

1                                   A bill to be entitled  
 2           An act relating to discretionary education funding;  
 3           providing a short title; amending s. 1011.71, F.S.;  
 4           increasing the maximum millage a district school board  
 5           may levy for capital outlay purposes; amending ss.  
 6           1013.64 and 1013.738, F.S.; conforming provisions to  
 7           changes made by the act; providing an effective date.  
 8

9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. This act may be cited as the "Reinventing Our  
 12 Schools Act."

13           Section 2. Subsection (2) and paragraph (a) of subsection  
 14 (3) of section 1011.71, Florida Statutes, are amended to read:  
 15           1011.71 District school tax.—

16           (2) In addition to the maximum millage levy as provided in  
 17 subsection (1), each school board may levy up to 1.75 ~~not more~~  
 18 ~~than 1.5~~ mills against the taxable value for school purposes for  
 19 district schools, including charter schools at the discretion of  
 20 the school board, to fund:

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

27 (b) Maintenance, renovation, and repair of existing school  
 28 plants or of leased facilities to correct deficiencies pursuant  
 29 to s. 1013.15(2).

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

32 (d) The purchase, lease-purchase, or lease of new and  
 33 replacement equipment; computer hardware, including electronic  
 34 hardware and other hardware devices necessary for gaining access  
 35 to or enhancing the use of electronic content and resources or  
 36 for facilitating ~~to facilitate~~ the access to and the use of a  
 37 school district's local instructional improvement electronic  
 38 ~~learning management~~ system pursuant to s. 1006.281, excluding  
 39 software other than the operating system necessary to operate  
 40 the hardware or device; and enterprise resource software  
 41 applications that are classified as capital assets in accordance  
 42 with definitions of the Governmental Accounting Standards Board,  
 43 have a useful life of at least 5 years, and are used to support  
 44 districtwide administration or state-mandated reporting  
 45 requirements.

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

53 by a district school board pursuant to this paragraph.

54 (f) Payment of loans approved pursuant to ss. 1011.14 and  
55 1011.15.

56 (g) Payment of costs directly related to complying with  
57 state and federal environmental statutes, rules, and regulations  
58 governing school facilities.

59 (h) Payment of costs of leasing relocatable educational  
60 facilities, of renting or leasing educational facilities and  
61 sites pursuant to s. 1013.15(2), or of renting or leasing  
62 buildings or space within existing buildings pursuant to s.  
63 1013.15(4).

64 (i) Payment of the cost of school buses when a school  
65 district contracts with a private entity to provide student  
66 transportation services if the district meets the requirements  
67 of this paragraph.

68 1. The district's contract must require that the private  
69 entity purchase, lease-purchase, or lease, and operate and  
70 maintain, one or more school buses of a specific type and size  
71 which ~~that~~ meet the requirements of s. 1006.25.

72 2. Each such school bus must be used for the daily  
73 transportation of public school students in the manner required  
74 by the school district.

75 3. Annual payment for each such school bus may not exceed  
76 10 percent of the purchase price of the state pool bid.

77 4. The proposed expenditure of the funds for this purpose  
78 must have been included in the district school board's notice of

79 | proposed tax for school capital outlay as provided in s.  
 80 | 200.065(10).

81 | (j) Payment of the cost of the opening day collection for  
 82 | the library media center of a new school.

83 | (3) (a) Notwithstanding subsection (2), if the revenue from  
 84 | 1.75 ~~1.5~~ mills is insufficient to meet the payments due under a  
 85 | lease-purchase agreement entered into before June 30, 2009, by a  
 86 | district school board pursuant to paragraph (2) (e), or to meet  
 87 | other critical district fixed capital outlay needs, the board,  
 88 | in addition to the 1.75 ~~1.5~~ mills, may levy up to 0.25 mills for  
 89 | fixed capital outlay in lieu of levying an equivalent amount of  
 90 | the discretionary mills for operations as provided in the  
 91 | General Appropriations Act. Millage levied pursuant to this  
 92 | subsection is subject to ~~the provisions of~~ s. 200.065 and,  
 93 | combined with the 1.75 ~~1.5~~ mills authorized in subsection (2),  
 94 | may not exceed 2 ~~1.75~~ mills. If the district chooses to use up  
 95 | to 0.25 mills for fixed capital outlay, the compression  
 96 | adjustment pursuant to s. 1011.62(5) shall be calculated for the  
 97 | standard discretionary millage that is not eligible for transfer  
 98 | to capital outlay.

99 | Section 3. Paragraph (a) of subsection (2) and paragraph  
 100 | (b) of subsection (6) of section 1013.64, Florida Statutes, are  
 101 | amended to read:

102 | 1013.64 Funds for comprehensive educational plant needs;  
 103 | construction cost maximums for school district capital  
 104 | projects.—Allocations from the Public Education Capital Outlay

105 and Debt Service Trust Fund to the various boards for capital  
106 outlay projects shall be determined as follows:

107 (2) (a) The department shall establish, as a part of the  
108 Public Education Capital Outlay and Debt Service Trust Fund, a  
109 separate account, in an amount determined by the Legislature, to  
110 be known as the "Special Facility Construction Account." The  
111 Special Facility Construction Account shall be used to provide  
112 necessary construction funds to school districts that ~~which~~ have  
113 urgent construction needs but that ~~which~~ lack sufficient  
114 resources at present, and cannot reasonably anticipate  
115 sufficient resources within the period of the next 3 years, for  
116 these purposes from currently authorized sources of capital  
117 outlay revenue. A school district requesting funding from the  
118 Special Facility Construction Account shall submit one specific  
119 construction project, not to exceed one complete educational  
120 plant, to the Special Facility Construction Committee. A ~~No~~  
121 district may not ~~shall~~ receive funding for more than one  
122 approved project in any 3-year period. The first year of the 3-  
123 year period shall be the first year a district receives an  
124 appropriation. The department shall encourage a construction  
125 program that reduces the average size of schools in the  
126 district. The request must meet the following criteria to be  
127 considered by the committee:

128 1. The project must be deemed a critical need and must be  
129 recommended for funding by the Special Facility Construction  
130 Committee. Prior to developing plans for the proposed facility,

131 the district school board must request a preapplication review  
132 by the Special Facility Construction Committee or a project  
133 review subcommittee convened by the committee to include two  
134 representatives of the department and two staff from school  
135 districts not eligible to participate in the program. Within 60  
136 days after receiving the preapplication review request, the  
137 committee or subcommittee shall ~~must~~ meet in the school district  
138 to review the project proposal and existing facilities. To  
139 determine whether the proposed project is a critical need, the  
140 committee or subcommittee shall consider, at a minimum, the  
141 capacity of all existing facilities within the district as  
142 determined by the Florida Inventory of School Houses; the  
143 district's pattern of student growth; the district's existing  
144 and projected capital outlay full-time equivalent student  
145 enrollment as determined by the department; the district's  
146 existing satisfactory student stations; the use of all existing  
147 district property and facilities; grade level configurations;  
148 and any other information that may affect the need for the  
149 proposed project.

150 2. The construction project must be recommended in the  
151 most recent survey or surveys by the district under the rules of  
152 the State Board of Education.

153 3. The construction project must appear on the district's  
154 approved project priority list under the rules of the State  
155 Board of Education.

156 4. The district must have selected and had approved a site

157 for the construction project in compliance with s. 1013.36 and  
158 the rules of the State Board of Education.

159 5. The district must ~~shall~~ have developed a district-  
160 school-board-adopted ~~district school board adopted~~ list of  
161 facilities that do not exceed the norm for net square feet  
162 occupancy requirements under the State Requirements for  
163 Educational Facilities, using all possible programmatic  
164 combinations for multiple use of space to obtain maximum daily  
165 use of all spaces within the facility under consideration.

166 6. Upon construction, the total cost per student station,  
167 including change orders, may ~~must~~ not exceed the cost per  
168 student station as provided in subsection (6).

169 7. ~~There shall be an agreement signed by~~ The district  
170 school board shall sign an agreement stating that it will  
171 advertise for bids within 30 days of receipt of its encumbrance  
172 authorization from the department.

173 8. The district must ~~shall~~, at the time of the request and  
174 for a continuing period of 3 years, levy the maximum millage  
175 against its ~~their~~ nonexempt assessed property value as allowed  
176 in s. 1011.71(2) or must ~~shall~~ raise an equivalent amount of  
177 revenue from the school capital outlay surtax authorized under  
178 s. 212.055(6). Any district with a new or active project that  
179 is, ~~the provisions of~~ this subsection, ~~shall be~~  
180 ~~required to~~ budget up to ~~no more than~~ the value of 1.75 ~~1.5~~  
181 mills per year to the project to satisfy the annual  
182 participation requirement in the Special Facility Construction

183 Account.

184 9. If a contract has not been signed 90 days after the  
 185 advertising of bids, the funding for the specific project must  
 186 ~~shall~~ revert to the Special Facility New Construction Account to  
 187 be reallocated to other projects on the list. However, an  
 188 additional 90 days may be granted by the commissioner.

189 10. The department must ~~shall~~ certify the inability of the  
 190 district to fund the survey-recommended project over a  
 191 continuous 3-year period using projected capital outlay revenue  
 192 derived from s. 9(d), Art. XII of the State Constitution, as  
 193 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

194 11. The district must ~~shall~~ have on file with the  
 195 department an adopted resolution acknowledging its 3-year  
 196 commitment of all unencumbered and future revenue acquired from  
 197 s. 9(d), Art. XII of the State Constitution, as amended,  
 198 paragraph (3)(a) of this section, and s. 1011.71(2).

199 12. Final phase III plans must be certified by the board  
 200 as complete and in compliance with the building and life safety  
 201 codes prior to August 1.

202 (6)

203 (b)1. A district school board may ~~must~~ not use funds from  
 204 the following sources: the Public Education Capital Outlay and  
 205 Debt Service Trust Fund; the School District and Community  
 206 College District Capital Outlay and Debt Service Trust Fund;  
 207 Classrooms First Program funds provided in s. 1013.68; the  
 208 nonvoted 1.75-mill ~~1.5-mill~~ levy of ad valorem property taxes



209 provided in s. 1011.71(2); Classrooms for Kids Program funds  
 210 provided in s. 1013.735; District Effort Recognition Program  
 211 funds provided in s. 1013.736; or High Growth District Capital  
 212 Outlay Assistance Grant Program funds provided in s. 1013.738  
 213 for any new construction of educational plant space with a total  
 214 cost per student station, including change orders, which ~~that~~  
 215 equals more than:

- 216 a. ~~\$17,952~~ for an elementary school; or
- 217 b. ~~\$19,386~~ for a middle school; or
- 218 c. ~~\$25,181~~ for a high school,

219  
 220 (January 2006) as adjusted annually to reflect increases or  
 221 decreases in the Consumer Price Index.

222 2. A district school board may ~~must~~ not use funds from the  
 223 Public Education Capital Outlay and Debt Service Trust Fund or  
 224 the School District and Community College District Capital  
 225 Outlay and Debt Service Trust Fund for any new construction of  
 226 an ancillary plant which ~~that~~ exceeds 70 percent of the average  
 227 cost per square foot of new construction for all schools.

228 Section 4. Paragraphs (a) and (b) of subsection (2) and  
 229 paragraph (a) of subsection (3) of section 1013.738, Florida  
 230 Statutes, are amended to read:

231 1013.738 High Growth District Capital Outlay Assistance  
 232 Grant Program.—

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

235 (a) The district must have levied the maximum ~~full 2 mills~~  
236 ~~of~~ nonvoted discretionary capital outlay millage authorized in  
237 s. 1011.71(2) for each of the past 4 fiscal years.

238 (b) Fifty percent of the revenue derived from the maximum  
239 ~~2-mill~~ nonvoted discretionary capital outlay millage authorized  
240 in s. 1011.71(2) for the past 4 fiscal years, when divided by  
241 the district's growth in capital outlay FTE students over this  
242 period, produces a value that is less than the average cost per  
243 student station calculated pursuant to s. 1013.64(6)(b)1., and  
244 weighted by statewide growth in capital outlay FTE students in  
245 elementary, middle, and high schools for the past 4 fiscal  
246 years.

247 (3) The funds provided in the General Appropriations Act  
248 shall be allocated pursuant to the following methodology:

249 (a) For each eligible district, the Department of  
250 Education shall calculate the value of 50 percent of the revenue  
251 derived from the maximum ~~2-mill~~ nonvoted discretionary capital  
252 outlay millage authorized in s. 1011.71(2) for the past 4 fiscal  
253 years divided by the increase in capital outlay FTE students for  
254 the same period.

255 Section 5. This act shall take effect July 1, 2014.