amending s.
9 200.065, F.S., relating to the method of fixing
10 millage, to conform; providing an effective
11 date.

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

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15 Section 1. Paragraph (i) is added to subsection (2) of
16 section 1011.71, Florida Statutes, as amended by sections 17
17 and 18 of chapter 2003-399, Laws of Florida, and paragraph (a)
18 of subsection (5) of that section is amended, to read:

19 1011.71 District school tax.--

20 (2) In addition to the maximum millage levy as
21 provided in subsection (1), each school board may levy not
22 more than 2 mills against the taxable value for school
23 purposes to fund:

24 (i) Payment of the cost of school buses when a school
25 district contracts with a private entity to provide student
26 transportation services if the district meets the requirements
27 of this paragraph.

28 1. The district's contract must require that the
29 private entity purchase, lease-purchase, or lease, and operate
30 and maintain, one or more school buses of a specific type and
31 size that meet the requirements of s. 1006.25.

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

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

6 4. The proposed expenditure of the funds for this
7 purpose must have been included in the district school board's
8 notice of proposed tax for school capital outlay as provided
9 in s. 200.065(9).

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11 Violations of these expenditure provisions shall result in an
12 equal dollar reduction in the Florida Education Finance
13 Program (FEFP) funds for the violating district in the fiscal
14 year following the audit citation.

15 (5)(a) It is the intent of the Legislature that, by
16 July 1, 2003, revenue generated by the millage levy authorized
17 by subsection (2) should be used only for the costs of
18 construction, renovation, remodeling, maintenance, and repair
19 of the educational plant; for the purchase, lease, or
20 lease-purchase of equipment, educational plants, and
21 construction materials directly related to the delivery of
22 student instruction; for the rental or lease of existing
23 buildings, or space within existing buildings, originally
24 constructed or used for purposes other than education, for
25 conversion to use as educational facilities; for the opening
26 day collection for the library media center of a new school;
27 for the purchase, lease-purchase, or lease of school buses or
28 the payment to a private entity to offset the cost of school
29 buses pursuant to paragraph (2)(i); and for servicing of
30 payments related to certificates of participation issued for
31 any purpose prior to the effective date of this act. Costs

1 associated with the lease-purchase of equipment, educational
2 plants, and school buses may include the issuance of
3 certificates of participation on or after the effective date
4 of this act and the servicing of payments related to
5 certificates so issued. For purposes of this section,
6 "maintenance and repair" is defined in s. 1013.01.

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8 A district that violates these expenditure restrictions shall
9 have an equal dollar reduction in funds appropriated to the
10 district under s. 1011.62 in the fiscal year following the
11 audit citation. The expenditure restrictions do not apply to
12 any school district that certifies to the Commissioner of
13 Education that all of the district's instructional space needs
14 for the next 5 years can be met from capital outlay sources
15 that the district reasonably expects to receive during the
16 next 5 years or from alternative scheduling or construction,
17 leasing, rezoning, or technological methodologies that exhibit
18 sound management.

19 Section 2. Paragraph (a) of subsection (9) of section
20 200.065, Florida Statutes, is amended to read:

21 200.065 Method of fixing millage.--

22 (9)(a) In addition to the notice required in
23 subsection (3), a district school board shall publish a second
24 notice of intent to levy additional taxes under s. 1011.71(2).
25 Such notice shall specify the projects or number of school
26 buses anticipated to be funded by such additional taxes and
27 shall be published in the size, within the time periods,
28 adjacent to, and in substantial conformity with the
29 advertisement required under subsection (3). The projects
30 shall be listed in priority within each category as follows:
31 construction and remodeling; maintenance, renovation, and

1 repair; motor vehicle purchases; new and replacement
2 equipment; payments for educational facilities and sites due
3 under a lease-purchase agreement; payments for renting and
4 leasing educational facilities and sites; payments of loans
5 approved pursuant to ss. 1011.14 and 1011.15; payment of costs
6 of compliance with environmental statutes and regulations; ~~and~~
7 payment of costs of leasing relocatable educational
8 facilities; and payments to private entities to offset the
9 cost of school buses pursuant to s. 1011.71(2)(i). The
10 additional notice shall be in the following form, except that
11 if the district school board is proposing to levy the same
12 millage under s. 1011.71(2) which it levied in the prior year,
13 the words "continue to" shall be inserted before the word
14 "impose" in the first sentence, and except that the second
15 sentence of the second paragraph shall be deleted if the
16 district is advertising pursuant to paragraph (3)(e):

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18 NOTICE OF TAX FOR SCHOOL
19 CAPITAL OUTLAY
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21 The ...(name of school district)... will soon consider
22 a measure to impose a ...(number)... mill property tax for the
23 capital outlay projects listed herein.

24 This tax is in addition to the school board's proposed
25 tax of ...(number)... mills for operating expenses and is
26 proposed solely at the discretion of the school board. THE
27 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
28 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

29 The capital outlay tax will generate approximately
30 \$...(amount)..., to be used for the following projects:
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1 ...(list of capital outlay projects)...

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3 All concerned citizens are invited to a public hearing
4 to be held on ...(date and time)... at ...(meeting place)....

5 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
6 made at this hearing.

7 Section 3. This act shall take effect July 1, 2004.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1212

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12 The Committee Substitute places the authorization to expend
13 two mill funds for payment of costs related to contracted
14 public school student transportation in both subsection (2)
15 and paragraph (5)(a) of s.1011.71, F.S. A school board would
16 be authorized to make transportation related contract payments
17 from two mill funds instead of from operating budget revenues.
18 The calculation of the amount eligible to be paid would equal
19 not more than 10 percent of the state's bid price for new
20 buses times the number of buses in the private contract
21 provider's fleet.

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18 The Committee Substitute also amends the public notice
19 provision of s. 200.065 (9), F.S. to include new general
20 language to conform with the use of funds for payment to
21 private entities to offset the cost of school buses.

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