

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to school district taxation; amending s.  
7 1011.71, F.S.; authorizing certain expenditures from  
8 district school tax revenues to pay property and casualty  
9 insurance premiums; providing for the use of operating  
10 revenues under certain circumstances; amending s. 200.065,  
11 F.S., relating to the method of fixing millage, to  
12 conform; providing for future repeal; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (2) and paragraph (a) of subsection  
18 (5) of section 1011.71, Florida Statutes, as amended by sections  
19 17 and 18 of chapter 2003-399, Laws of Florida, are amended to  
20 read:

21 1011.71 District school tax.--

HB 157

2004  
CS

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

25 (a) New construction and remodeling projects, as set forth  
26 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
27 educational plant survey pursuant to s. 1013.31, without regard  
28 to prioritization, sites and site improvement or expansion to  
29 new sites, existing sites, auxiliary facilities, athletic  
30 facilities, or ancillary facilities.

31 (b) Maintenance, renovation, and repair of existing school  
32 plants or of leased facilities to correct deficiencies pursuant  
33 to s. 1013.15(2).

34 (c) The purchase, lease-purchase, or lease of school  
35 buses; drivers' education vehicles; motor vehicles used for the  
36 maintenance or operation of plants and equipment; security  
37 vehicles; or vehicles used in storing or distributing materials  
38 and equipment.

39 (d) The purchase, lease-purchase, or lease of new and  
40 replacement equipment.

41 (e) Payments for educational facilities and sites due  
42 under a lease-purchase agreement entered into by a district  
43 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
44 exceeding, in the aggregate, an amount equal to three-fourths of  
45 the proceeds from the millage levied by a district school board  
46 pursuant to this subsection.

47 (f) Payment of loans approved pursuant to ss. 1011.14 and  
48 1011.15.

HB 157

2004  
CS

49 (g) Payment of costs directly related to complying with  
50 state and federal environmental statutes, rules, and regulations  
51 governing school facilities.

52 (h) Payment of costs of leasing relocatable educational  
53 facilities, of renting or leasing educational facilities and  
54 sites pursuant to s. 1013.15(2), or of renting or leasing  
55 buildings or space within existing buildings pursuant to s.  
56 1013.15(4).

57 (i) Payment of premiums for property and casualty  
58 insurance necessary to insure the educational plants of the  
59 school district. This paragraph shall be repealed on July 1,  
60 2006.

61  
62 Violations of these expenditure provisions shall result in an  
63 equal dollar reduction in the Florida Education Finance Program  
64 (FEFP) funds for the violating district in the fiscal year  
65 following the audit citation.

66 (5)(a) It is the intent of the Legislature that, by July  
67 1, 2003, revenue generated by the millage levy authorized by  
68 subsection (2) should be used only for the costs of  
69 construction, renovation, remodeling, maintenance, and repair of  
70 the educational plant; for the purchase, lease, or lease-  
71 purchase of equipment, educational plants, and construction  
72 materials directly related to the delivery of student  
73 instruction; for the rental or lease of existing buildings, or  
74 space within existing buildings, originally constructed or used  
75 for purposes other than education, for conversion to use as  
76 educational facilities; for property and casualty insurance

77 | premiums necessary to insure the educational plants of the  
 78 | school district; for the opening day collection for the library  
 79 | media center of a new school; for the purchase, lease-purchase,  
 80 | or lease of school buses; and for servicing of payments related  
 81 | to certificates of participation issued for any purpose prior to  
 82 | the effective date of this act. Costs associated with the lease-  
 83 | purchase of equipment, educational plants, and school buses may  
 84 | include the issuance of certificates of participation on or  
 85 | after the effective date of this act and the servicing of  
 86 | payments related to certificates so issued. For purposes of this  
 87 | section, "maintenance and repair" is defined in s. 1013.01. If  
 88 | operating revenues are made available through the payment of  
 89 | property and casualty insurance premiums from revenues generated  
 90 | under this subsection or subsection (2), such operating revenues  
 91 | may be expended only for nonrecurring operational expenditures  
 92 | of the school district. The property and casualty insurance  
 93 | provision of this paragraph shall be repealed on July 1, 2006.

94 |  
 95 | A district that violates these expenditure restrictions shall  
 96 | have an equal dollar reduction in funds appropriated to the  
 97 | district under s. 1011.62 in the fiscal year following the audit  
 98 | citation. The expenditure restrictions do not apply to any  
 99 | school district that certifies to the Commissioner of Education  
 100 | that all of the district's instructional space needs for the  
 101 | next 5 years can be met from capital outlay sources that the  
 102 | district reasonably expects to receive during the next 5 years  
 103 | or from alternative scheduling or construction, leasing,

104 rezoning, or technological methodologies that exhibit sound  
105 management.

106 Section 2. Subsection (9) of section 200.065, Florida  
107 Statutes, is amended to read:

108 200.065 Method of fixing millage.--

109 (9)(a) In addition to the notice required in subsection  
110 (3), a district school board shall publish a second notice of  
111 intent to levy additional taxes under s. 1011.71(2). Such  
112 notice shall specify the projects or number of school buses  
113 anticipated to be funded by such additional taxes and shall be  
114 published in the size, within the time periods, adjacent to, and  
115 in substantial conformity with the advertisement required under  
116 subsection (3). The projects shall be listed in priority within  
117 each category as follows: construction and remodeling;  
118 maintenance, renovation, and repair; motor vehicle purchases;  
119 new and replacement equipment; payments for educational  
120 facilities and sites due under a lease-purchase agreement;  
121 payments for renting and leasing educational facilities and  
122 sites; payments of loans approved pursuant to ss. 1011.14 and  
123 1011.15; payment of costs of compliance with environmental  
124 statutes and regulations; ~~and~~ payment of costs of leasing  
125 relocatable educational facilities; and payment of premiums for  
126 property and casualty insurance necessary to insure the  
127 educational plants of the school district. The property and  
128 casualty insurance provision of this paragraph shall be repealed  
129 on July 1, 2006. The additional notice shall be in the following  
130 form, except that if the district school board is proposing to  
131 levy the same millage under s. 1011.71(2) which it levied in the

HB 157

2004  
CS

132 prior year, the words "continue to" shall be inserted before the  
 133 word "impose" in the first sentence, and except that the second  
 134 sentence of the second paragraph shall be deleted if the  
 135 district is advertising pursuant to paragraph (3)(e):

136  
 137 NOTICE OF TAX FOR SCHOOL  
 138 CAPITAL OUTLAY  
 139

140 The . . . (name of school district) . . . will soon  
 141 consider a measure to impose a . . . (number) . . . mill  
 142 property tax for the capital outlay projects listed herein.

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

148 The capital outlay tax will generate approximately \$ . . .  
 149 (amount) . . . , to be used for the following projects:  
 150 . . . (list of capital outlay projects) . . .  
 151

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

155 A DECISION on the proposed CAPITAL OUTLAY TAXES will be  
 156 made at this hearing.  
 157

158 (b) In the event a school district needs to amend the list  
 159 of capital outlay projects previously advertised and adopted, a

HB 157

2004  
CS

160 notice of intent to amend the notice of tax for school capital  
 161 outlay shall be published in conformity with the advertisement  
 162 required in subsection (3). A public hearing to adopt the  
 163 amended project list shall be held not less than 2 days nor more  
 164 than 5 days after the day the advertisement is first published.  
 165 The projects should be listed under each category of new,  
 166 amended, or deleted projects in the same order as required in  
 167 paragraph (a). The notice shall appear in the following form,  
 168 except that any of the categories of new, amended, or deleted  
 169 projects may be omitted if not appropriate for the changes  
 170 proposed:

171  
 172 AMENDED NOTICE OF TAX FOR  
 173 SCHOOL CAPITAL OUTLAY  
 174

175 The School Board of . . . (name) . . . County will soon  
 176 consider a measure to amend the use of property tax for the  
 177 capital outlay projects previously advertised for the . . .  
 178 (year) . . . to . . . (year) . . . school year.

179  
 180 New projects to be funded:

181 . . . (list of capital outlay projects) . . .  
 182

183 Amended projects to be funded:

184 . . . (list of capital outlay projects) . . .  
 185

186 Projects to be deleted:

187 . . . (list of capital outlay projects) . . .

HB 157

2004  
CS

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

192           A DECISION on the proposed amendment to the projects funded  
193 from CAPITAL OUTLAY TAXES will be made at this meeting.

194

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