


## MEMORANDUM

February 10, 2016

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Alberto M. Carvalho, Superintendent of Schools 

**SUBJECT: 2016 LEGISLATIVE SESSION – WEEK #4, FEBRUARY 1-5, 2016**

The Florida Legislature has completed the fourth week of its 60-day 2016 regular legislative session that began on Tuesday, January 12, 2016. The 2016 legislative session is nearing its midpoint.

### SCHOOL CONSTRUCTION

Late Friday, a Proposed Committee Substitute was released for HB 873 modifying requirements for education fixed capital outlay funding for school districts and public charter schools. Specifically, the bill replaces the existing eligibility criteria for charter school outlay funding.

The bill modifies eligible criteria for charter school capital outlay funding. A charter school must:

- Be in operation for 2 or more years;
- Have no more than two consecutive school grades lower than "B" unless the school serves a student population at least 50 percent of which is eligible for free or reduced-price meals; and
- Have an annual audit with no financial emergency conditions; or
- Be part of a high-performing charter school system;
- Must have received final approval from its sponsor for operation during that fiscal year; and,
- Have not operated in facilities provided by the sponsor in order to receive capital outlay funding.

The bill also eliminates provisions granting priority for funding to charter schools that received capital outlay funding in FY 2005-2006 and revises the methodology for calculating the amount of state funding for charter school capital outlay from 1/15th to 1/40th of the cost per student station. If state funds for charter school capital outlay do not fully fund 1/40th of the cost per student station or the amount of per student funding generated by the district school board's discretionary ad valorem tax levy for capital outlay, whichever is less, then the school district must share discretionary ad valorem tax revenues to make up the difference.

The bill further modifies current law regarding the Special Facility Construction Account (SFCA), which provides construction funds to school districts that have urgent

construction needs but lack sufficient resources to incorporate technical changes suggested by the Florida Department of Education (DOE) as well as recommendations by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to improve the effectiveness of the construction projects funded by the SFCA.

Specifically, the bill:

- Modifies school district participation requirements pertaining to new construction funding and discretionary capital improvement millage funding;
- Changes the annual deadline for district school boards to certify final phase construction plans as complete and in compliance with the required codes;
- Specifies that a representative of the department must chair the Special Facility Construction Committee (SFCC); and
- Modifies requirements relating to application review, student enrollment projections, educational plant surveys, and project cost overruns.

Changes are also made to the requirements for school district construction costs. The bill:

- Modifies the revenue sources which are not allowed to be expended in amounts above the statutory costs per student station to include all capital outlay revenue sources available to school districts;
- Restricts school district eligibility for state Public Capital Outlay and Debt Service Trust Fund (PECO) appropriations for three years if the district exceeds the statutory cost per student station for school construction projects; and,
- Requires the (DOE) and the Office of Economic and Demographic Research (EDR) to work in consultation to study the actual costs of construction and submit recommendations to the legislation on new statutory costs per student station for school construction projects.

If HB 873 passes in its current form, school districts would be required to provide payments from the 1.5 mill levy local ad valorem revenues to charter schools, between \$62.9 to \$152.5 million, depending on the final appropriations. As you may recall, the House 2016-2017 General Appropriations Act (GAA) provides \$90 million in state appropriations for charter school capital outlay while the Senate GAA provides charters no monies for capital funding.

## GUNS

The House of Representatives passed several proposals related to guns despite the fact that those bills may be going nowhere in the Florida Senate. The Florida House passed HB 4001 that would allow concealed weapons license holders to carry a gun or weapon on a college and/or university campus. The Senate companion, SB 68, is currently in Senate Judiciary Committee. Senator Diaz de la Portilla, who chairs Senate Judiciary, has indicated that he will not hear that legislation. The Florida House of Representatives also passed HB 163 which would allow a concealed weapon license holder to carry a gun anywhere that it is not specifically prohibited by law. The companion bill in the Senate,

SB 300, is also in Senate Judiciary, and the chairman has not indicated whether it will be heard.

### **BUDGET DEVELOPMENT TIMELINE**

As anticipated, both the House and the Senate passed their proposed budgets for 2016 General Appropriations Act and related implementing bills out of Appropriations committees on Wednesday, February 3, 2016. The House of Representatives and Senate have scheduled second and third readings of their respective budget proposals on February 10-11, 2016. After final passage, conferees will be appointed so that differences can be resolved.

### **BOARD'S LEGISLATIVE PRIORITIES**

HB 535, sponsored by Representative Eagle, related to the Florida Building Code, includes language that would ensure that the District may continue to offer its iSwim program. The bill passed unanimously by the House Government Operations Appropriations committee. The Senate companion, SB 704, sponsored by Senator Hutson, was heard in Senate Community Affairs on Monday, February 1, 2016, and passed unanimously.

School board members were in Tallahassee, Florida, last week advocating for more funding and other issues. Specifically, representatives from the Greater Florida Consortium of School Boards met with Ms. Kim McDougal from the Governor's office; Senators Flores, Munford; and, Representatives Adkins, Crisafuli, Fresen, and Pafford. Dr. Holloway represented Miami-Dade schools at these meetings.

### **UPCOMING EVENTS**

Miami-Dade County Days take place on February 9-10, 2016, and the Board's advocacy trip is scheduled for February 16, 2016.

If you have any questions or need additional information please contact Ms. Iraida R. Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-1497.

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cc: School Board Attorney  
Superintendent's Cabinet