

286-218AXA-38

Bill No. HB 1145

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Eggelletion and Pruitt offered the
12 following:

14 **Amendment to Amendment (140095) (with title amendment)**

15 remove from the amendment: everything after the enacting
16 clause

18 and insert in lieu thereof:

19 Section 1. Paragraph (b) of subsection (3) of section
20 235.056, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 235.056 Lease, rental, and lease-purchase of
23 educational facilities and sites.--

24 (3)

25 (b) Prior to occupying a rented or a leased existing
26 building, or space within an existing building, pursuant to
27 this subsection, a school board shall, in a public meeting,
28 adopt a resolution certifying that the following circumstances
29 apply to the building proposed for occupancy:

30 1. Growth among the school-age population in the
31 school district has created a need for new educational

1 facilities in a neighborhood where there is little or no
2 vacant land.

3 2. There exists a supply of vacant space in existing
4 buildings that meet state minimum building and life safety
5 codes.

6 3. Acquisition and conversion to use as educational
7 facilities of an existing building or buildings is a
8 cost-saving means of providing the needed classroom space as
9 determined by the difference between the cost of new
10 construction, including land acquisition and preparation and,
11 if applicable, demolition of existing structures, and the cost
12 of acquisition through rental or lease and conversion of an
13 existing building or buildings.

14 4. The building has been examined for suitability,
15 safety, and conformance with state minimum building and life
16 safety codes. The building examination shall consist, at a
17 minimum, of a review of existing documents, building site
18 reconnaissance, and analysis of the building conducted by, or
19 under the responsible charge of, a licensed structural
20 engineer.

21 5. A certificate of evaluation has been issued by an
22 appropriately licensed design professional ~~the structural~~
23 ~~engineer~~ which states that, based on available documents,
24 building site reconnaissance, current knowledge, and design
25 ~~engineering~~ judgment in the professional's ~~engineer's~~
26 ~~professional~~ opinion, the building meets the requirements of
27 state minimum building and life safety codes, provides safe
28 egress of occupants from the building, provides adequate
29 firesafety, and does not pose a substantial threat to life to
30 persons who would occupy the building for classroom use.

31 6. The plans for conversion of the building were

1 prepared by an appropriate design professional ~~architect or~~
2 ~~structural engineer~~ licensed in this state, and the work of
3 conversion was performed by contractors licensed in this
4 state.

5 7. The conversion of the building was observed by an
6 appropriate design professional ~~architect or structural~~
7 ~~engineer~~ licensed in this state.

8 8. The building has been reviewed, inspected, and
9 granted a certificate of occupancy by the local building
10 department.

11 9. All ceilings, light fixtures, ducts, and registers
12 within the area to be occupied for classroom purposes were
13 constructed or have been reconstructed to meet state minimum
14 requirements.

15 Section 2. Subsection (3) of section 235.0155, Florida
16 Statutes, is amended to read:

17 235.0155 Prototype designs.--

18 (3) District school boards may use the prototype plans
19 ~~free of charge from the department for all new facilities.~~

20 Site adaptations, minor plan modifications, inspections,
21 contract award, contract management, and final acceptance of
22 the project shall be provided under contracts held by the
23 school board.

24 Section 3. Paragraph (c) of subsection (1) of section
25 235.15, Florida Statutes, 1998 Supplement, is amended to read:

26 235.15 Educational plant survey; localized need
27 assessment; PECO project funding.--

28 (1) At least every 5 years, each board, including the
29 Board of Regents, shall arrange for an educational plant
30 survey, to aid in formulating plans for housing the
31 educational program and student population, faculty,

1 administrators, staff, and auxiliary and ancillary services of
 2 the district or campus, including consideration of the local
 3 comprehensive plan. The Division of Workforce Development
 4 shall document the need for additional career and adult
 5 education programs and the continuation of existing programs
 6 before facility construction or renovation related to career
 7 or adult education may be included in the educational plant
 8 survey of a school district or community college that delivers
 9 career or adult education programs. Information used by the
 10 Division of Workforce Development to establish facility needs
 11 must include, but need not be limited to, labor market data,
 12 needs analysis, and information submitted by the school
 13 district or community college.

14 (c) Review and validation.--~~When required by the~~
 15 ~~Constitution,~~The department shall review and validate the
 16 surveys of school districts and community colleges and any
 17 amendments thereto for compliance with the requirements of
 18 this chapter and, when required by the State Constitution,
 19 shall recommend those in compliance for approval by the State
 20 Board of Education.

21 Section 4. Subsections (4), (5), and (6) of section
 22 235.175, Florida Statutes, 1998 Supplement, are amended to
 23 read:

24 235.175 SMART schools; Classrooms First; legislative
 25 purpose.--

26 (4) SMART SCHOOLS CLEARINGHOUSE.--It is the purpose of
 27 the Legislature to create s. 235.217, establishing the SMART
 28 Schools Clearinghouse to assist the school districts in
 29 building SMART schools utilizing functional and frugal
 30 practices. The SMART Schools Clearinghouse must review
 31 district facilities work programs and projects and identify

1 districts qualified for incentive funding available through
 2 ~~effort index grants~~ and School Infrastructure Thrift Program
 3 awards; identify opportunities to maximize design and
 4 construction savings; develop school district facilities work
 5 program performance standards; and provide for review and
 6 recommendations to the Governor, the Legislature, and the
 7 State Board of Education.

8 (5) EFFORT INDEX GRANTS.--It is the purpose of the
 9 Legislature to create s. 235.186, in order to provide grants
 10 from state funds to assist school districts that have provided
 11 a specified level of local effort funding ~~and still have a~~
 12 ~~need to build new student stations and associated core~~
 13 ~~facility space to meet student membership requirements in K-12~~
 14 ~~programs. Districts must utilize state funds in accordance~~
 15 ~~with statutory requirements and obligate from among all~~
 16 ~~eligible sources an amount that is equivalent to the potential~~
 17 ~~available for construction from PECO funds, capital outlay and~~
 18 ~~debt service bond proceeds, Classrooms First funds, and the~~
 19 ~~one-half cent local option school sales surtax. Effort index~~
 20 ~~grants will be based upon recommendation of the SMART Schools~~
 21 ~~Clearinghouse.~~

22 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
 23 AWARDS.--It is the purpose of the Legislature to convert the
 24 SIT Program established in ss. 235.2155 and 235.216 to an
 25 incentive award program to encourage functional, frugal
 26 facilities and practices. ~~Districts that find ways to reduce~~
 27 ~~the cost of, or eliminate the need for, constructing~~
 28 ~~educational facilities can receive SIT Program awards equal to~~
 29 ~~50 percent of the amount saved. In addition, districts may~~
 30 ~~submit new schools to receive a SIT Program SMART school of~~
 31 ~~the year recognition award. SIT Program awards will be based~~

1 ~~upon recommendation of the SMART Schools Clearinghouse and may~~
2 ~~be used for any authorized capital expenditure.~~

3 Section 5. Section 235.185, Florida Statutes, 1998
4 Supplement, is amended to read:

5 235.186 Effort index grants for school district
6 facilities ~~work program projects.~~--

7 (1) The Legislature hereby allocates \$300 million of
8 funds appropriated for the effort index grants among the
9 district school boards which were deemed eligible for an
10 effort index grant by the SMART Schools Clearinghouse:

11 \$7,442,890 to Clay County; \$62,755,920 to Dade County;
12 \$1,628,590 to Hendry County; and \$414,950 to Madison County.

13 The remainder shall be allocated among the remaining district
14 school boards that qualify for an effort index grant by
15 meeting the local capital outlay effort criteria in paragraph
16 (a) or paragraph (b).

17 (a) Between July 1, 1995, and June 30, 1999, the
18 school district received direct proceeds from the one-half
19 cent sales surtax for public school capital outlay authorized
20 by s. 212.055(7) or from the local government infrastructure
21 sales surtax authorized by s. 212.055(2).

22 (b) The school district met two of the following
23 criteria:

24 1. Levied the full 2 mills of nonvoted discretionary
25 capital outlay authorized by s. 236.25(2) during 1995-1996,
26 1996-1997, 1997-1998, and 1998-1999.

27 2. Levied a cumulative voted millage for capital
28 outlay and debt service equal to 2.5 mills for fiscal years
29 1995 through 1999.

30 3. Received proceeds of school impact fees greater
31 than \$500 per dwelling unit which were in effect on July 1,

1 1998.

2 4. Received direct proceeds from either the
3 one-half-cent sales surtax for public school capital outlay
4 authorized by s. 212.055(7) or from the local government
5 infrastructure sales surtax authorized by s. 212.055(2).

6 (2) It is the intent of the Legislature that this
7 program be administered in the same manner as the Classrooms
8 First Program. Each district school board's share of the
9 appropriation for the effort index grants must be calculated
10 according to the following formula using the same basis as the
11 Classrooms First allocation formula, but the share of each
12 district shall, at a minimum, be at least equal to the amount
13 required for all payments of the district relating to bonds
14 issued by the state on its behalf:

15 (a) Twenty-five percent of the appropriation shall be
16 prorated to the districts based on each district's percentage
17 of base capital outlay full-time equivalent membership; and 65
18 percent shall be based on each district's percentage of growth
19 capital outlay full-time equivalent membership as specified
20 for the allocation of funds from the Public Education Capital
21 Outlay and Debt Service Trust Fund by s. 235.435(3).

22 (b) Ten percent of the appropriation must be allocated
23 among district school boards according to the allocation
24 formula in s. 235.435(1)(a).

25 (3) A district school board shall expend the funds
26 received under this section only to:

27 (a) Construct, renovate, remodel, repair, or maintain
28 educational facilities; or

29 (b) Pay debt service on bonds issued under this
30 section, the proceeds of which must be expended for new
31 construction, remodeling, renovation, and major repairs. Bond

1 proceeds shall be expended first for providing permanent
2 classroom facilities and related auxiliary facilities. Bond
3 proceeds may not be expended for any other facilities until
4 all unmet needs for permanent classrooms and auxiliary
5 facilities as defined in s. 235.011 have been satisfied.

6
7 However, if more than 9 percent of a district's total square
8 feet is more than 50 years old, the district must spend at
9 least 25 percent of its allocation on the renovation, major
10 repair, or remodeling of existing schools, except that
11 districts having fewer than 10,000 full-time equivalent
12 students are exempt from this requirement.

13 (4) Each district school board that pledges moneys
14 under paragraph (2)(b) shall notify the Department of
15 Education of its election at a time set by the department;
16 however, the initial notification shall be by July 1, 1999.
17 The Department of Education shall review the proposal of each
18 district school board for compliance with this section and
19 shall forward all approved proposals to the Division of Bond
20 Finance with a request to issue bonds on behalf of the
21 approved school districts.

22 (5) School districts that choose to bond their
23 Classrooms First proceeds must encumber all of such funds
24 prior to using effort index grant funds.

25 (6) A school district may receive a distribution for
26 use pursuant to paragraph (2)(a) only if the district school
27 board certifies to the Commissioner of Education that the
28 district has no unmet need for permanent classroom facilities
29 in its 5-year capital outlay work plan. If the work plan
30 contains such unmet needs, the district must use its
31 distribution for the payment of bonds under paragraph (2)(b).

1 If the district does not require its full bonded distribution
2 to eliminate such unmet needs, it may bond only that portion
3 of its allocation necessary to meet the needs.

4 ~~(1) PROJECT REVIEW/ ELIGIBILITY.--Annually, the SMART~~
5 ~~Schools Clearinghouse established pursuant to s. 235.217 shall~~
6 ~~review the adopted district facilities work program of each~~
7 ~~district to ensure compliance with the provisions of s.~~
8 ~~235.185 and to determine the district's eligibility to receive~~
9 ~~an effort index grant for local school facilities projects~~
10 ~~pursuant to this section. Projects identified in a district~~
11 ~~facilities work program which are eligible to receive an~~
12 ~~effort index grant shall be limited to those projects which~~
13 ~~provide new student stations and associated core facility~~
14 ~~space to meet student membership requirements in K-12~~
15 ~~programs. Effort index grants shall not be provided to replace~~
16 ~~relocatable classrooms which meet standards.~~

17 ~~(2) COMPUTATION OF REQUIRED LOCAL EFFORT AMOUNT FOR~~
18 ~~DISTRICT EFFORT INDEX.--Prior to a school district being~~
19 ~~eligible to receive an effort index grant pursuant to this~~
20 ~~section, the clearinghouse shall certify that the district~~
21 ~~agreed to expend, from among all eligible sources, an amount~~
22 ~~that is equivalent to the amount of funds projected to be~~
23 ~~available during the period covered by the district facilities~~
24 ~~work program from the following four sources for eligible~~
25 ~~basic capital outlay expenditures described in subsection (4):~~

26 ~~(a) Public Education Capital Outlay and Debt Service~~
27 ~~Trust Fund moneys for construction pursuant to s. 235.42.~~

28 ~~(b) The maximum potential bond proceeds available from~~
29 ~~the School District and Community College District Capital~~
30 ~~Outlay and Debt Service Trust Fund.~~

31 ~~(c) Proceeds from the Classrooms First Program~~

1 ~~authorized in s. 235.187.~~

2 ~~(d) One-half cent local option school sales surtax,~~
3 ~~pursuant to s. 212.055(7), if fully levied over the 5-year~~
4 ~~period.~~

5 ~~(3) ELIGIBLE REVENUE SOURCES FOR REQUIRED LOCAL~~
6 ~~EFFORT.--Expenditures from eligible revenues which may be~~
7 ~~counted toward a district's required local effort shall be~~
8 ~~limited to:~~

9 ~~(a) Public Education Capital Outlay and Debt Service~~
10 ~~Trust Fund distributions for construction pursuant to s.~~
11 ~~235.42.~~

12 ~~(b) School District and Community College District~~
13 ~~Capital Outlay and Debt Service Trust Fund distributions.~~

14 ~~(c) Direct proceeds from the half-cent local option~~
15 ~~school sales surtax authorized in s. 212.055(7).~~

16 ~~(d) Direct proceeds from the local government~~
17 ~~infrastructure sales surtax authorized in s. 212.055(2).~~

18 ~~(e) Direct proceeds from the 2-mill discretionary~~
19 ~~capital outlay levy authorized in s. 236.25.~~

20 ~~(f) Direct proceeds from district voted millage for~~
21 ~~capital outlay purposes as authorized in s. 9, Art. VII of the~~
22 ~~State Constitution.~~

23 ~~(g) School Infrastructure Thrift (SIT) Program awards~~
24 ~~received pursuant to ss. 235.2155 and 235.216.~~

25 ~~(h) Classrooms First Program proceeds received~~
26 ~~pursuant to s. 235.187.~~

27 ~~(i) Private donations.~~

28 ~~(j) Grants from local governments or not-for-profit~~
29 ~~organizations.~~

30 ~~(4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY~~
31 ~~EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT~~

1 ~~INDEX GRANTS.--~~

2 ~~(a) When reviewing a district facilities work program,~~
3 ~~the clearinghouse shall calculate the district's planned basic~~
4 ~~capital outlay expenditures that may be eligible for an effort~~
5 ~~index grant. For each district, this calculation shall consist~~
6 ~~of:~~

7 ~~1. Expenditures for district capital outlay projects~~
8 ~~described in subsection (1).~~

9 ~~2. Expenditures for debt service payments for~~
10 ~~outstanding capital outlay bonds sold to finance new~~
11 ~~construction, remodeling, renovation, or major repair of~~
12 ~~educational facilities.~~

13 ~~3. Expenditures for scheduled payments on outstanding~~
14 ~~certificates of participation used to finance new~~
15 ~~construction, remodeling, renovation, or major repair of~~
16 ~~educational facilities.~~

17
18 ~~Expenditures relating to the replacement of relocatable~~
19 ~~classrooms that meet standards shall not qualify as~~
20 ~~expenditures eligible for inclusion in the calculation for~~
21 ~~effort index grants.~~

22 ~~(b) The computation of basic district capital outlay~~
23 ~~expenditures eligible for inclusion in the clearinghouse's~~
24 ~~calculation for effort index grants for projects initiated~~
25 ~~after July 1, 1997, shall be based upon the actual cost per~~
26 ~~student station or the cost per student station calculated~~
27 ~~pursuant to s. 235.435(6), whichever is less.~~

28 ~~(5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT~~
29 ~~FACILITIES.--~~

30 ~~(a) If the calculated district obligation is equal to~~
31 ~~or greater than the calculated required effort amount for the~~

1 ~~eligible expenditures, the district shall be eligible for an~~
 2 ~~effort index grant, to be determined by the clearinghouse by~~
 3 ~~calculating need from the actual cost per student station or~~
 4 ~~the cost per student station pursuant to s. 235.435(6),~~
 5 ~~whichever is less, plus debt service payments for new~~
 6 ~~construction, remodeling, renovation, or major repair of~~
 7 ~~educational facilities less the calculated required effort~~
 8 ~~amount.~~

9 ~~(b) Annually by November 1, the clearinghouse shall~~
 10 ~~report to the Governor and the Legislature on the amount~~
 11 ~~required to fully fund effort index grants for each of the~~
 12 ~~following 5 years.~~

13 ~~(c) Districts demonstrating inability to finance~~
 14 ~~eligible projects in their district facilities work programs~~
 15 ~~after meeting the requirements in subsection (2) may be~~
 16 ~~eligible to receive effort index grants, subject to~~
 17 ~~legislative appropriations for this purpose.~~

18 ~~(d) If legislative appropriations are insufficient to~~
 19 ~~fully fund the eligible total statewide qualified effort index~~
 20 ~~grants as calculated by the clearinghouse, priority~~
 21 ~~consideration shall be given to providing effort index grants~~
 22 ~~to those districts based upon:~~

23 ~~1. The extent to which they have exceeded the district~~
 24 ~~effort index in subsection (2); and~~

25 ~~2. The extent to which they have maximized their~~
 26 ~~revenue generating potential from the district effort index in~~
 27 ~~subsection (2) through the purchase of certificates of~~
 28 ~~participation, the sale of bonds, or other appropriate~~
 29 ~~long-term financing.~~

30 Section 6. Subsection (4) of section 235.211, Florida
 31 Statutes, is amended to read:

1 235.211 Educational facilities contracting and
2 construction techniques.--
3 (4) Except as otherwise provided in this section and
4 s. 481.229, the services of a registered architect must be
5 used for the development of plans for the erection,
6 enlargement, or alteration of any educational facility. The
7 services of a registered architect are not required for a
8 minor renovation project for which the construction cost is
9 less than \$50,000 or for the placement or hookup of
10 relocatable educational facilities that conform with standards
11 adopted under s. 235.26(2) and (3). However, boards must
12 provide compliance with building code requirements and ensure
13 that these structures are adequately anchored for wind
14 resistance as required by law. Boards are encouraged to
15 consider the reuse of existing construction documents or
16 design criteria packages where such reuse is feasible and
17 practical. Notwithstanding s. 287.055, a board may purchase
18 the architectural services for the design of educational or
19 ancillary facilities under an existing contract agreement for
20 professional services held by a school board in the State of
21 Florida, provided that the purchase is to the economic
22 advantage of the purchasing board, the services conform to the
23 standards prescribed by rules of the Commissioner of
24 Education, and such reuse is not without notice to, and
25 permission from, the architect of record whose plans or design
26 criteria are being reused. ~~The department shall review these~~
27 Plans shall be reviewed for compliance with the state
28 requirements for educational facilities. Rules adopted under
29 this section must establish uniform prequalification,
30 selection, bidding, and negotiation procedures applicable to
31 construction management contracts and the design-build

1 process. This section does not supersede any small,
 2 woman-owned or minority-owned business enterprise preference
 3 program adopted by a board. Except as otherwise provided in
 4 this section, the negotiation procedures applicable to
 5 construction management contracts and the design-build process
 6 must conform to the requirements of s. 287.055. A board may
 7 not modify any rules regarding construction management
 8 contracts or the design-build process.

9 Section 7. Paragraph (a) of subsection (3) and
 10 subsections (7) and (8) of section 235.2155, Florida Statutes,
 11 1998 Supplement, are amended to read:

12 235.2155 School Infrastructure Thrift Program Act.--

13 (3) The SIT Program is designed as:

14 (a) An incentive program to reward districts for:

15 1. Savings realized through functional, frugal
 16 construction.

17 2. Savings realized through the operation of charter
 18 schools in non-school-district facilities during the
 19 1996-1997, 1997-1998, and 1998-1999 school years.

20 (7) Awards from the SIT Program shall be made by the
 21 commissioner from funds appropriated by the Legislature. An
 22 award funded by an appropriation from the General Revenue Fund
 23 and may be used for any lawful capital outlay expenditure. An
 24 award funded by an appropriation of the proceeds of bonds
 25 issued pursuant to s. 235.2195 may be used only for bondable
 26 capital outlay projects.

27 ~~(8)(a) For each award to a school district pursuant to~~
 28 ~~paragraph (3)(a) that is recommended by the SMART Schools~~
 29 ~~Clearinghouse, the commissioner may award up to 50 percent of~~
 30 ~~the savings realized from the district's frugality.~~

31 ~~(b) For each award to a school district pursuant to~~

1 ~~paragraph (3)(b) that is recommended by the SMART Schools~~
2 ~~Clearinghouse, the commissioner may present a trophy or plaque~~
3 ~~and a cash award to the school.~~

4 Section 8. Subsections (2) and (3) of section 235.216,
5 Florida Statutes, 1998 Supplement, is amended to read:

6 235.216 SIT Program award eligibility; maximum cost
7 per student station of educational facilities; frugality
8 incentives; recognition awards.--

9 (2) ~~Beginning with the 1997-1998 fiscal year,~~A school
10 district may seek an award from the SIT Program, pursuant to
11 this section and s. 235.2155, based on the district's:

12 (a) New construction of educational facilities if the
13 cost per student station is less than:

- 14 1. \$11,600 for an elementary school,
- 15 2. \$13,300 for a middle school, or
- 16 3. \$17,600 for a high school,

17
18 (1997) as adjusted annually by the Consumer Price Index. The
19 award shall be up to 50 percent of such savings, as
20 recommended by the SMART Schools Clearinghouse.

21 (b) Operation of charter schools in
22 non-school-district facilities. SIT Program awards pursuant to
23 this paragraph shall be as recommended by the SMART Schools
24 Clearinghouse. After the initial award, the recommendation
25 must be based on savings realized from proportionate district
26 increase in such charter school enrollment in excess of
27 original enrollment, and the award shall be up to 50 percent
28 of such savings.

29 (3) Beginning with the 1998-1999 fiscal year, a school
30 district may seek a SMART school of the year recognition award
31 for building the highest quality functional, frugal school.

1 The commissioner may present a trophy or plaque and a cash
 2 award to the school recommended by the SMART Schools
 3 Clearinghouse for a SMART school of the year recognition
 4 award.

5 Section 9. Paragraphs (c), (d), and (e) of subsection
 6 (1), and paragraph (b) of subsection (3), of section 235.217,
 7 Florida Statutes, 1998 Supplement, are amended to read:

8 235.217 SMART (Soundly Made, Accountable, Reasonable,
 9 and Thrifty) Schools Clearinghouse.--

10 (1)

11 ~~(c) Members of the clearinghouse shall be appointed no~~
 12 ~~later than November 28, 1997, and shall convene for their~~
 13 ~~first meeting no later than December 1, 1997.~~

14 (c)~~(d)~~ The clearinghouse is assigned to the Department
 15 of Management Services for administrative and fiscal
 16 accountability purposes, but it shall otherwise function
 17 independently of the control and direction of the department,
 18 except as otherwise provided in chapters 110, 255, and 287 for
 19 agencies of the executive branch.

20 (d)~~(e)~~ The clearinghouse may adopt rules necessary to
 21 carry out its duties, including, but not limited to, rules
 22 relating to design and performance standards, the SMART
 23 Schools Design Directory, project delivery process, and
 24 prioritization of SIT Program awards.

25 (3) The clearinghouse shall:

26 (b) Prioritize school district SIT Program awards ~~and~~
 27 ~~effort index grants~~ based on a review of the district
 28 facilities work programs and proposed construction projects.

29 Section 10. Paragraph (a) of subsection (1) of section
 30 235.212, Florida Statutes, is amended to read:

31 235.212 Low-energy use design; solar energy systems;

1 swimming pool heaters.--

2 (1)(a) Passive design elements and low-energy usage
3 features shall be included in the design and construction of
4 new educational facilities. Operable glazing consisting of at
5 least 5 percent of the floor area shall be placed in each
6 classroom located on the perimeter of the building. Operable
7 glazing is not required, except in community colleges,
8 auxiliary facilities, music rooms, gyms, locker and shower
9 rooms, special laboratories requiring special climate control,
10 and large group instruction areas having a capacity of more
11 than 100 persons.

12 Section 11. Paragraph (a) of subsection (1) of section
13 235.31, Florida Statutes, 1998 Supplement, is amended to read:

14 235.31 Advertising and awarding contracts;
15 prequalification of contractor.--

16 (1)(a) As soon as practicable after any bond issue has
17 been voted upon and authorized or funds have been made
18 available for the construction, remodeling, renovation,
19 demolition, or otherwise for the improvement, of any
20 educational or ancillary plant, and after plans for the work
21 have been approved, the board, if competitively bidding the
22 project pursuant to s. 235.211, after advertising the same in
23 the manner prescribed by law or rule, shall award the contract
24 for the building or improvements to the lowest responsible
25 bidder. However, if after taking all deductive alternates,
26 the bid of the lowest responsible bidder exceeds the
27 construction budget for the project established at the phase
28 III submittal, the board may declare an emergency. After
29 stating the reasons why an emergency exists, the board may
30 negotiate the construction contract or modify the contract,
31 including the specifications, with the lowest responsible

1 bidder and, if the contract is modified, shall resubmit the
2 documents to the authorized review authority ~~department~~ for
3 review to confirm that the project remains in compliance with
4 building and fire codes. The board may reject all bids
5 received and may readvertise, calling for new bids.

6 Section 12. Subsection (3) of section 235.218, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 235.218 School district facilities work program
9 performance and productivity standards; development;
10 measurement; application.--

11 (3) The clearinghouse shall conduct ongoing
12 evaluations of district educational facilities program
13 performance and productivity, using the measures adopted under
14 this section. If, using these measures, the clearinghouse
15 finds that a district failed to perform satisfactorily, the
16 clearinghouse must recommend to the district school board
17 actions to be taken to improve the district's performance. ~~A~~
18 ~~district that refuses to follow the recommended actions may be~~
19 ~~denied an effort index grant.~~

20 Section 13. Section 46 of chapter 97-384, Laws of
21 Florida, is amended to read:

22 Section 46. There is hereby appropriated to the
23 Department of Education for fiscal year 1997-1998 the sum of
24 \$150 million from the General Revenue Fund and, contingent
25 upon the sale of 1997 school capital outlay bonds pursuant to
26 s. 235.2195, Florida Statutes, the sum of \$450 million from
27 the Educational Enhancement Trust Fund. The purpose of this
28 appropriation is to fund School Infrastructure Thrift (SIT)
29 Program awards pursuant to the provisions of ss. 235.2155 and
30 235.216, Florida Statutes, and effort index grants pursuant to
31 the provisions of s. 235.186, Florida Statutes. The maximum

1 amount of funds authorized for effort index grant awards is
 2 \$300 million through June 30, 1998, is \$70 million. Effort
 3 index grants shall only be funded from the Educational
 4 Enhancement Trust Fund appropriation authorized in this
 5 section. The funds appropriated in this section shall not be
 6 subject to the provisions of s. 216.301, Florida Statutes.

7 Section 14. Subsection (1) of section 235.061, Florida
 8 Statutes, 1998 Supplement, is amended to read:

9 235.061 Standards for relocatables used as classroom
 10 space; inspections.--

11 (1) The Commissioner of Education shall adopt rules
 12 establishing standards for relocatables intended for long-term
 13 use as classroom space at a public elementary school, middle
 14 school, or high school. "Long-term use" means the use of
 15 relocatables at the same educational plant for a period of 4
 16 years or more. These rules must be implemented by July 1,
 17 1998, and each relocatable acquired by a district school board
 18 after the effective date of the rules and intended for
 19 long-term use must comply with the standards. The rules shall
 20 require that, by July 1, 2001, relocatables that fail to meet
 21 the standards may not be used as classrooms. The standards
 22 shall protect the health, safety, and welfare of occupants by
 23 requiring compliance with the Uniform Building Code for Public
 24 Educational Facilities or other locally adopted state minimum
 25 building codes to ensure the safety and stability of
 26 construction and onsite installation; fire and moisture
 27 protection; air quality and ventilation; appropriate wind
 28 resistance; and compliance with the requirements of the
 29 Americans with Disabilities Act of 1990. If appropriate, the
 30 standards must also require relocatables to provide access to
 31 the same technologies available to similar classrooms within

1 the main school facility and, if appropriate, to be accessible
 2 by adequate covered walkways. By July 1, 2003, the
 3 commissioner shall adopt standards for all relocatables
 4 intended for long-term use as classrooms.A relocatable that
 5 is subject to this section and does not meet the standards
 6 shall not be reported as providing satisfactory student
 7 stations in the Florida Inventory of School Houses.

8 Section 15. Subsection (5) of section 404.056, Florida
 9 Statutes, 1998 Supplement, is amended to read:

10 404.056 Environmental radiation standards and
 11 programs; radon protection.--

12 (5) MANDATORY TESTING.--All public and private school
 13 buildings or school sites housing students in kindergarten
 14 through grade 12; all state-owned, state-operated,
 15 state-regulated, or state-licensed 24-hour care facilities;
 16 and all state-licensed day care centers for children or minors
 17 which are located in counties designated within the Department
 18 of Community Affairs' Florida Radon Protection Map Categories
 19 as "Intermediate" or "Elevated Radon Potential" shall be
 20 measured to determine the level of indoor radon, using
 21 measurement procedures established by the department. Testing
 22 shall be completed within the first year of construction in 20
 23 percent of the habitable first floor spaces within any of the
 24 regulated buildings.Initial measurements shall be completed
 25 and reported to the department by July 1 of the year the
 26 building is opened for occupancy. Followup testing must be
 27 completed in 5 percent of the habitable first floor spaces
 28 within any of the regulated buildings after the building has
 29 been occupied for 5 years, and results must be reported to the
 30 department by July 1 of the fifth year of occupancy. After
 31 radon measurements have been made twice, regulated buildings

1 need not undergo further testing unless significant structural
 2 changes occur. Where fill soil is required for the
 3 construction of a regulated building, initial testing of fill
 4 soil must be performed using measurement procedures
 5 established by the department, and the results must be
 6 reported to the department prior to construction., 1990, and
 7 ~~repeated measurements shall be performed and reported to the~~
 8 ~~department at 5-year intervals. Test results, prior to the~~
 9 ~~effective date of this act, may be accepted by the department~~
 10 ~~as long as the tests conducted meet the standards for testing~~
 11 ~~promulgated by the department, and the school or care facility~~
 12 ~~certifies this in writing to the department. The provisions~~
 13 ~~of paragraph (3)(c) as to confidentiality shall not apply to~~
 14 ~~this subsection. No funds collected pursuant to s. 553.721~~
 15 ~~shall be used to carry out the provisions of this subsection.~~

16 Section 16. Section 235.4355, Florida Statutes, as
 17 created by section 19 of chapter 97-384, Laws of Florida, is
 18 repealed.

19 Section 17. This act shall take effect upon becoming a
 20 law.

21
 22
 23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:
 25 remove from the title of the bill: the entire title
 26
 27 and insert in lieu thereof:

28 A bill to be entitled
 29 An act relating to educational facilities;
 30 amending s. 235.056, F.S.; requiring certain
 31 plans to be prepared by an appropriate design

1 professional; amending s. 235.0155, F.S.;

2 revising the fee for prototype plans usage;

3 amending s. 235.15, F.S.; requiring validation

4 of certain surveys; amending s. 235.175, F.S.;

5 revising the legislative purpose of the SMART

6 Schools Clearinghouse and effort index grants;

7 amending s. 235.186, F.S.; revising eligibility

8 criteria and the allocation formula for effort

9 index grants; amending s. 235.211, F.S.;

10 revising plan review requirements; amending s.

11 235.2155, F.S.; revising School Infrastructure

12 Thrift awards and related uses; amending s.

13 235.216, F.S.; deleting obsolete language;

14 providing guidelines for SMART school of the

15 year recognition awards; amending ss. 235.217

16 and 235.218, F.S.; conforming provisions;

17 deleting obsolete provisions; amending s.

18 235.212, F.S.; specifying areas exempt from

19 operable glazing; amending s. 235.31, F.S.;

20 revising the review authority for contracts;

21 amending s. 46 of ch. 97-384, Laws of Florida,

22 relating to appropriations for School

23 Infrastructure Thrift Program awards and effort

24 index grants; specifying an appropriation for

25 such awards; deleting funding for and

26 references to effort index grants; amending s.

27 235.061; providing for the adoption of

28 standards for relocatable classrooms; amending

29 s. 404.056, F.S.; revising requirements related

30 to radon testing; repealing s. 235.4355, F.S.,

31 relating to the SMART Schools Small County

286-218AXA-38

Bill No. HB 1145

Amendment No. ____ (for drafter's use only)

1 Assistance Program for fiscal year 1998-1999;
2 providing an effective date.
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