

1
2 An act relating to educational facilities and
3 funding; requiring the Commissioner of
4 Education to review rules relating to school
5 facilities and recommend revision or repeal;
6 requiring the commissioner to recommend
7 revision or repeal of statutes; establishing
8 the School Infrastructure Thrift Program within
9 the Department of Education; requiring the
10 Department of Education to seek elimination or
11 revision of certain laws, rules, and
12 regulations; providing program purposes;
13 providing for annual funding; providing that
14 appropriations shall not revert; providing
15 intent for continued program funding;
16 authorizing school district participation in
17 the program and providing requirements;
18 requiring review of data and proposals and
19 recommendation for awards; providing for awards
20 and restricting the use thereof; providing
21 penalties for noncompliance; creating s.
22 235.216, F.S.; providing for maximum square
23 foot cost of educational facilities; providing
24 frugal construction incentives; amending s.
25 235.014, F.S.; revising functions of the
26 Department of Education; amending s. 235.15,
27 F.S.; requiring uniformity in surveys of
28 educational facilities by district school
29 boards, community college boards of trustees,
30 and state universities; requiring validation by
31 the Department of Education; amending s.

1 235.26, F.S.; specifying requirements of the
2 State Uniform Building Code for Public
3 Educational Facilities with regard to new
4 school construction; amending s. 235.435, F.S.;
5 providing criteria for funding from the Special
6 Facility Construction Account; exempting
7 district school boards from local landscape
8 ordinances; restricting the use of funds from
9 the Public Education Capital Outlay Trust Fund
10 and the School District and Community College
11 District Capital Outlay and Debt Service Trust
12 Fund for certain new construction; providing
13 for waivers; specifying duties of the
14 Department of Education; authorizing a 1-year
15 public-private partnership for the construction
16 of public schools; providing for the allocation
17 of available funds from the Public Education
18 Capital Outlay and Debt Service Trust Fund to
19 the school districts of Bay County, Palm Beach
20 County, and Dade County; providing for
21 distribution and use of funds; specifying
22 duties of the Commissioner of Education;
23 requiring the remittance of certain excess
24 allocations; amending s. 236.25, F.S., relating
25 to district school tax; authorizing the use of
26 additional funds for certain lease-purchase
27 agreements; limiting the use of nonvoted
28 discretionary capital outlay millage proceeds;
29 providing a penalty for violations of the
30 expenditure restrictions; providing an
31 exception to the expenditure restrictions;

1 requiring the Department of Education to
2 recommend certain incentives; providing for
3 review of financial management practices of
4 school districts; providing duties of the
5 Office of Program Policy Analysis and
6 Government Accountability, the office of the
7 Auditor General, the Commissioner of Education,
8 and the State Board of Education; providing
9 participation criteria; providing for
10 recognition of best financial management
11 practices by school districts; prospectively
12 repealing s. 236.25(2) and (5), F.S., relating
13 to school districts' tax for capital outlay;
14 requiring prior legislative review; suspending
15 certain concurrency requirements of chapter
16 163, F.S.; providing exceptions; providing an
17 effective date.

18

19 Be It Enacted by the Legislature of the State of Florida:

20

21 Section 1. (1) The Commissioner of Education shall
22 review rules of the State Board of Education and of the
23 Department of Education annually by February 1 and recommend
24 revisions or repeals to eliminate obsolete, excessively
25 restrictive, and unnecessary requirements applicable to school
26 districts in the construction, renovation, remodeling,
27 leasing, or repair of facilities and related matters affecting
28 the physical quality of classrooms for instructional purposes.

29

30 (2) The Commissioner of Education shall recommend to
31 the Legislature annually by February 1 the revision or repeal
of provisions of the Florida Statutes to eliminate obsolete,

1 excessively restrictive, and unnecessary requirements
2 applicable to school districts in the construction,
3 renovation, remodeling, leasing, or repair of facilities and
4 related matters affecting the physical quality of classrooms
5 for instructional purposes.

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

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

9 (2) The School Infrastructure Thrift Program (SIT
10 Program) is established within the Department of Education,
11 and the State Board of Education may adopt rules as necessary
12 to operate the program. To facilitate the program's purposes,
13 the department shall aggressively seek the elimination or
14 revision of obsolete, excessively restrictive, or unnecessary
15 laws, rules, and regulations for the purpose of reducing the
16 cost of constructing educational facilities and related costs
17 without sacrificing safety or quality of construction. Such
18 efforts must include, but are not limited to, the elimination
19 of duplicate or overlapping inspections; the relaxation of
20 requirements relating to landscaping, operable glazing,
21 operable windows, radon testing, firesafety, and emergency
22 shelter construction where lawful, safe, and cost-beneficial;
23 and other cost savings identified as lawful, safe, and
24 cost-beneficial. The program's purposes are to:

25 (a) Facilitate cost savings by school districts
26 relating to educational facilities construction.

27 (b) Provide incentives for school districts to
28 maximize dollars available for construction of educational
29 facilities and related costs.

30 (c) Provide a funding mechanism for utilization solely
31 related to the construction of new educational facilities.

1 (3) Funds shall be appropriated to the SIT Program on
2 an annual basis as determined by the Legislature.
3 Notwithstanding ss. 216.301 and 216.351, Florida Statutes,
4 undisbursed balances of appropriations to the SIT Program
5 shall not revert. It is the intent of the Legislature to
6 continue funding the SIT Program with funds available through
7 frugal government operation and agency savings.

8 (4) School districts may participate in the SIT
9 Program by local option of the school board. Participating
10 school districts may request funds in the program beginning
11 July 1, 1997, for projects commenced after or for projects
12 underway at the time this act becomes a law, if the projects
13 comply with s. 235.216, Florida Statutes.

14 (5)(a) Annually by December 30, beginning in 1997,
15 each participating school district shall report to the
16 Commissioner of Education, with supporting data, its
17 compliance with section 235.216, Florida Statutes, together
18 with any proposal for spending SIT Program dollars on new
19 projects within the district commencing the following fiscal
20 year.

21 (b) The commissioner shall examine the data and
22 proposals from each school district and, by February 1, shall
23 report to the Legislature each participating district's
24 compliance with section 235.216, Florida Statutes, for the
25 prior fiscal year and make recommendations, ranked in order of
26 priority, for SIT Program awards for the following fiscal
27 year.

28 (c) If a school district receives SIT Program funds
29 and fails to comply with this section and section 235.216,
30 Florida Statutes, the district may not receive an award the
31 following fiscal year and must return the dollars not spent or

1 encumbered as required by this section and section 235.216,
2 Florida Statutes, with interest thereon at the legal rate.

3 (d) The commissioner's criteria for SIT Program
4 evaluation and recommendation for awards must be based on the
5 school district meeting the requirements in this section and
6 section 235.216, Florida Statutes, the soundness of the
7 proposal, school district need, and the balance of dollars in
8 the SIT Program.

9 (6) Awards from the SIT Program shall be made by the
10 commissioner from funds appropriated by the Legislature and
11 may only be used for construction of a new educational
12 facility and related costs. SIT Program dollars that are not
13 spent or encumbered as required by this section must be
14 returned to the SIT Program as required by paragraph (5)(c).

15 (7) For each new project of a school district that
16 meets the criteria of section 235.216, Florida Statutes, the
17 commissioner may award up to 20 percent of the total project
18 cost from SIT Program dollars.

19 Section 3. Section 235.216, Florida Statutes, is
20 created to read:

21 235.216 Maximum square foot cost of educational
22 facilities; frugal construction incentives.--

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

27 (2) Beginning with the 1997-1998 fiscal year, a school
28 district may seek funding assistance from the SIT Program for
29 new construction of educational facilities if:

30 (a) The maximum total cost per square foot for the
31 elementary school, middle school, or high school does not

1 exceed the most current 5-year statewide average square foot
2 total cost for schools serving similar grade levels published
3 by the Department of Education, adjusted by inflation and the
4 most current Marshall and Swift Construction Cost Index of
5 Florida counties. If federal funds are used, the maximum
6 square foot total cost may be adjusted to accommodate federal
7 requirements.

8 (b) Upon completion of construction, the total project
9 cost, including change orders, does not exceed the adjusted
10 statewide average cost per gross square foot for schools
11 serving similar grade levels, adjusted by the construction
12 cost index and the 5-year statewide average inflation rate;
13 does not exceed the minimum square footage per student
14 specified in the State Requirements for Educational
15 Facilities, 1997; and does not exceed the adjusted statewide
16 average cost per student station.

17 Section 4. Paragraph (a) of subsection (10) and
18 subsections (3) and (4) of section 235.014, Florida Statutes,
19 are amended to read:

20 235.014 Functions of the department.--The functions of
21 the department shall include, but not be limited to, the
22 following; it shall:

23 (3) Require boards, including the Board of Regents, to
24 submit other educational plant inventories data and
25 statistical data or information relevant to construction, ~~and~~
26 capital improvements, and related costs.

27 (4) Require each board, including the Board of
28 Regents, all agencies of the state, and other appropriate
29 agencies to submit complete and accurate financial data as to
30 the amounts of funds from all sources that are available and
31 spent for construction and capital improvements. The

1 commissioner shall prescribe the format and the date for the
2 submission of this data and any other educational facilities
3 data. If any district does not submit the required educational
4 facilities fiscal data by the prescribed date, the
5 commissioner shall notify the district school board of this
6 fact and, if appropriate action is not taken to immediately
7 submit the required report, the district school board shall be
8 directed to proceed pursuant to the provisions of s.
9 230.23(11)(b). If any community college or university does not
10 submit the required educational facilities fiscal data by the
11 prescribed date, the same policy prescribed above for school
12 districts shall be implemented.

13 (10)(a) ~~When required by the State Constitution,~~
14 Review and validate surveys proposed or amended by the boards
15 and recommend to the State Board of Education, for approval,
16 surveys that meet the requirements of this chapter.

17 1. The term "validate" as applied to surveys by school
18 districts means to review inventory data as submitted to the
19 department by district school boards; provide for review and
20 inspection, where required, of student stations and aggregate
21 square feet of inventory changed from satisfactory to
22 unsatisfactory or changed from unsatisfactory to satisfactory;
23 the comparison of new school inventory to allocation limits
24 provided by this chapter; review of cost projections for
25 conformity with state averages; comparison of total capital
26 outlay full-time equivalent enrollment projections in the
27 survey with the department's projections; review facilities
28 lists to verify that area allocations do not exceed the limits
29 provided by this chapter and related rules; review and confirm
30 the application of uniform facility utilization factors, where
31 provided by this chapter or related rules; utilize the

1 documentation of programs offered per site, as submitted by
2 the board, to analyze facility needs; confirm that need
3 projections for vocational and adult educational programs
4 comply with needs documented by the Division of Applied
5 Technology and Adult Education; and confirm the assignment of
6 full-time student stations to all space except for cafeterias,
7 multipurpose dining areas, media centers, and administration.

8 2. The term "validate" as applied to surveys by
9 community colleges means to review and document the approval
10 of each new site and official designation, where applicable;
11 review the inventory database as submitted by the Division of
12 Community Colleges, including nonvocational, vocational, and
13 total capital outlay full-time equivalent enrollment
14 projections per site and per college; provide for the review
15 and inspection, where required, of student stations and
16 aggregate square feet of space changed from satisfactory to
17 unsatisfactory; utilize and review the documentation of
18 programs offered per site submitted by the Division of
19 Community Colleges as accurate for analysis of space
20 requirements and needs; confirm that needs projected for
21 vocational and adult educational programs comply with needs
22 documented by the Division of Applied Technology and Adult
23 Education; compare new facility inventory to allocations
24 limits as provided in this chapter; review cost projections
25 for conformity with state averages or limits designated by
26 this chapter; compare student enrollment projections in the
27 survey to the department's projections; review facilities
28 lists to verify that area allocations and space factors for
29 generating space needs do not exceed the limits as provided by
30 this chapter and related rules; confirm the application of
31 facility utilization factors as provided by this chapter and

1 related rules; and review, as submitted, documentation of how
2 survey-recommendations will implement the detail of current
3 campus master plans and integrate with local comprehensive
4 plans and development regulations.

5 Section 5. Section 235.15, Florida Statutes, is
6 amended to read:

7 235.15 Educational plant survey; PECO project
8 funding.--

9 (1) At least every 5 years, each board, including the
10 Board of Regents, shall arrange for an educational plant
11 survey, to aid in formulating plans for housing the
12 educational program and student population, faculty,
13 administrators, staff, and auxiliary and ancillary services of
14 the district or campus, including consideration of the local
15 comprehensive plan. ~~Before educational plant survey of a~~
16 ~~school district or community college that delivers career or~~
17 ~~adult education programs,~~The Division of Applied Technology
18 and Adult Education shall document ~~establish documentation of~~
19 the need for additional career and adult education programs
20 and the continuation of existing programs before facility
21 construction or renovation related to career or adult
22 education may be included in the education plant survey of a
23 school district or community college that delivers career or
24 adult education programs. Information used by the Division of
25 Applied Technology and Adult Education to establish facility
26 needs must include, but need not be limited to, labor market
27 data, needs analysis, and information submitted by the school
28 district or community college.

29 (a) Each survey shall be conducted by the board or an
30 agency employed by the board. Surveys shall be reviewed and
31 approved by the board, and a file copy shall be submitted to

1 the commissioner. The survey report shall include at least an
2 inventory of existing educational and ancillary plants;
3 recommendations for existing educational and ancillary plants;
4 recommendations for new educational or ancillary plants,
5 including the general location of each in coordination with
6 the land use plan; campus master plan update and detail for
7 community colleges; the utilization of school plants based on
8 an extended school day or year-round operation; and such other
9 information as may be required by the rules of the State Board
10 of Education. This report may be amended, if conditions
11 warrant, at the request of the board or commissioner.

12 (b) Each educational plant survey completed after June
13 30, 1997, must use uniform data sources and criteria specified
14 in this paragraph. Each educational plant survey completed
15 after June 30, 1995, and before July 1, 1997, must be revised,
16 if necessary, to comply with this paragraph. Each revised
17 educational plant survey and each new educational plant survey
18 supersedes previous surveys.

19 1. Each school district's survey must reflect the
20 capacity of existing facilities as reported in the Florida
21 Inventory of School Houses. Projections of facility space
22 needs may not exceed the minimum space and occupant design
23 criteria established by rule of the State Board of Education.
24 Existing and projected capital outlay
25 full-time-equivalent-student enrollment must be consistent
26 with data prepared by the department. Relocatables shall be
27 included in the school district inventory of facilities and
28 must be rated at 100 percent of actual student capacity for
29 purposes of the inventory. For future needs determination,
30 relocatables shall ~~not~~ be counted at 75 percent of actual
31 student capacity. However, an adjustment shall be made for

1 deficiencies in core space because of the use of relocatables
2 portables. For schools with permanent educational facilities,
3 this adjustment shall be the product of 75 percent multiplied
4 by a factor determined by the ratio of permanent classrooms to
5 relocatable classrooms. Such product shall not exceed 100
6 percent.

7 2. Each survey of a special facility, joint-use
8 facility, or cooperative vocational education facility must be
9 based on capital outlay full-time-equivalent-student
10 enrollment data prepared by the department for school
11 districts, by the Division of Community Colleges for community
12 colleges, and by the Board of Regents for state universities.
13 A survey of space needs of a joint-use facility shall be based
14 upon the respective space needs of the school districts,
15 community colleges, and universities, as appropriate.
16 Projections of a school district's facility space needs may
17 not exceed the minimum space and occupant design criteria
18 established by rule of the State Board of Education.

19 3. Each community college's survey must reflect the
20 capacity of existing facilities as specified in the inventory
21 maintained by the Division of Community Colleges. Projections
22 of facility space needs must comply with standards for
23 determining space needs as specified by rule of the State
24 Board of Education. The 5-year projection of capital outlay
25 student enrollment must be consistent with the annual report
26 of capital outlay full-time-student enrollment prepared by the
27 Division of Community Colleges.

28 4. Each state university's survey must reflect the
29 capacity of existing facilities as specified in the inventory
30 maintained and validated by the Board of Regents. Projections
31 of facility space needs must be consistent with standards for

1 determining space needs approved by the Board of Regents. The
2 projected capital outlay full-time-equivalent-student
3 enrollment must be consistent with the 5-year planned
4 enrollment cycle for the State University System approved by
5 the Board of Regents.

6 5. The educational plant survey of a school district,
7 community college, or state university may include space needs
8 that deviate from approved standards for determining space
9 needs if the deviation is justified, to the satisfaction of
10 the department or the Board of Regents, as appropriate, as
11 necessary for the delivery of an approved educational program.

12 (c) ~~When required by the State Constitution,~~The
13 department shall review and validate the surveys and any
14 amendments thereto for compliance with the requirements of
15 this chapter and shall recommend those in compliance for
16 approval by the State Board of Education.

17 (2) Only the superintendent or the college president
18 shall certify to the department a project's compliance with
19 the requirements for expenditure of PECO funds prior to
20 release of funds.

21 (a) Upon request for release of PECO funds for
22 planning purposes, certification must be made to the
23 department that the need and location of the facility are in
24 compliance with the board-approved survey recommendations and
25 that the project meets the definition of a PECO project and
26 the limiting criteria for expenditures of PECO funding.

27 (b) Upon request for release of construction funds,
28 certification must be made to the department that the need and
29 location of the facility are in compliance with the
30 board-approved survey recommendations, that the project meets
31 the definition of a PECO project and the limiting criteria for

1 expenditures of PECO funding, and that the construction
2 documents meet the requirements of the State Uniform Building
3 Code for Educational Facilities Construction or other
4 applicable codes as authorized in this chapter.

5 Section 6. Paragraphs (g) and (h) are added to
6 subsection (2) of section 235.26, Florida Statutes, to read:

7 235.26 State Uniform Building Code for Public
8 Educational Facilities Construction.--The State Board of
9 Education shall adopt a uniform statewide building code for
10 the planning and construction of public educational and
11 ancillary plants by district school boards and community
12 college district boards of trustees. The code shall be
13 entitled the State Uniform Building Code for Public
14 Educational Facilities Construction. Included in this code
15 shall be flood plain management criteria in compliance with
16 the rules and regulations in 44 C.F.R., parts 59 and 60, and
17 subsequent revisions thereto which are adopted by the Federal
18 Emergency Management Agency. Wherever the words "Uniform
19 Building Code" appear, they shall mean the "State Uniform
20 Building Code for Public Educational Facilities Construction."
21 It shall not be the intent of the Uniform Building Code to
22 inhibit the use of new materials or innovative techniques; nor
23 shall it specify or prohibit materials by brand names. The
24 code shall be flexible enough to cover all phases of
25 construction which will afford reasonable protection for
26 public safety, health, and general welfare. The department may
27 secure the service of other state agencies or such other
28 assistance as it may find desirable in the revision of the
29 code.

30 (2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS
31 REQUIRED FOR APPROVAL.--A district school board or community

1 college district board of trustees shall not approve any plans
2 for the construction, renovation, remodeling, or demolition of
3 any educational or ancillary plants unless these plans conform
4 to the requirements of the Uniform Building Code. Each
5 district school board and community college district board of
6 trustees may adopt policies for delegating to the
7 superintendent or community college president authority for
8 submitting documents to the department and for awarding
9 contracts subsequent to and consistent with board approval of
10 the scope, timeframes, funding source, and budget of a
11 survey-recommended project. It shall also be the
12 responsibility of the department to develop, as a part of the
13 Uniform Building Code, standards relating to:

14 (g) The maximum and minimum net square footage per
15 student for new construction initiated by a district school
16 board after June 30, 1997. The maximum net square footage per
17 student may not exceed the minimum square footage per student
18 specified in the State Requirements for Educational
19 Facilities, 1997.

20 (h) Maximum allowable space for noninstructional
21 elements of educational facilities in relation to design
22 criteria for space size and occupancy not to exceed the
23 following:

24 1. The net area of the building may be increased up to
25 6 percent for interior enclosed space necessary for
26 electrical, heating, ventilation, and air conditioning
27 equipment.

28 2. Space for general circulation, interior and
29 exterior walls, roof overhangs, and open malls shall not
30 exceed 22 percent of the net square footage of the total
31 facility for schools housing students in prekindergarten

1 through grade 5 or grade 6 and shall not exceed 30 percent for
2 schools housing students in grade 6 through postsecondary,
3 including ancillary and broadcasting stations.

4 Section 7. Paragraph (a) of subsection (2), paragraph
5 (a) of subsection (4), and paragraph (a) of subsection (5) of
6 section 235.435, Florida Statutes, are amended, present
7 subsection (6) is renumbered as subsection (7), and a new
8 subsection (6) is added to that section, to read:

9 235.435 Funds for comprehensive educational plant
10 needs.--Allocations from the Public Education Capital Outlay
11 and Debt Service Trust Fund to the various boards for capital
12 outlay projects shall be determined as follows:

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

1 average size of schools in the district.The request must meet
2 the following criteria to be considered by the committee:
3 1. The project must be deemed a critical need and must
4 be recommended for funding by the Special Facility
5 Construction Committee. Prior to developing plans for the
6 proposed facility, the district school board must request a
7 preapplication review by the Special Facility Construction
8 Committee or a project review subcommittee convened by the
9 committee to include two representatives of the department and
10 two staff from school districts other than the district
11 submitting the project. Within 60 days after receiving the
12 preapplication review request, the committee or subcommittee
13 must meet in the school district to review the project
14 proposal and existing facilities. To determine whether the
15 proposed project is a critical need, the committee or
16 subcommittee shall consider, at a minimum, the capacity of all
17 existing facilities within the district as determined by the
18 Florida Inventory of School Houses; the district's pattern of
19 student growth; the district's existing and projected capital
20 outlay full-time-equivalent-student enrollment as determined
21 by the department; the district's existing satisfactory
22 student stations; the use of all existing district property
23 and facilities; grade level configurations; and any other
24 information that may affect the need for the proposed project.
25 ~~2.1.~~ The construction project must be recommended in
26 the most recent survey or surveys by the district under the
27 rules of the State Board of Education.
28 ~~3.2.~~ The construction project must appear on the
29 district's approved project priority list under the rules of
30 the State Board of Education.
31

1 ~~4.3.~~ The district must have selected and had approved
2 a site for the construction project in compliance with s.
3 235.19 and the rules of the State Board of Education.

4 ~~5.4.~~ The district shall have a school board adopted
5 facility list developed in accordance with ~~not to exceed~~ the
6 minimum normal net square feet occupancy requirements under
7 the rules of the State Board of Education and using all
8 possible programmatic combinations for multiple use of space
9 to obtain maximum daily use of all spaces within the facility
10 under consideration.

11 6. Upon construction, the total project cost,
12 including change orders, must not exceed the adjusted
13 statewide average cost per gross square foot, adjusted by the
14 construction cost index and the 5-year statewide average
15 inflation rate; must not exceed the minimum square footage per
16 student specified in the State Requirements for Educational
17 Facilities, 1997; and must not exceed the adjusted statewide
18 average cost per student station.

19 ~~7.5.~~ There shall be an agreement signed by the
20 district school board stating that it will advertise for bids
21 within 30 days of receipt of its encumbrance authorization
22 from the department.

23 ~~8.6.~~ The district shall, at the time of the request
24 and for a continuing period of 3 years, levy the maximum
25 millage against their nonexempt assessed property value as
26 allowed in s. 236.25(2). Effective July 1, 1991, any district
27 with a new or active project, funded under the provisions of
28 this subsection, shall be required to budget no more than the
29 value of 1.5 mills per year to the project to satisfy the
30 annual participation requirement in the Special Facility
31 Construction Account.

1 9.7. If a contract has not been signed 90 days after
2 the advertising of bids, the funding for the specific project
3 shall revert to the Special Facility New Construction Account
4 to be reallocated to other projects on the list. However, an
5 additional 90 days may be granted by the commissioner.

6 ~~10.8.~~ The department shall certify the inability of
7 the district to fund the survey-recommended project over a
8 continuous 3-year period using projected capital outlay
9 revenue derived from s. 9(d), Art. XII of the State
10 Constitution, as amended, paragraph (3)(a) of this section,
11 and s. 236.25(2).

12 ~~11.9.~~ The district shall have on file with the
13 department an adopted resolution acknowledging its 3-year
14 commitment of all unencumbered and future revenue acquired
15 from s. 9(d), Art. XII of the State Constitution, as amended,
16 paragraph (3)(a) of this section, and s. 236.25(2).

17 ~~12.10.~~ Final phase III plans must be certified by the
18 board as complete and in compliance with the building and life
19 safety codes prior to August 1.

20 (4)(a) The boards of trustees of the community
21 colleges and the Board of Regents of the State University
22 System shall receive funds for projects based on a 3-year
23 priority list, to be updated annually, which is submitted to
24 the Legislature in the legislative budget request at least 45
25 days prior to the legislative session. The State Board of
26 Community Colleges shall submit a 3-year priority list for the
27 entire State Community College System. The Board of Regents
28 shall submit a 3-year priority list for the entire State
29 University System. The lists shall reflect decisions by the
30 boards concerning program priorities that implement the
31 statewide plan for program growth and quality improvement in

1 education. No remodeling or renovation project shall be
2 included on the 3-year priority list unless the project has
3 been recommended pursuant to s. 235.15 or is for the purpose
4 of correcting health and safety deficiencies. No new
5 construction project shall be included on the first year of
6 the 3-year priority list unless the educational specifications
7 have been approved by the Chancellor for university projects
8 or by the Division of Community Colleges for community college
9 projects. The funds requested for a new construction project
10 in the first year of the 3-year priority list shall be in
11 conformance with the scope of the project as defined in the
12 educational specifications. Any new construction project
13 requested in the first year of the 3-year priority list which
14 is not funded by the Legislature shall be carried forward to
15 be listed first in developing the updated 3-year priority list
16 for the subsequent year's capital outlay budget. Should the
17 order of the priority of the projects change from year to
18 year, a justification for such change shall be included with
19 the updated priority list.

20 (5) District school boards shall identify each fund
21 source and the use of each proportionate to the project cost,
22 as identified in the bid document, to assure compliance with
23 this section. The data shall be submitted to the department,
24 which shall track this information as submitted by the boards.
25 PECO funds shall not be expended as indicated in the
26 following:

27 (a) District school boards shall provide landscaping
28 by local funding sources or initiatives. District school
29 boards are exempt from local landscape ordinances but may
30 comply with the local requirements if such compliance is less
31

1 costly than compliance with the landscape requirements of the
2 State Uniform Building Code for Public Educational Facilities.

3 (6)(a) Effective July 1, 1997, each district school
4 board must meet all instructional space needs of the
5 respective educational sector before spending funds from the
6 Public Education Capital Outlay Trust Fund or the School
7 District and Community College District Capital Outlay and
8 Debt Service Trust Fund for any other new construction,
9 renovation, or remodeling. Expenditures to meet such
10 instructional space needs may include expenditures for site
11 acquisition, new construction, renovation, remodeling, and the
12 costs of such services of school district personnel directly
13 related to renovation or remodeling.

14 (b) Each district school board must not use funds from
15 the Public Education Capital Outlay Trust Fund or the School
16 District and Community College District Capital Outlay and
17 Debt Service Trust Fund for any new construction with a total
18 contract cost, including change orders, that equals more than
19 110 percent of the adjusted statewide average total
20 construction cost per gross square foot, adjusted by the
21 appropriate construction cost index and the 5-year average
22 statewide inflation rate. Upon request by a district school
23 board the Commissioner of Education may waive for a specific
24 project the provisions of this paragraph which limit total
25 contract cost and the provisions of subparagraph (c)2. which
26 limit construction cost per student station if the
27 commissioner is satisfied that the requested waiver is
28 justified. Operating funds must be used to pay any part of the
29 total construction cost, including costs resulting from change
30 orders, which exceeds the expenditure limits of this
31 subsection.

1 (c) All new construction initiated by a district
2 school board after June 30, 1997:

3 1. Must not exceed the minimum square footage per
4 student defined by the State Requirements for Educational
5 Facilities, 1997; and

6 2. Must not exceed the adjusted statewide average
7 construction cost per student station for the previous
8 calendar year.

9 (d) The department shall compute for each calendar
10 year statewide average construction costs for facilities
11 serving each instructional level, for relocatable educational
12 facilities, for administrative facilities, and for other
13 ancillary and auxiliary facilities. The department shall
14 compute adjusted statewide average total construction costs
15 for each instructional level. The adjusted statewide average
16 total construction cost shall not include any new construction
17 project that exceeded the statewide average contract cost for
18 new construction by more than 10 percent. Total construction
19 cost includes contract costs, legal and administrative costs,
20 fees of architects and engineers, furniture and equipment, and
21 site improvement costs. Total construction cost does not
22 include the cost of purchasing or leasing the site for the
23 construction.

24 Section 8. Paragraph (e) of subsection (2) of section
25 236.25, Florida Statutes, is amended and subsection (5) is
26 added to that section to read:

27 236.25 District school tax.--

28 (2) In addition to the maximum millage levy as
29 provided in subsection (1), each school board may levy not
30 more than 2 mills against the taxable value for school
31 purposes to fund:

1 (e) Payments for educational facilities and sites due
2 under a lease-purchase agreement entered into by a school
3 board pursuant to s. 230.23(9)(b)5. or s. 235.056(2), not
4 exceeding, in the aggregate, an amount equal to three-fourths
5 ~~one-half~~ of the proceeds from the millage levied by a school
6 board pursuant to this subsection.

7
8 Violations of these expenditure provisions shall result in an
9 equal dollar reduction in the Florida Education Finance
10 Program (FEFP) funds for the violating district in the fiscal
11 year following the audit citation.

12 (5) It is the intent of the Legislature that, by July
13 1, 2004, revenue generated by the millage levy authorized by
14 subsection (2) should be used only for the costs of
15 construction, renovation, remodeling, and repair of
16 educational facilities that provide space for the instruction
17 of students; for the purchase, lease, or lease-purchase of
18 equipment, buildings, and materials directly related to the
19 delivery of student instruction in such facilities; and for
20 the purchase, lease-purchase, or lease of school buses.

21 (a) In fiscal year 1997-1998, a district school board
22 may spend for purposes other than the construction,
23 renovation, remodeling, and repair of educational facilities
24 that provide space for the instruction of students; the
25 purchase, lease, or lease-purchase of equipment, buildings,
26 and materials directly related to instruction in such
27 facilities; and the purchase, lease-purchase, or lease of
28 school buses, no more than 85 percent of the amount that was
29 spent for those purposes in fiscal year 1995-1996, which shall
30 be the base year, from the proceeds of the millage levied
31 under subsection (2).

1 (b) In fiscal year 1998-1999, a district school board
2 may spend for purposes other than the construction,
3 renovation, remodeling, and repair of educational facilities
4 that provide space for the instruction of students; the
5 purchase, lease, or lease-purchase of equipment, buildings,
6 and materials directly related to instruction in such
7 facilities; and the purchase, lease-purchase, or lease of
8 school buses, no more than 70 percent of the amount that was
9 spent for those purposes in the base year.

10 (c) In fiscal year 1999-2000, a district school board
11 may spend for purposes other than the construction,
12 renovation, remodeling, and repair of educational facilities
13 that provide space for the instruction of students; the
14 purchase, lease, or lease-purchase of equipment, buildings,
15 and materials directly related to instruction in such
16 facilities; and the purchase, lease-purchase, or lease of
17 school buses, no more than 55 percent of the amount that was
18 spent for those purposes in the base year.

19 (d) In fiscal year 2000-2001, a district school board
20 may spend for purposes other than the construction,
21 renovation, remodeling, and repair of educational facilities
22 that provide space for the instruction of students; the
23 purchase, lease, or lease-purchase of equipment, buildings,
24 and materials directly related to instruction in such
25 facilities; and the purchase, lease-purchase, or lease of
26 school buses, no more than 40 percent of the amount that was
27 spent for those purposes in the base year.

28 (e) In fiscal year 2001-2002, a district school board
29 may spend for purposes other than the construction,
30 renovation, remodeling, and repair of educational facilities
31 that provide space for the instruction of students; the

1 purchase, lease, or lease-purchase of equipment, buildings,
2 and materials directly related to instruction in such
3 facilities; and the purchase, lease-purchase, or lease of
4 school buses, no more than 25 percent of the amount spent for
5 those purposes in the base year.

6 (f) In fiscal year 2002-2003, a district school board
7 may spend for purposes other than the construction,
8 renovation, remodeling, and repair of educational facilities
9 that provide space for the instruction of students; the
10 purchase, lease, or lease-purchase of equipment, buildings,
11 and materials directly related to instruction in such
12 facilities; and the purchase, lease-purchase, or lease of
13 school buses, no more than 10 percent of the amount spent for
14 those purposes in the base year.

15 (g) Beginning July 1, 2004, revenue generated by the
16 millage levy authorized by subsection (2) must be used only
17 for the construction, renovation, remodeling, and repair of
18 educational facilities that provide space for the instruction
19 of students; for the purchase, lease, or lease-purchase of
20 equipment, buildings, and materials directly related to the
21 delivery of student instruction in such facilities; and for
22 the purchase, lease-purchase, or lease of school buses.

23
24 A district that violates these expenditure restrictions shall
25 have an equal dollar reduction in funds appropriated to the
26 district under s. 236.081 in the fiscal year following the
27 audit citation. The expenditure restrictions do not apply to
28 any school district that certifies to the Commissioner of
29 Education that all of the district's instructional space needs
30 for the next 5 years can be met from capital outlay sources
31

1 that the district reasonably expects to receive during the
2 next 5 years.

3 Section 9. The Department of Education shall develop
4 and recommend incentives to benefit district school boards
5 which reduce educational facility construction costs as
6 required by this act. The recommendations and any statutory
7 changes necessary to implement the recommendations must be
8 submitted to the President of the Senate and the Speaker of
9 the House of Representatives no later than January 1, 1998.

10 Section 10. During fiscal year 1997-1998, the
11 Department of Education shall allocate funds from the Public
12 Education Capital Outlay and Debt Service Trust Fund, in an
13 amount determined by the General Appropriations Act, to enable
14 the school districts of Bay, Palm Beach, and Dade counties to
15 implement 1-year, public-private partnership programs for
16 school construction. The funds must be used to pay the
17 district school board's proportionate share of the cost of
18 providing, constructing, or upgrading the onsite or offsite
19 infrastructure that is necessitated by, and must be available
20 concurrent with, the development and construction of a single
21 public school.

22 (1) To receive the available funds, the district
23 school board must submit a request to the commissioner prior
24 to August 1 for an amount not greater than the board's
25 proportionate share of the cost of providing infrastructure
26 necessitated by the development or construction of one
27 specific public school, not to exceed one complete educational
28 plant. The district school board must document, to the
29 satisfaction of the commissioner, that the site of the public
30 school and the proposed educational facilities meet the
31 requirements of this subsection.

1 (a) The construction of the educational facilities of
2 the public school must be recommended in the most recent
3 educational plant survey completed in compliance with section
4 235.15, Florida Statutes, as amended by this act, and must
5 appear on the district's approved priority list for projects
6 as provided by rules of the State Board of Education.

7 (b) The site for the public school must:

8 1. Be donated to the district school board by the
9 landowner who is a private person or private entity.

10 2. Be consistent with the land-use element of the
11 local comprehensive plan for growth management.

12 3. Comply with all applicable federal, state, or local
13 environmental regulations upon transfer of ownership from the
14 private landowner to the district school board.

15 4. Be approved by the district school board pursuant
16 to section 235.19, Florida Statutes, and rules of the state
17 board.

18 (c) The educational facilities of the public school:

19 1. Must comply with this chapter and related rules of
20 the state board and must not exceed the limits on construction
21 cost and facility size established by chapter 235, Florida
22 Statutes.

23 2. Must be obtained by a lease-purchase agreement
24 approved by the district school board as provided in sections
25 235.056(2) and 236.25(2), Florida Statutes.

26 (2) Funds allocated pursuant to this section must be
27 spent only for the district school board's proportionate share
28 of the cost of providing, constructing, or upgrading onsite or
29 offsite infrastructure that necessitated by, and must be
30 available concurrent with, the development and construction of
31 a public school that meets the requirements of this section.

1 If the board's proportionate share of such infrastructure
2 costs is less than the amount allocated to the board, the
3 board shall notify the commissioner and shall remit the
4 remaining sum to the Comptroller for deposit in the Public
5 Education Capital Outlay Trust Fund.

6 Section 11. (1) The Office of Program Policy Analysis
7 and Government Accountability (OPPAGA) and the Office of the
8 Auditor General are directed to develop a system for reviewing
9 the financial management practices of school districts. In
10 this system, OPPAGA and the Auditor General shall jointly
11 examine district operations to determine whether they meet
12 "best financial management practices." The best financial
13 management practices will be adopted by the state Commissioner
14 of Education within 90 days after the effective date of this
15 act, after consultation with the Legislature, OPPAGA, and the
16 Auditor General. The best financial management practices, at a
17 minimum, must address the following areas:

18 (a) Efficient use of resources, including assessments
19 of facilities construction and maintenance practices, use of
20 state and district construction funds, use of lottery
21 proceeds, student transportation and food service operations,
22 management structures, and personnel systems and benefits;

23 (b) Compliance with generally accepted accounting
24 principles and state and federal laws relating to financial
25 management;

26 (c) Performance accountability systems, including
27 performance measurement reports to the public, internal
28 auditing, financial auditing, and information made available
29 to support decisionmaking;

30
31

1 (d) Cost control systems, including asset, risk, and
2 financial management, purchasing, and information system
3 controls.

4 (2) School districts may, by a unanimous vote of the
5 membership of the school board, apply to OPPAGA for financial
6 management practice reviews. OPPAGA shall prioritize districts
7 for review based on their growth rates and demonstrated need
8 for review. The Director of OPPAGA may, at his discretion,
9 contract with private consultants to perform part or all of
10 the review of any district. Districts applying for review
11 shall contribute 50 percent of review costs, unless funding
12 for the entire cost of the review is specifically provided by
13 the Legislature or the district has had a performance review
14 pursuant to sections 11.515 and 230.2302, Florida Statutes.

15 (3) District reviews conducted under this section
16 shall be completed within 6 months after commencement. OPPAGA
17 shall issue a report to the district regarding its financial
18 management practices and cost savings recommendations within
19 60 days after completing the reviews. If the district is found
20 not to conform to best financial management practices, the
21 report shall contain a plan of action detailing how the
22 district could meet the best practices within 2 years.

23 (4) District school boards that agree by a
24 majority-plus-one vote to institute the action plan shall
25 submit an annual report to OPPAGA, the Auditor General, and
26 the Commissioner of Education on progress made towards
27 implementing the plan and whether changes have occurred in
28 other areas of operation which would affect compliance with
29 the best practices. Such districts shall be reviewed annually
30 by OPPAGA, in addition to the annual financial audit required
31 under section 11.45, Florida Statutes, to determine whether

1 they have attained compliance with the best financial
2 management practices in the areas covered by the plan.
3 Districts that are found to comply with the best financial
4 management practices shall receive a "Seal of Best Financial
5 Management" by the State Board of Education certifying that
6 the district is adhering to the state's best financial
7 management practices. This designation shall be effective for
8 a 3-year period, after which the district school board may
9 reapply for the designation to be granted after another
10 financial management practice review. During the designation
11 period, the district school board shall annually notify
12 OPPAGA, the Auditor General, and the State Board of Education
13 of any changes in policies or operations or any other
14 situations that would not conform to the state's best
15 financial management practices. The State Board of Education
16 may revoke the designation of a district at any time if it
17 determines that a district is no longer complying with the
18 state's best financial management practices.

19 Section 12. Subsections (2) and (5) of section 236.25,
20 Florida Statutes, are repealed effective July 1, 2004, and
21 shall be reviewed by the Legislature prior to that date.

22 Section 13. In order to implement proviso language in
23 Specific Appropriation 1628 of the 1997-1998 General
24 Appropriations Act, which created the Public Schools
25 Construction Study Commission to study school planning, siting
26 and school concurrency, the Legislature deems it desirable to
27 temporarily suspend the imposition of school concurrency
28 pending the study of the issues arising thereunder. In
29 furtherance thereof, the concurrency requirements of Chapter
30 163, Florida Statutes, shall not be applied by a local
31 government to evaluate school concurrency before July 1, 1998,

1 unless the county in which concurrency is to be applied has
2 adopted, prior to May 1, 1997, a plan amendment establishing
3 concurrency requirements for public schools, including any
4 subsequent amendments to such public school element. Adoption
5 by the county of the aforesaid shall further entitle any
6 municipality located therein to implement school concurrency
7 without regard to whether such adoption by the municipality
8 occurs before or after May 1, 1997. Nothing herein shall
9 prevent local governments that have not adopted a public
10 school element prior to May 1, 1997, from continuing to work
11 on agreements under Chapter 163, Florida Statutes.

12 Section 14. This act shall take effect upon becoming a
13 law.

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