

Bill No. CS for SB 360

Barcode 881624

1 surtax shall set forth a plan for use of the surtax proceeds
 2 for fixed capital expenditures or fixed capital costs
 3 associated with the construction, reconstruction, or
 4 improvement of school facilities and campuses which have a
 5 useful life expectancy of 5 or more years, and any land
 6 acquisition, land improvement, design, and engineering costs
 7 related thereto. Additionally, the plan shall include the
 8 costs of retrofitting and providing for technology
 9 implementation, including hardware and software, for the
 10 various sites within the school district. Surtax revenues may
 11 be used for the purpose of servicing bond indebtedness to
 12 finance projects authorized by this subsection, and any
 13 interest accrued thereto may be held in trust to finance such
 14 projects. Neither the proceeds of the surtax nor any interest
 15 accrued thereto shall be used for operational expenses.

16 (d) Any school board receiving proceeds from ~~imposing~~
 17 the surtax shall implement a freeze on noncapital local school
 18 property taxes, at the millage rate imposed in the year prior
 19 to the implementation of the surtax, for a period of at least
 20 3 years from the date of imposition of the surtax. This
 21 provision shall not apply to existing debt service or required
 22 state taxes.

23 (e) Surtax revenues collected by the Department of
 24 Revenue pursuant to this subsection shall be distributed to
 25 the school board imposing the surtax in accordance with law.

26 (f) Surtaxes imposed by majority vote must be used to
 27 supplement, not supplant, existing school capital outlay
 28 funding. In order to impose the surtax by a majority vote of
 29 the school board, the board must go through the following
 30 process:

31 1. An advisory board must be created to make

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1 recommendations to the school board regarding the use of the
2 surtax proceeds for fixed capital expenditures or fixed
3 capital costs associated with the construction,
4 reconstruction, or improvement of school facilities and
5 campuses that have a useful life expectancy of 5 or more years
6 and any land acquisition, land improvement, design, and
7 engineering costs related thereto. The school board shall
8 appoint members to the advisory board who represent the
9 diversity of the community and shall include individuals with
10 an interest in business, economic development, the
11 environment, municipal government, education, and public
12 safety and growth management professionals. Based on the
13 estimated amount of the surtax collections, the advisory board
14 will conduct at least two public workshops to develop a
15 project list. A quorum shall consist of a majority of the
16 advisory board members and is necessary to take any action
17 regarding recommendations to the school board. The school
18 board shall provide staff support to the advisory board. All
19 advisory board meetings are open to the public, and minutes of
20 the meetings shall be available to the public. The advisory
21 board shall submit the project list to the school board. The
22 school board must adopt or amend the project list by
23 resolution, and must submit the resolution to the board of
24 county commission.

25 2. After the advisory board submits the project list
26 to the school board, it may be amended by the school board
27 only in the following fashion. A public notice must be given
28 of the intent to add additional projects or remove projects
29 recommended by the advisory board. Actions to amend the
30 project list may be taken at the noticed public hearing. Once
31 amended, the project list must be approved at a subsequent

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1 meeting. Notice of the intent to adopt the project list must
2 be given and the project list must be approved at a subsequent
3 public meeting that cannot be held sooner than 14 days after
4 the meeting at which the list was amended.

5 3. If the school board does not amend the recommended
6 project list, it may adopt the proposed project list at a
7 public meeting following public notice of the intent to adopt
8 the recommendations of the advisory board.

9 4. Once the project list has been adopted, the school
10 board may give notice of the intent to adopt the surtax by
11 resolution. The school board shall conduct a public hearing to
12 allow for public input on the proposed surtax. Enacting the
13 resolution for the surtax and adopting the project list may
14 not be accomplished at the same meeting.

15 5. Once the resolution adopting the surtax has been
16 enacted, the project list can be amended only in the following
17 manner. The school board must give notice of the intent to
18 hold a public hearing to discuss adding or removing projects
19 from the list. The school board must take public testimony on
20 the proposal. Action may not be taken at that meeting with
21 regards to the proposal to amend the project list. Action may
22 be taken at a subsequent noticed public meeting that must be
23 held at least 14 days after the meeting at which the proposed
24 changes to the project list were discussed.

25 6. If the tax is implemented, the advisory board shall
26 monitor the expenditure of the tax proceeds and shall hold
27 semiannual meetings. The advisory board shall also monitor
28 whether the school board has maintained or increased the level
29 of school capital outlay expenditures over the previous 5
30 years.

31 (g) If the surtax is levied by a majority vote of the

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1 school board, the school board shall use due diligence and
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