

By the Committee on Education Innovation and Representatives Melvin, Arnold, Warner, Boyd, Wallace, Ziebarth, Clemons, Dockery, Murman, Andrews and Wise

1                                   A bill to be entitled  
2           An act relating to educational facilities and  
3           funding; providing for a review over a 4-year  
4           period of the Florida Statutes that govern  
5           agency operations; requiring the Commissioner  
6           of Education to review rules relating to school  
7           facilities and recommend revision or repeal;  
8           authorizing the commissioner to recommend  
9           revision or repeal of statutes; establishing  
10          the School Infrastructure Thrift Program within  
11          the Department of Education; requiring the  
12          Department of Education to seek elimination or  
13          revision of certain laws, rules, and  
14          regulations; providing program purposes;  
15          providing for annual funding; providing that  
16          appropriations shall not revert; providing  
17          intent for continued program funding;  
18          authorizing school district participation in  
19          the program and providing requirements;  
20          requiring review of data and proposals and  
21          recommendation for awards; providing for awards  
22          and restricting the use thereof; providing  
23          penalties for noncompliance; creating s.  
24          235.216, F.S.; providing for maximum square  
25          foot cost of educational facilities; providing  
26          frugal construction incentives; amending s.  
27          236.25, F.S., relating to district school tax;  
28          limiting the use of nonvoted discretionary  
29          capital outlay millage proceeds; providing a  
30          penalty for violations of the expenditure  
31          restrictions; authorizing a waiver of the

1 expenditure restrictions; amending s. 235.435,  
2 F.S., relating to funds for comprehensive  
3 educational plant needs; revising requirements  
4 and providing additional criteria for funding  
5 from the Special Facility Construction Account;  
6 amending s. 235.014, F.S.; revising functions  
7 of the Department of Education; amending s.  
8 235.15, F.S.; requiring uniformity in surveys  
9 of educational facilities; providing additional  
10 survey requirements; requiring validation of  
11 use of standardized measures by the Department  
12 of Education; amending s. 236.083, F.S.;  
13 providing for a guaranteed allocation from  
14 student transportation funding for new schools  
15 meeting certain requirements; providing for  
16 calculation; authorizing transfer of such  
17 amount to the district capital improvement  
18 account for construction, financing, or  
19 lease-purchase of new schools; requiring the  
20 Department of Education to recommend certain  
21 incentives; authorizing the adoption of rules;  
22 providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. (1) The Legislature shall conduct a  
27 systematic review of the Florida Statutes that govern agency  
28 operations. The review shall cover a period of 4 years  
29 beginning July 1, 1997, and ending July 1, 2001. The purpose  
30 of the review is to eliminate obsolete, excessively  
31 restrictive, and unnecessary requirements so as to provide

1 agencies with maximum flexibility to reduce costs and increase  
2 savings toward the goal of assisting with the need for school  
3 facilities.

4 (2)(a) The Commissioner of Education shall review  
5 rules of the State Board of Education and of the Department of  
6 Education annually by February 1 and recommend revisions or  
7 repeals designed to result in additional flexibility for  
8 school districts in the construction, leasing, or repair of  
9 facilities and related matters affecting the physical quality  
10 of classrooms for instructional purposes.

11 (b) The Commissioner of Education shall recommend to  
12 the Legislature annually the revision or repeal of provisions  
13 of the Florida Statutes that restrict the flexibility of  
14 school districts in the construction, leasing, or repair of  
15 facilities and related matters affecting the physical quality  
16 of classrooms for instructional purposes.

17 Section 2. School Infrastructure Thrift Program Act.--

18 (1) This section may be cited as the "School  
19 Infrastructure Thrift Program Act of 1997."

20 (2) The School Infrastructure Thrift Program (SIT  
21 Program) is established within the Department of Education,  
22 and the State Board of Education may adopt rules as necessary  
23 to operate the program. To facilitate the program's purposes,  
24 the department shall aggressively seek the elimination or  
25 revision of obsolete, excessively restrictive, or unnecessary  
26 laws, rules, and regulations for the purpose of reducing  
27 construction and related costs without sacrificing safety or  
28 quality of construction. Such efforts must include, but are  
29 not limited to, the elimination of duplicate or overlapping  
30 inspections; the relaxation of requirements relating to  
31 landscaping, operable glazing, operable windows, radon

1 testing, firesafety, and emergency shelter construction where  
2 lawful, safe, and cost-beneficial; and other cost savings  
3 identified as lawful, safe, and cost-beneficial. The program's  
4 purposes are to:

5 (a) Facilitate cost savings by school districts  
6 relating to facilities construction.

7 (b) Provide incentives for school districts to  
8 maximize dollars available for facilities construction and  
9 related costs.

10 (c) Provide a funding mechanism for utilization solely  
11 related to the construction of new instructional facilities.

12 (3) Funds shall be appropriated to the SIT Program on  
13 an annual basis as determined by the Legislature.

14 Notwithstanding ss. 216.301 and 216.351, Florida Statutes,  
15 undisbursed balances of appropriations to the SIT Program  
16 shall not revert. It is the intent of the Legislature to  
17 continue funding the SIT Program with funds available through  
18 frugal government operation and agency savings.

19 (4) School districts may participate in the SIT  
20 Program by local option of the school board. Participating  
21 school districts may access the funds in the program as of  
22 July 1, 1997, for projects commenced after or for projects  
23 underway at the time this act becomes a law, but must  
24 establish compliance with s. 235.216, Florida Statutes, at the  
25 time of the initial report required by subsection (5).

26 (5)(a) Annually by December 30, beginning in 1997,  
27 each participating school district shall report to the  
28 Commissioner of Education, with supporting data, its  
29 compliance with subsection (4), together with any proposal for  
30 spending SIT Program dollars on new projects within the  
31 district commencing the following fiscal year.

1           (b) The commissioner shall examine the data and  
2 proposals from each school district and, by February 1, shall  
3 report the district's compliance with subsection (4) for the  
4 prior fiscal year and make recommendations, ranked in order of  
5 priority, for SIT Program awards for the following fiscal  
6 year.

7           (c) If a school district received SIT Program funds  
8 before December 30, 1997, and failed to comply with subsection  
9 (4), the district may not receive an award the following  
10 fiscal year and must return the dollars not spent or  
11 encumbered as required by subsection (4) with interest thereon  
12 at the legal rate.

13           (d) The commissioner's criteria for SIT Program  
14 evaluation and recommendation for awards must be based on the  
15 school district meeting the requirements in subsection (4),  
16 soundness of the proposal, school district need, and the  
17 balance of dollars in the SIT Program.

18           (6) Awards from the SIT Program shall be made by the  
19 commissioner from funds appropriated by the Legislature and  
20 may only be used for construction of a new instructional  
21 facility and related costs. SIT Program dollars that are not  
22 spent or encumbered as required by subsection (4) must be  
23 returned to the SIT Program as required by paragraph (5)(c).

24           (7) For each new project of a school district that  
25 meets the criteria of subsection (4), the commissioner may  
26 award up to 20 percent of the total project cost from SIT  
27 Program dollars.

28           Section 3. Section 235.216, Florida Statutes, is  
29 created to read:

30           235.216 Maximum square foot cost of educational  
31 facilities; frugal construction incentives.--

1       (1) It is the intent of the Legislature that district  
2 school boards that seek awards of SIT Program funds use due  
3 diligence and sound business practices in the design,  
4 construction, and use of educational facilities.

5       (2)(a) Beginning with the 1997-1998 fiscal year, the  
6 maximum total cost per square foot for each type of school,  
7 elementary school, middle school, and high school, in a  
8 district seeking funding assistance from the SIT Program shall  
9 not exceed the most current 5-year statewide average square  
10 foot total cost published by the Department of Education,  
11 adjusted by inflation and the most current Marshall and Swift  
12 Construction Cost Index of Florida counties. If federal funds  
13 are used, the maximum square foot total cost may be adjusted  
14 to accommodate federal requirements.

15       (b) Upon completion of construction, the total project  
16 cost, including change orders, must not exceed the adjusted  
17 statewide average cost per gross square foot, adjusted by the  
18 construction cost index and the 5-year statewide average  
19 inflation rate; must not exceed the minimum square footage per  
20 student specified in the State Requirements for Educational  
21 Facilities, 1997; and must not exceed the adjusted statewide  
22 average cost per student station.

23       (3) Notwithstanding s. 236.25(2)(e), upon the vote of  
24 a majority plus one of the school board to comply with this  
25 section, the school board may then use up to three-fourths of  
26 the proceeds levied pursuant to s. 236.25(2) for payments for  
27 educational facilities and sites due under a lease-purchase  
28 agreement entered into by the school board pursuant to s.  
29 230.23(9)(b)5. or s. 235.056(2).

30       Section 4. Subsection (5) is added to section 236.25,  
31 Florida Statutes, to read:

1           236.25 District school tax.--  
2           (5)(a) By July 1, 2005, revenue generated by the  
3 millage levy authorized by subsection (2) may be used only for  
4 site acquisition or improvement, construction, renovation,  
5 remodeling, repair, and maintenance of educational facilities;  
6 for the purchase, lease, or lease-purchase of equipment,  
7 buildings, and materials directly related to the delivery of  
8 student instruction; and for the purchase, lease-purchase, or  
9 lease of school buses.  
10          (b) Beginning in fiscal year 1997-1998, a district  
11 school board may spend for purposes other than site  
12 acquisition or improvement, construction, renovation,  
13 remodeling, repair, and maintenance of educational facilities,  
14 the purchase, lease, or lease-purchase of equipment,  
15 buildings, and materials directly related to instruction, and  
16 the purchase, lease-purchase, or lease of school buses no more  
17 than 10 percent less than the amount that was spent for those  
18 purposes, including salaries, in fiscal year 1995-1996 from  
19 the proceeds of the millage levied under subsection (2).  
20          (c) Beginning in fiscal year 1998-1999, and each year  
21 thereafter until July 1, 2005, or until the school board meets  
22 the requirements of paragraph (a), whichever occurs earlier, a  
23 district school board may spend for purposes other than site  
24 acquisition or improvement, construction, renovation,  
25 remodeling, repair, and maintenance of educational facilities,  
26 the purchase, lease, or lease-purchase of equipment,  
27 buildings, and materials directly related to instruction, and  
28 the purchase, lease-purchase, or lease of school buses no more  
29 than 10 percent less than the amount that was spent for those  
30 purposes, including salaries, the preceding fiscal year.  
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1 A district that violates these expenditure restrictions shall  
2 have an equal dollar reduction in funds appropriated to the  
3 district under s. 236.081 in the fiscal year following the  
4 audit citation. Any school district that demonstrates that its  
5 capital outlay needs are satisfied by its current capital  
6 outlay millage may request a waiver, from the Commissioner of  
7 Education, of the expenditure restrictions of this subsection.

8 Section 5. Paragraph (a) of subsection (2) of section  
9 235.435, Florida Statutes, is amended to read:

10 235.435 Funds for comprehensive educational plant  
11 needs.--Allocations from the Public Education Capital Outlay  
12 and Debt Service Trust Fund to the various boards for capital  
13 outlay projects shall be determined as follows:

14 (2)(a) The department shall establish, as a part of  
15 the Public Education Capital Outlay and Debt Service Trust  
16 Fund, a separate account, in an amount determined by the  
17 Legislature, to be known as the "Special Facility Construction  
18 Account." The Special Facility Construction Account shall be  
19 used to provide necessary construction funds to school  
20 districts which have urgent construction needs but which lack  
21 sufficient resources at present, and cannot reasonably  
22 anticipate sufficient resources within the period of the next  
23 3 years, for these purposes from currently authorized sources  
24 of capital outlay revenue. A school district requesting  
25 funding from the Special Facility Construction Account shall  
26 submit one specific construction project, not to exceed one  
27 complete educational plant, to the Special Facility  
28 Construction Committee. Except as otherwise provided,no  
29 district shall receive funding for more than one approved  
30 project in any 3-year ~~5-year~~ period. The first year of the  
31 3-year ~~5-year~~ period shall be the first year a district



1 receives an appropriation. The department shall encourage a  
2 construction program that reduces the average size of schools  
3 in the district.The request must meet the following criteria  
4 to be considered by the committee:  
5       1. The project must be deemed a critical need and must  
6 be recommended for funding by the Special Facility  
7 Construction Committee. Prior to developing plans for the  
8 proposed facility, the district school board must request a  
9 preapplication review by the Special Facility Construction  
10 Committee or a project review subcommittee convened by the  
11 committee to include two representatives of the department and  
12 two staff from school districts other than the district  
13 submitting the project. Within 60 days after receiving the  
14 preapplication review request, the committee or subcommittee  
15 must meet in the school district to review the project  
16 proposal and existing facilities. To determine whether the  
17 proposed project is a critical need, the committee or  
18 subcommittee shall consider, at a minimum, the capacity of all  
19 existing facilities within the district as determined by the  
20 Florida Inventory of School Houses; the district's pattern of  
21 student growth; the district's existing and projected capital  
22 outlay full-time equivalent student enrollment as determined  
23 by the department; the district's existing satisfactory  
24 student stations; the use of all existing district property  
25 and facilities; grade level configurations; and any other  
26 information that may affect the need for the proposed project.  
27       ~~2.1.~~ The construction project must be recommended in  
28 the most recent survey or surveys by the district under the  
29 rules of the State Board of Education.  
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1           ~~3.2.~~ The construction project must appear on the  
2 district's approved project priority list under the rules of  
3 the State Board of Education.

4           ~~4.3.~~ The district must have selected and had approved  
5 a site for the construction project in compliance with s.  
6 235.19 and the rules of the State Board of Education.

7           ~~5.4.~~ The district shall have a school board adopted  
8 facility list developed not to exceed the minimum ~~normal~~ net  
9 square feet occupancy requirements under the rules of the  
10 State Board of Education.

11           ~~6.5.~~ There shall be an agreement signed by the  
12 district school board stating that it will advertise for bids  
13 within 30 days of receipt of its encumbrance authorization  
14 from the department.

15           ~~7.6.~~ The district shall, at the time of the request  
16 and for a continuing period of 3 years, levy the maximum  
17 millage against their nonexempt assessed property value as  
18 allowed in s. 236.25(2). Effective July 1, 1991, any district  
19 with a new or active project, funded under the provisions of  
20 this subsection, shall be required to budget no more than the  
21 value of 1.5 mills per year to the project to satisfy the  
22 annual participation requirement in the Special Facility  
23 Construction Account.

24           ~~8.7.~~ If a contract has not been signed 90 days after  
25 the advertising of bids, the funding for the specific project  
26 shall revert to the Special Facility New Construction Account  
27 to be reallocated to other projects on the list. However, an  
28 additional 90 days may be granted by the commissioner.

29           ~~9.8.~~ The department shall certify the inability of the  
30 district to fund the survey-recommended project over a  
31 continuous 3-year period using projected capital outlay

1 revenue derived from s. 9(d), Art. XII of the State  
2 Constitution, as amended, paragraph (3)(a) of this section,  
3 and s. 236.25(2).

4 ~~10.9.~~ The district shall have on file with the  
5 department an adopted resolution acknowledging its 3-year  
6 commitment of all unencumbered and future revenue acquired  
7 from s. 9(d), Art. XII of the State Constitution, as amended,  
8 paragraph (3)(a) of this section, and s. 236.25(2).

9 ~~11.10.~~ Final phase III plans must be certified by the  
10 board as complete and in compliance with the building and life  
11 safety codes prior to August 1.

12 Section 6. Subsections (3) and (4) and paragraph (a)  
13 of subsection (10) of section 235.014, Florida Statutes, are  
14 amended to read:

15 235.014 Functions of the department.--The functions of  
16 the department shall include, but not be limited to, the  
17 following; it shall:

18 (3) Require boards, including the Board of Regents, to  
19 submit other educational plant inventories data and  
20 statistical data or information relevant to construction, and  
21 capital improvements, and related costs.

22 (4) Require each board, including the Board of  
23 Regents, all agencies of the state, and other appropriate  
24 agencies to submit complete and accurate financial data as to  
25 the amounts of funds from all sources that are available and  
26 spent for construction and capital improvements. Such data  
27 must be verified and auditable. The commissioner, in  
28 cooperation with the Auditor General, shall prescribe the  
29 format and the date for the submission of this data and any  
30 other educational facilities data. If any district does not  
31 submit the required educational facilities fiscal data by the

1 prescribed date, the commissioner shall notify the district  
2 school board of this fact and, if appropriate action is not  
3 taken to immediately submit the required report, the district  
4 school board shall be directed to proceed pursuant to the  
5 provisions of s. 230.23(11)(b). If any community college or  
6 university does not submit the required educational facilities  
7 fiscal data by the prescribed date, the same policy prescribed  
8 above for school districts shall be implemented.

9 (10)(a) ~~When required by the State Constitution,~~  
10 Review and validate that surveys proposed or amended by the  
11 boards were prepared in compliance with the standardized  
12 measures required pursuant to s. 235.15(1)(b)and, when  
13 required by the State Constitution, recommend to the State  
14 Board of Education, for approval, surveys that meet the  
15 requirements of this chapter.

16 Section 7. Subsection (1) of section 235.15, Florida  
17 Statutes, is amended to read:

18 235.15 Educational plant survey; PECO project  
19 funding.--

20 (1) At least every 5 years, each board, including the  
21 Board of Regents, shall arrange for an educational plant  
22 survey, to aid in formulating plans for housing the  
23 educational program and student population, faculty,  
24 administrators, staff, and auxiliary and ancillary services of  
25 the district or campus, including consideration of the local  
26 comprehensive plan. ~~Before educational plant survey of a~~  
27 ~~school district or community college that delivers career or~~  
28 ~~adult education programs,~~The Division of Applied Technology  
29 and Adult Education shall document ~~establish documentation of~~  
30 the need for additional career and adult education programs  
31 and the continuation of existing programs before facility

1 construction or renovation related to career or adult  
2 education may be included in the education plant survey of a  
3 school district or community college that delivers career or  
4 adult education programs. Information used by the Division of  
5 Applied Technology and Adult Education to establish facility  
6 needs must include, but need not be limited to, labor market  
7 data, needs analysis, and information submitted by the school  
8 district or community college.

9 (a) Each survey shall be conducted by the board or an  
10 agency employed by the board. Surveys shall be reviewed and  
11 approved by the board, and a file copy shall be submitted to  
12 the commissioner. The survey report shall include at least an  
13 inventory of existing educational and ancillary plants;  
14 recommendations for existing educational and ancillary plants;  
15 recommendations for new educational or ancillary plants,  
16 including the general location of each in coordination with  
17 the land use plan; campus master plan update and detail for  
18 community colleges; the utilization of school plants based on  
19 an extended school day or year-round operation; and such other  
20 information as may be required by the rules of the State Board  
21 of Education. This report may be amended, if conditions  
22 warrant, at the request of the board or commissioner.

23 (b) Each educational plant survey completed after  
24 January 1, 1998, must use verified and auditable uniform data  
25 sources and criteria so that all plant surveys are generated  
26 based on standardized measures. The standardized measures  
27 shall be developed by the commissioner, in cooperation with  
28 the Auditor General, by January 1, 1998. Each educational  
29 plant survey completed after June 30, 1995, and before January  
30 1, 1998, must be revised, if necessary, to comply with this

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1 paragraph. Each revised educational plant survey and each new  
2 educational plant survey supersedes previous surveys.

3 1. Each school district's survey must reflect the  
4 capacity of existing facilities as reported in the Florida  
5 Inventory of School Houses. Projections of facility space  
6 needs may not exceed the minimum space and occupant design  
7 criteria established by rule of the State Board of Education.

8 Existing and projected capital outlay full-time equivalent  
9 student enrollment must be consistent with data prepared by  
10 the department. Relocatables shall be included in the school  
11 district inventory of facilities and must be rated at 100  
12 percent of actual student capacity for purposes of the  
13 inventory. For future needs determination, relocatables shall  
14 not be counted. However, an adjustment shall be made for  
15 deficiencies in core space because of the use of relocatables  
16 portables.

17 2. Each special facility, joint-use facility, or  
18 cooperative vocational education facility must be based on  
19 capital outlay full-time equivalent student enrollment data  
20 prepared by the department for school districts, by the  
21 Division of Community Colleges for community colleges, and by  
22 the Board of Regents for state universities. A survey of space  
23 needs of a joint-use facility shall be based on the respective  
24 space needs of the school districts, community colleges, and  
25 universities, as appropriate. Projections of facility space  
26 needs may not exceed the minimum space and occupant design  
27 criteria established by rule of the State Board of Education.

28 3. The educational plant survey of a school district  
29 may include space needs that deviate from approved standards  
30 for determining space needs if the deviation is justified, to  
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1 the satisfaction of the department, as necessary for the  
2 delivery of an approved educational program.

3 ~~(c) When required by the State Constitution,~~The  
4 department shall review and validate that the surveys and any  
5 amendments thereto were prepared in for compliance with the  
6 requirements of this chapter and with the standardized  
7 measures required pursuant to paragraph (b)and, when required  
8 by the State Constitution,shall recommend those in compliance  
9 for approval by the State Board of Education.

10 Section 8. Subsection (7) is added to section 236.083,  
11 Florida Statutes, 1996 Supplement, to read:

12 236.083 Funds for student transportation.--The annual  
13 allocation to each district for transportation to public  
14 school programs of students in membership in kindergarten  
15 through grade 12, in migrant and exceptional student programs  
16 below kindergarten, and in any other state-funded  
17 prekindergarten program shall be determined as follows:

18 (7) Notwithstanding other provisions of this section,  
19 a district that establishes substantial savings, as determined  
20 by the Commissioner of Education, from transportation funding,  
21 including, but not limited to, savings achieved through  
22 distance learning, rezoning, volunteer or mass transit  
23 transportation, or other creative methodologies, shall receive  
24 a guaranteed allocation of funds from student transportation  
25 funding for each new school that opens with transportation  
26 expenditures that are substantially less than average.

27 (a) The guaranteed transportation allocation from  
28 student transportation funding shall be calculated as follows:  
29 in the year that the new school opens, the district's prior  
30 year base transportation dollar allocation is divided by the  
31 district's prior year total K-12 full-time equivalent (FTE)

1 membership. This dollar amount shall be multiplied by the new  
2 school's actual FTE enrollment. In following years, the  
3 guaranteed amount shall be calculated by multiplying the  
4 original dollar amount by the new school's current year  
5 enrollment, except that for each student transported under the  
6 provisions of paragraph (1)(a) or paragraph (1)(e) who attends  
7 the school, two FTE shall be subtracted from the school's  
8 actual enrollment before making the calculation of the  
9 guaranteed allocation.

10 (b) The guarantee shall continue for 5 years if the  
11 reduction in transportation expenditures is maintained or  
12 increased.

13 (c) The base and disabled student transportation  
14 allocation for all districts shall continue to be calculated  
15 as provided in subsection (2).

16  
17 Any school district receiving the guaranteed transportation  
18 allocation as provided in this subsection may transfer the  
19 allocation from its student transportation account to its  
20 capital improvement account to be used to pay for  
21 construction, financing, or lease-purchase of new schools. In  
22 addition, any funds received but not required to transport  
23 students may, at the discretion of the district school board,  
24 be transferred to the district capital improvement account and  
25 used to pay for construction, financing, or lease-purchase of  
26 new schools.

27 Section 9. The Department of Education shall develop  
28 and recommend incentives to benefit district school boards  
29 that reduce educational facility construction costs as  
30 required by this act. The recommendations and any statutory  
31 changes necessary to implement the recommendations must be



1 submitted to the President of the Senate, the Speaker of the  
2 House of Representatives, the Minority Leader of the Senate,  
3 and the Minority Leader of the House of Representatives no  
4 later than January 1, 1998.

5 Section 10. The Department of Education may adopt  
6 rules as necessary to accomplish the purposes of this act.

7 Section 11. This act shall take effect July 1, 1997.

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10 HOUSE SUMMARY

11 Provides for review of Florida Statutes and rules to  
12 eliminate or revise requirements in order to provide  
13 flexibility to reduce costs and increase savings for  
14 construction, leasing, or repair of educational  
15 facilities. Establishes the School Infrastructure Thrift  
16 Program to facilitate cost savings by school districts,  
17 provide incentives to maximize dollars available for  
18 facilities construction, and provide a funding mechanism  
19 for facilities construction. Revises provisions and  
20 specifies new requirements relating to educational  
21 facilities and funding.  
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