

By Senator Montford

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1                   A bill to be entitled  
2       An act relating to charter school capital outlay  
3       funding; amending s. 1011.73, F.S.; increasing the  
4       maximum number of years for which a specified millage  
5       may be levied; requiring the Office of Program Policy  
6       Analysis and Government Accountability, in conjunction  
7       with the Office of the Auditor General, to conduct  
8       certain studies and provide reports that meet  
9       specified requirements to the Governor and the  
10      Legislature by a specified date; providing legislative  
11      findings; providing an effective date.

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

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15       Section 1. Subsection (2) of section 1011.73, Florida  
16       Statutes, is amended to read:

17       1011.73 District millage elections.—

18       (2) ~~MILLAGE AUTHORIZED NOT TO EXCEED 10~~ 4 YEARS.—The  
19       district school board, pursuant to resolution adopted at a  
20       regular meeting, shall direct the county commissioners to call  
21       an election at which the electors within the school district may  
22       approve an ad valorem tax millage as authorized under s.  
23       1011.71(9). Such election may be held at any time, except that  
24       not more than one such election shall be held during any 12-  
25       month period. Any millage so authorized shall be levied for a  
26       period not in excess of 10 ~~4~~ years or until changed by another  
27       millage election, whichever is earlier. If any such election is  
28       invalidated by a court of competent jurisdiction, such  
29       invalidated election shall be considered not to have been held.

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30           Section 2. Public Charter School Capital Outlay Asset  
31 Study.—

32           (1) LEGISLATIVE FINDINGS.—The Legislature finds that  
33 significant public funds have been provided to public charter  
34 schools for capital outlay purposes. Current state law requires  
35 that if a charter school is nonrenewed or terminated, any  
36 unencumbered funds and all equipment and property purchased with  
37 district public funds must revert to the ownership of the  
38 district school board. Similar provisions apply to charter lab  
39 schools. The Legislature finds that there is a compelling state  
40 interest in determining the current value of recoverable assets  
41 purchased with public funds, and the value of intangible or  
42 irrecoverable costs paid with public funds.

43           (2) STUDY.—The Office of Program Policy Analysis and  
44 Government Accountability (OPPAGA), in conjunction with the  
45 Office of the Auditor General, shall conduct a study to  
46 determine the total amount of public capital outlay funds  
47 provided to each public charter school, including lab schools;  
48 the identification and current valuation of all assets  
49 determined to be recoverable from each charter school; and the  
50 identification and current valuation of all assets that are not  
51 recoverable from each charter school, including the reasons why  
52 the assets are not recoverable. OPPAGA shall submit a report of  
53 its findings to the Governor, the President of the Senate, and  
54 the Speaker of the House of Representatives by December 1, 2018.

55           Section 3. Public Charter School Life-Cycle Cost Analysis  
56 Study.—

57           (1) LEGISLATIVE FINDINGS.—The Legislature finds that there  
58 is a compelling state interest in conducting certain life-cycle

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59 cost analyses for public charter schools that have been provided  
60 capital outlay funds from public funds, and which are similar to  
61 life-cycle cost analyses required for other public educational  
62 facilities constructed with public funds. The Legislature seeks  
63 to determine that the expenditure of capital outlay funds  
64 provides the best long-term value for all sectors of the public  
65 education system.

66 (2) STUDY.—The Office of Program Policy Analysis and  
67 Government Accountability, in conjunction with the Office of the  
68 Auditor General, shall conduct life-cycle cost analyses for  
69 public charter schools that have received public funds for  
70 capital outlay purposes and submit a report and recommendations  
71 to the Governor, the President of the Senate, and the Speaker of  
72 the House of Representatives by December 1, 2018. The study must  
73 include all of the following components for each public charter  
74 school that receives public capital outlay funds:

75 (a) The date of initial occupancy.

76 (b) The total cost of construction, including architectural  
77 and engineering fees; the total building construction costs;  
78 site improvement costs; the cost to bring utilities to the site;  
79 administrative overhead construction costs; and initial  
80 furniture, fixtures, and equipment costs. Due to the variability  
81 of land costs across the state, the cost of acquiring the site  
82 may not be considered.

83 (c) The projected number of years of useful life of the  
84 building.

85 (d) The projected number of years before major renovations  
86 would be required to achieve the maximum number of years of  
87 useful life.

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88       (e) The cost of replacing major building components,  
89 including the heating, ventilating, and air conditioning  
90 systems; roofing systems; electrical, life, health, and safety  
91 systems; and information technology systems.

92       (f) A life-cycle cost analysis for each charter school  
93 which considers:

94       1. The anticipated annual energy consumption;

95       2. The relative resistance of the facility to damage by  
96 wind loads and associated debris;

97       3. The resistance of the facility to wood-destroying  
98 organisms;

99       4. The perpetual maintenance costs;

100       5. The resistance of the facility to fire;

101       6. The reasonably expected fuel costs over the life of the  
102 building which are required to maintain illumination, water  
103 heating, temperature, humidity, ventilation, and other energy-  
104 consuming equipment in a facility;

105       7. The reasonable costs of probable maintenance, including  
106 labor and materials, and operation of the building;

107       8. The orientation and integration of the facility with  
108 respect to its physical site;

109       9. The amount and type of glass employed in the facility  
110 and the directions of exposure;

111       10. The effect of insulation incorporated into the facility  
112 design and the effect on solar utilization of the properties of  
113 external surfaces;

114       11. The variable occupancy and operating conditions of the  
115 facility and subportions of the facility;

116       12. An energy consumption analysis of the major equipment

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117 of the facility's heating, ventilating, and cooling systems;  
118 lighting system; hot water system; and all other major energy-  
119 consuming equipment and systems, as appropriate;

120 13. Life-cycle cost criteria published by the Department of  
121 Education for use in evaluating projects; and

122 14. Standards for construction materials and systems based  
123 on life-cycle costs which consider initial costs, maintenance  
124 costs, custodial costs, operating costs, and life expectancy.

125 (g) An identification of the construction methods and  
126 practices used for public charter schools which produce  
127 facilities with equal or longer life expectancy and equal or  
128 less maintenance, repair, and operating costs as compared to  
129 traditional public education facilities. The study must also  
130 include recommendations for and authorization by local school  
131 districts to use such construction methods and practices to  
132 maintain or increase the life expectancy of buildings, including  
133 any related statutory changes that are required.

134 Section 4. This act shall take effect July 1, 2018.