

By Senator Clary

7-1052-98

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           20.15, F.S.; creating additional divisions of  
4           the Department of Education; amending s.  
5           229.79, F.S.; amending provisions relating to  
6           suppliers who supply commodities and services  
7           to schools in this state; amending s. 235.014,  
8           F.S.; amending functions of the department  
9           relating to educational and ancillary  
10          facilities and plants; amending s. 235.212,  
11          F.S.; amending provisions relating to  
12          requirements for placing operable glazing in  
13          educational facilities; amending s. 235.31,  
14          F.S.; allowing an authorized review authority  
15          other than the department to review certain  
16          documents to confirm that certain projects are  
17          in compliance with building and fire codes;  
18          amending s. 235.4351, F.S.; allowing certain  
19          school projects to receive special  
20          consideration for waivers from specified  
21          requirements of ch. 235, F.S.; amending s.  
22          404.056, F.S.; amending requirements for  
23          mandatory testing to determine the level of  
24          indoor radon in certain school buildings and at  
25          certain school sites; amending s. 486.607,  
26          F.S.; requiring persons who act as inspectors  
27          and plans examiners under s. 235.26, F.S., to  
28          obtain certificates under part XII of ch. 468,  
29          F.S., but only after their UBCI certification  
30          expires; providing an effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Subsection (3) of section 20.15, Florida  
4 Statutes, is amended to read:

5 20.15 Department of Education.--There is created a  
6 Department of Education.

7 (3) DIVISIONS.--

8 ~~(a)~~ The following divisions of the Department of  
9 Education are established:

- 10 1. Division of Community Colleges.
- 11 2. Division of Public Schools and Community Education.
- 12 3. Division of Universities.
- 13 4. Division of Workforce Development.
- 14 5. Division of Human Resource Development.
- 15 6. Division of Administration.
- 16 7. Division of Financial Services.
- 17 8. Division of Support Services.

18 ~~(b) The Commissioner of Education is authorized to~~  
19 ~~establish within the Department of Education a Division of~~  
20 ~~Administration.~~

21 Section 2. Section 229.79, Florida Statutes, is  
22 amended to read:

23 229.79 Special services of the department; pooling of  
24 purchases by school boards.--The Department of Education shall  
25 render such special services as will be of benefit to the  
26 schools of the state. As one phase of these services it shall  
27 assist school boards in securing school buses, services,  
28 contractual needs, equipment, and supplies at as reasonable  
29 prices as possible by providing a plan under which school  
30 boards may voluntarily pool their bids for such purchases. The  
31 Department of Education shall prepare bid forms and

1 specifications, obtain quotations of prices and make such  
2 information available to school boards in order to facilitate  
3 this service. School boards from time to time, as prescribed  
4 by the state board, shall furnish the Department of Education  
5 with information concerning the prices paid for such items and  
6 the Department of Education shall furnish to school boards  
7 periodic information concerning the lowest prices at which  
8 school buses, services, equipment, and school supplies are  
9 available based upon comparable specifications. Suppliers may  
10 make such commodities and services available to other  
11 governmental agencies and nonprofit organizations under  
12 contracts approved by the Department of Education. If the  
13 Department of Education determines that it is in the best  
14 interest of the school boards, contracts authorized under this  
15 section may be awarded to multiple suppliers.

16 Section 3. Subsection (9) of section 235.014, Florida  
17 Statutes, is amended to read:

18 235.014 Functions of the department.--The functions of  
19 the department shall include, but not be limited to, the  
20 following; it shall:

21 (9)(a) Make available, to boards, including the Board  
22 of Regents, to local governments, to state agencies, to  
23 building-industry groups, and to others as requested,  
24 technical assistance, awareness training, and research and  
25 technical publications relating to lifesafety, casualty,  
26 sanitation, environmental, maintenance, and custodial issues;  
27 and, as needed, technical assistance for survey, planning,  
28 design, construction, operation, and evaluation of educational  
29 and ancillary facilities and plants, facilities administrative  
30 procedures review, and training for new administrators.

31

1           (b) Upon request, provide post-occupancy evaluations  
2 of facilities, including an evaluation of user response to a  
3 facility, program accommodations, safety, and other important  
4 features.

5           Section 4. Paragraph (a) of subsection (1) of section  
6 235.212, Florida Statutes, is amended to read:

7           235.212 Low-energy use design; solar energy systems;  
8 swimming pool heaters.--

9           (1)(a) Passive design elements and low-energy usage  
10 features shall be included in the design and construction of  
11 new educational facilities. Operable glazing consisting of at  
12 least 5 percent of the floor area or reduced operable window  
13 areas in combination with the use of ceiling fans or attic  
14 fans must ~~shall~~ be placed in each classroom located on the  
15 perimeter of the building, so as to allow the facility to be  
16 used without operating the air-conditioning or heat when  
17 ambient conditions are moderate. Operable glazing is not  
18 required ~~except~~ in auxiliary facilities, music rooms, gyms,  
19 locker and shower rooms, special laboratories requiring  
20 special climate control, and large group instruction areas  
21 having a capacity of more than 100 persons.

22           Section 5. Paragraph (a) of subsection (1) of section  
23 235.31, Florida Statutes, is amended to read:

24           235.31 Advertising and awarding contracts;  
25 prequalification of contractor.--

26           (1)(a) As soon as practicable after any bond issue has  
27 been voted upon and authorized or funds have been made  
28 available for the construction, remodeling, renovation,  
29 demolition, or otherwise for the improvement, of any  
30 educational or ancillary plant, and after plans for the work  
31 have been approved, the board, if competitively bidding the

1 project pursuant to s. 235.211, after advertising the same in  
2 the manner prescribed by law or rule, shall award the contract  
3 for the building or improvements to the lowest responsible  
4 bidder. However, if after taking all deductive alternates,  
5 the bid of the lowest responsible bidder exceeds the  
6 construction budget for the project established at the phase  
7 III submittal, the board may declare an emergency. After  
8 stating the reasons why an emergency exists, the board may  
9 negotiate the construction contract or modify the contract,  
10 including the specifications, with the lowest responsible  
11 bidder and, if the contract is modified, shall resubmit the  
12 documents to the department or to another authorized review  
13 authority for review to confirm that the project remains in  
14 compliance with building codes and fire codes. The board may  
15 reject all bids received and may readvertise, calling for new  
16 bids.

17 Section 6. Section 235.4351, Florida Statutes, as  
18 created by section 34 of chapter 97-384, Laws of Florida, is  
19 amended to read:

20 235.4351 Waivers from certain requirements.--The  
21 commissioner may adopt standards, by rule, for the provision  
22 of waivers from the requirements of this chapter relating to  
23 plant surveys, need projections, and cost ceilings. Special  
24 consideration for waiver shall be given to:

25 (1) Projects of school districts for which no state  
26 money is spent.

27 (2) Projects of school districts that certify that all  
28 of the district's educational plant space needs for the next 5  
29 years can be met from:

30 (a) Capital outlay sources that the district  
31 reasonably expects to receive during the next 5 years; or

1 (b) Alternative scheduling or construction, leasing,  
2 rezoning, or technological methodologies exhibiting sound  
3 management.

4 (3) Any school project that consists of constructing a  
5 facility that will have a maximum capacity of 500 or fewer  
6 students and the total square footage of which will be  
7 constructed to meet the minimum requirements, or less, of the  
8 State Requirements for Educational Facilities.

9 (4) School projects that the district can demonstrate  
10 are likely:

11 (a) To result in reduced maintenance costs and  
12 extended systems life expectancy; or

13 (b) To produce significant life-cycle cost savings  
14 through the use of energy-saving technologies or the use of  
15 materials or equipment the initial cost of which can be  
16 recovered in a period of 10 years or less.

17  
18 The commissioner shall report annually to the Legislature and  
19 the Governor, by January 1, the prior year's waivers granted  
20 under this section.

21 Section 7. Subsection (5) of section 404.056, Florida  
22 Statutes, is amended to read:

23 404.056 Environmental radiation standards and  
24 programs; radon protection.--

25 (5) MANDATORY TESTING.--All public and private school  
26 buildings or school sites housing students in kindergarten  
27 through grade 12; all state-owned, state-operated,  
28 state-regulated, or state-licensed 24-hour care facilities;  
29 and all state-licensed day care centers for children or  
30 minors, if located in a county that falls within the  
31 Department of Community Affairs' Florida Radon Protection Map

1 Categories of "Intermediate" or "Elevated Radon Potential,"  
2 shall be measured to determine the level of indoor radon,  
3 using measurement procedures established by the department.  
4 Testing must be completed within the first year of  
5 construction in 20 percent of the habitable first-floor spaces  
6 within any of the regulated buildings.Initial measurements  
7 shall be completed and reported to the department by July of  
8 the year in which the building is opened for occupancy ~~17~~  
9 ~~1990, and repeated measurements shall be performed and~~  
10 ~~reported to the department at 5-year intervals.~~ Followup  
11 testing must be completed in at least 5 percent of the  
12 habitable first-floor spaces within any of the regulated  
13 buildings by the time the building has been occupied for 5  
14 years, and results of the testing must be reported to the  
15 department by July 1 of the 5th year of occupancy. After radon  
16 measurements have twice been made, regulated buildings need  
17 not undergo further testing unless significant structural  
18 changes occur. If fill soil is required for the construction  
19 of a regulated building, initial testing of the fill soil must  
20 be performed in accordance with measurement procedures  
21 established by the department, and results of the testing must  
22 be reported to the department before construction begins. ~~Test~~  
23 ~~results, prior to the effective date of this act, may be~~  
24 ~~accepted by the department as long as the tests conducted meet~~  
25 ~~the standards for testing promulgated by the department, and~~  
26 ~~the school or care facility certifies this in writing to the~~  
27 ~~department.~~The provisions of paragraph (3)(c) as to  
28 confidentiality shall not apply to this subsection. No funds  
29 collected pursuant to s. 553.721 shall be used to carry out  
30 the provisions of this subsection.

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1 Section 8. Section 468.607, Florida Statutes, is  
2 amended to read:

3 468.607 Certification of building code administration  
4 and inspection personnel.--The board shall issue a certificate  
5 to any individual whom the board determines to be qualified,  
6 within such class and level as provided in this part and with  
7 such limitations as the board may place upon it. A No person  
8 may not be employed by a state agency or local governmental  
9 authority to perform the duties of a building code  
10 administrator, plans examiner, or inspector after October 1,  
11 1993, without possessing the proper valid certificate issued  
12 in accordance with ~~the provisions of this part.~~ Any person who  
13 acts as an inspector or a plans examiner under s. 235.26 while  
14 conducting activities authorized by certification under that  
15 section is certified to continue conducting inspections for a  
16 local government until the person's UBCI certification  
17 expires, after which he or she must possess the proper valid  
18 certificate issued in accordance with this part.

19 Section 9. This act shall take effect July 1, 1998.

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22 SENATE SUMMARY

23 Creates additional divisions of the Department of  
24 Education. Amends provisions relating to suppliers who  
25 supply commodities and services to schools in this state.  
26 Amends functions of the department relating to  
27 educational and ancillary facilities and plants. Amends  
28 provisions relating to requirements for placing operable  
29 glazing in educational facilities. Allows an authorized  
30 review authority other than the department to review  
31 certain documents to confirm that certain projects are in  
compliance with building and fire codes. Allows certain  
school projects to receive special consideration for  
waivers from specified requirements of ch. 235, F.S.  
Amends requirements for mandatory testing to determine  
the level of indoor radon in certain school buildings and  
at certain school sites. Requires persons who act as  
inspectors and plans examiners under s. 235.26, F.S., to  
obtain certificates under part XII of ch. 468, F.S., but  
only after their UBCI certification expires.