

By Senator Farmer

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1 A bill to be entitled
2 An act relating to school district capital outlay
3 funding; amending s. 1011.71, F.S.; increasing the
4 millage school boards are authorized to levy for
5 school purposes upon a specified vote; providing
6 requirements for the distribution of such funds to
7 charter schools; amending s. 1013.738, F.S.;
8 conforming a provision to changes made by the act;
9 providing for construction of the act in pari materia
10 with laws enacted during the 2017 Regular Session of
11 the Legislature; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (2) and (3) of section 1011.71,
16 Florida Statutes, are amended, and subsection (10) is added to
17 that section, to read:

18 1011.71 District school tax.—

19 (2) In addition to the maximum millage levy as provided in
20 subsection (1), each school board may levy not more than 2.0 ~~1.5~~
21 mills against the taxable value for school purposes for district
22 schools, including charter schools at the discretion of the
23 school board. If the school board chooses to raise the millage
24 above 1.5 mills, such a decision must be made by a two-thirds
25 vote of its members. The tax revenues from the levy may be used,
26 to fund:

27 (a) New construction and remodeling projects, as set forth
28 in s. 1013.64(3)(b) and (6)(b) and included in the district's
29 educational plant survey pursuant to s. 1013.31, without regard

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30 to prioritization, sites and site improvement or expansion to
31 new sites, existing sites, auxiliary facilities, athletic
32 facilities, or ancillary facilities.

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

36 (c) The purchase, lease-purchase, or lease of school buses.

37 (d) The purchase, lease-purchase, or lease of new and
38 replacement equipment; computer hardware, including electronic
39 hardware and other hardware devices necessary for gaining access
40 to or enhancing the use of electronic content and resources or
41 to facilitate the access to and the use of a school district's
42 digital classrooms plan pursuant to s. 1011.62, excluding
43 software other than the operating system necessary to operate
44 the hardware or device; and enterprise resource software
45 applications that are classified as capital assets in accordance
46 with definitions of the Governmental Accounting Standards Board,
47 have a useful life of at least 5 years, and are used to support
48 districtwide administration or state-mandated reporting
49 requirements.

50 (e) Payments for educational facilities and sites due under
51 a lease-purchase agreement entered into by a district school
52 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
53 exceeding, in the aggregate, an amount equal to three-fourths of
54 the proceeds from the millage levied by a district school board
55 pursuant to this subsection. The three-fourths limit is waived
56 for lease-purchase agreements entered into before June 30, 2009,
57 by a district school board pursuant to this paragraph.

58 (f) Payment of loans approved pursuant to ss. 1011.14 and

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59 1011.15.

60 (g) Payment of costs directly related to complying with
61 state and federal environmental statutes, rules, and regulations
62 governing school facilities.

63 (h) Payment of costs of leasing relocatable educational
64 facilities, of renting or leasing educational facilities and
65 sites pursuant to s. 1013.15(2), or of renting or leasing
66 buildings or space within existing buildings pursuant to s.
67 1013.15(4).

68 (i) Payment of the cost of school buses when a school
69 district contracts with a private entity to provide student
70 transportation services if the district meets the requirements
71 of this paragraph.

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

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

79 3. Annual payment for each such school bus may not exceed
80 10 percent of the purchase price of the state pool bid.

81 4. The proposed expenditure of the funds for this purpose
82 must have been included in the district school board's notice of
83 proposed tax for school capital outlay as provided in s.
84 200.065(10).

85 (j) Payment of the cost of the opening day collection for
86 the library media center of a new school.

87 (3) Notwithstanding subsection (2), if the revenue from 2.0

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88 ~~1.5~~ mills is insufficient to meet the payments due under a
 89 lease-purchase agreement entered into before June 30, 2009, by a
 90 district school board pursuant to paragraph (2)(e), or to meet
 91 other critical district fixed capital outlay needs, the board,
 92 in addition to the 2.0 ~~1.5~~ mills, may levy up to 0.25 mills for
 93 fixed capital outlay in lieu of levying an equivalent amount of
 94 the discretionary mills for operations as provided in the
 95 General Appropriations Act. Millage levied pursuant to this
 96 subsection is subject to the provisions of s. 200.065 and,
 97 combined with the 2.0 ~~1.5~~ mills authorized in subsection (2),
 98 may not exceed 2.25 ~~1.75~~ mills. If the district chooses to use
 99 up to 0.25 mills for fixed capital outlay, the compression
 100 adjustment pursuant to s. 1011.62(5) shall be calculated for the
 101 standard discretionary millage that is not eligible for transfer
 102 to capital outlay.

103 (10) If a school board chooses to share with charter
 104 schools in the school district a portion of the levied millage
 105 authorized under subsection (2), all of the following
 106 requirements must be met:

107 (a) A charter school's total capital outlay funding
 108 allocation may not exceed one-eighth of the discretionary
 109 millage value.

110 (b) The chair of the governing board and the chief
 111 administrative officer of the charter school that receives such
 112 funds shall annually certify under oath that the funds will be
 113 used solely and exclusively for constructing, renovating, or
 114 improving charter school facilities that are:

115 1. Owned by a school district, political subdivision of the
 116 state, municipality, Florida College System institution, or

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117 state university; or

118 2. Owned by an organization, qualified as an exempt
119 organization under s. 501(c)(3) of the Internal Revenue Code,
120 whose articles of incorporation specify that upon the
121 organization's dissolution, the subject property will be
122 transferred to a school district, political subdivision of the
123 state, municipality, Florida College System institution, or
124 state university.

125 Section 2. Paragraph (a) of subsection (2) of section
126 1013.738, Florida Statutes, is amended to read:

127 1013.738 High Growth District Capital Outlay Assistance
128 Grant Program.—

129 (2) In order to qualify for a grant, a school district must
130 meet the following criteria:

131 (a) The district must have levied the full 2.0 ~~1.5~~ mills of
132 nonvoted discretionary capital outlay millage authorized in s.
133 1011.71(2) for each of the past 4 fiscal years.

134 Section 3. If any law amended by this act was also amended
135 by a law enacted during the 2017 Regular Session of the
136 Legislature, such laws shall be construed as if they had been
137 enacted during the same session of the Legislature and full
138 effect shall be given to each if possible.

139 Section 4. This act shall take effect July 1, 2017, or upon
140 becoming a law, whichever occurs later.