

CHAMBER ACTION

1 The Committee on Education K-20 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 the district school tax; amending s.
7 1011.71, F.S.; continuing indefinitely a provision,
8 previously applicable only in the 2003-2004 fiscal year,
9 which allows a specified tax levy to be used to offset the
10 cost of school buses purchased through contracts with
11 private providers; amending s. 200.065, F.S., relating to
12 the method of fixing millage, to conform; providing an
13 effective date.

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

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17 Section 1. Paragraph (i) is added to subsection (2) of
18 section 1011.71, Florida Statutes, and paragraph (a) of
19 subsection (5) of said section is amended, to read:

20 1011.71 District school tax.--

21 (2) In addition to the maximum millage levy as provided in
22 subsection (1), each school board may levy not more than 2 mills
23 against the taxable value for school 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 private
 29 | entity purchase, lease-purchase, or lease, and operate and
 30 | maintain, one or more school buses of a specific type and size
 31 | that meet the requirements of s. 1006.25.

32 | 2. Each such school bus must be used for the daily
 33 | transportation of public school students in the manner required
 34 | by the school district.

35 | 3. Annual payment for each such school bus may not exceed
 36 | 10 percent of the purchase price of the state pool bid.

37 | 4. The proposed expenditure of the funds for this purpose
 38 | must have been included in the district school board's notice of
 39 | proposed tax for school capital outlay as provided in s.
 40 | 200.065(9).

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 42 | Violations of these expenditure provisions shall result in an
 43 | equal dollar reduction in the Florida Education Finance Program
 44 | (FEFP) funds for the violating district in the fiscal year
 45 | following the audit citation.

46 | (5)(a) It is the intent of the Legislature that, by July
 47 | 1, 2003, revenue generated by the millage levy authorized by
 48 | subsection (2) should be used only for the costs of
 49 | construction, renovation, remodeling, maintenance, and repair of
 50 | the educational plant; for the purchase, lease, or lease-
 51 | purchase of equipment, educational plants, and construction

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52 materials directly related to the delivery of student
53 instruction; for the rental or lease of existing buildings, or
54 space within existing buildings, originally constructed or used
55 for purposes other than education, for conversion to use as
56 educational facilities; for the opening day collection for the
57 library media center of a new school; for the purchase, lease-
58 purchase, or lease of school buses or the payment to a private
59 entity to offset the cost of school buses pursuant to paragraph
60 (2)(i); and for servicing of payments related to certificates of
61 participation issued for any purpose prior to the effective date
62 of this act. Costs associated with the lease-purchase of
63 equipment, educational plants, and school buses may include the
64 issuance of certificates of participation on or after the
65 effective date of this act and the servicing of payments related
66 to certificates so issued. For purposes of this section,
67 "maintenance and repair" is defined in s. 1013.01.

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69 A district that violates these expenditure restrictions shall
70 have an equal dollar reduction in funds appropriated to the
71 district under s. 1011.62 in the fiscal year following the audit
72 citation. The expenditure restrictions do not apply to any
73 school district that certifies to the Commissioner of Education
74 that all of the district's instructional space needs for the
75 next 5 years can be met from capital outlay sources that the
76 district reasonably expects to receive during the next 5 years
77 or from alternative scheduling or construction, leasing,
78 rezoning, or technological methodologies that exhibit sound
79 management.

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80 Section 2. Paragraph (a) of subsection (9) of section
81 200.065, Florida Statutes, is amended to read:

82 200.065 Method of fixing millage.--

83 (9)(a) In addition to the notice required in subsection
84 (3), a district school board shall publish a second notice of
85 intent to levy additional taxes under s. 1011.71(2). Such notice
86 shall specify the projects or number of school buses anticipated
87 to be funded by such additional taxes and shall be published in
88 the size, within the time periods, adjacent to, and in
89 substantial conformity with the advertisement required under
90 subsection (3). The projects shall be listed in priority within
91 each category as follows: construction and remodeling;
92 maintenance, renovation, and repair; motor vehicle purchases;
93 new and replacement equipment; payments for educational
94 facilities and sites due under a lease-purchase agreement;
95 payments for renting and leasing educational facilities and
96 sites; payments of loans approved pursuant to ss. 1011.14 and
97 1011.15; payment of costs of compliance with environmental
98 statutes and regulations; ~~and~~ payment of costs of leasing
99 relocatable educational facilities; and payments to private
100 entities to offset the cost of school buses pursuant to s.
101 1011.71(2)(i). The additional notice shall be in the following
102 form, except that if the district school board is proposing to
103 levy the same millage under s. 1011.71(2) which it levied in the
104 prior year, the words "continue to" shall be inserted before the
105 word "impose" in the first sentence, and except that the second
106 sentence of the second paragraph shall be deleted if the
107 district is advertising pursuant to paragraph (3)(e):

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NOTICE OF TAX FOR SCHOOL
CAPITAL OUTLAY

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

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

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

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

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

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