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A bill to be entitled An act relating to implementation of chapter 97-384, Laws of Florida; amending s. 235.061, F.S.; revising standards for relocatable facilities intended for long-term use; requiring the adoption of certain standards; amending s. 235.062, F.S.; revising procedures for reducing the number of relocatable facilities in use; amending s. 235.15, F.S.; revising criteria for district educational plant surveys; revising requirements for department review and validation of school district and community college educational plant surveys; amending s. 235.186, F.S.; revising eligibility criteria for effort index grants; revising reporting requirements; requiring the Auditor General to certify certain district revenues and expenditures; providing for distribution of effort index grants; amending s. 235.2155, F.S.; revising the purpose of the SIT Program; amending s. 235.218, F.S.; revising areas in which measures for evaluating school district facilities work programs will be developed and adopted; reenacting s. 235.062(2), F.S., relating to relocatable facilities, and s. 235.435(1)(e), (1)(g), and (4)(a), F.S., relating to funds for educational plant needs, to incorporate amendments to s. 235.15, F.S., in references; reenacting s. 235.186(3)(g), F.S., relating to effort index grants for school district

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facilities work program projects to incorporate an amendment to s. 235.2155, F.S., in a reference; reenacting s. 235.217(1)(a), F.S., relating to the SMART Schools Clearinghouse, to incorporate an amendment to s. 235.186, F.S., in a reference; reenacting s. 235.26(2)(a), F.S., relating to the uniform statewide building code for public educational facilities construction, to incorporate an amendment to s. 235.26, F.S., in a reference; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Subsection (1) of section 235.061, Florida Statutes, 1998 Supplement, is amended to read: 235.061 Standards for relocatables used as classroom space; inspections. --(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and Each relocatable constructed, purchased, or otherwise acquired by a district school board after the effective date of the rules and intended for long-term use

purchased, or leased by the school district, apply to existing

must comply with the standards. Relocatable standards in effect for existing relocatables, whether constructed,

relocatables. New relocatable standards apply to newly

acquired relocatables, whether constructed, purchased, or 1 2 leased by the school district after the effective date of the 3 new standards. The rules shall require that, by July 1, 2001, relocatables that fail to meet the standards may not be used 4 5 as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the 6 7 Uniform Building Code for Public Educational Facilities or 8 other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite 9 installation; fire and moisture protection; air quality and 10 11 ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 12 13 1990. If appropriate, the standards must also require 14 relocatables to provide access to the same technologies available to similar classrooms within the main school 15 16 facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2003, the commissioner shall 17 adopt standards for all relocatables intended for long-term 18 19 use as classrooms. A relocatable that is subject to this 20 section and does not meet the standards shall not be reported 21 as providing satisfactory student stations in the Florida 22 Inventory of School Houses. Section 2. Paragraph (a) of subsection (1) of section 23 235.062, Florida Statutes, 1998 Supplement, is amended to 24 25 read: 26 235.062 Reduction of relocatable facilities in use.--27 (1)(a) It is a goal of the Legislature that all school

quality educational environment for their students such that, by July 1, 2003, student stations in relocatable facilities

districts shall provide a safe, secure, and high-quality

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1998-1999 fiscal year shall be removed and the number of all 1 2 other relocatable student stations at over-capacity schools 3 during the 1998-1999 that fiscal year shall be decreased by half. In addition, student stations in relocatable facilities 4 5 in use by a district that exceed 20 years of age during the 6 1998-1999 fiscal year and each year thereafter may only be 7 used if they meet the new standards for long-term use 8 relocatables. The Legislature finds, however, that necessary 9 maintenance of existing facilities and public school enrollment growth impair the ability of some districts to 10 11 achieve the goal of this section within 5 years. Therefore, 12 the Legislature is increasing its commitment to school funding 13 in this act, in part to help districts reduce the number of 14 temporary, relocatable student stations at over-capacity schools. The Legislature intends that local school districts 15 16 also increase their investment toward meeting this goal. Each district's progress toward meeting this goal shall be measured 17 annually by comparing district facilities work programs for 18 19 replacing relocatables with the state capital outlay 20 projections for education prepared by the SMART Schools Clearinghouse pursuant to s. 235.217(3)(e). District 21 22 facilities work programs shall be monitored by the SMART Schools Clearinghouse to measure the commitment of local 23 24 school districts toward this goal. Section 3. Paragraphs (b) and (c) of subsection (1) of 25 26 section 235.15, Florida Statutes, 1998 Supplement, are amended 27 to read: 28 235.15 Educational plant survey; localized need 29 assessment; PECO project funding. --(1) At least every 5 years, each board, including the 30

31 | Board of Regents, shall arrange for an educational plant

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survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

- (b) Required need assessment criteria for district, community college, and state university plant surveys. -- Each educational plant survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.
- Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and 31 projected capital outlay full-time equivalent student

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enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.185. Those relocatables clearly identified and scheduled for replacement in the current year of in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys 31 revised after July 1, 1998, shall include information on

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leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.

- 2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.
- 3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.
- 4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections 31 of facility space needs must be consistent with standards for

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

- 5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.
- (c) Review and validation. -- When required by the Constitution, The department shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.
- Section 4. Subsection (1), paragraph (b) of subsection (4), and paragraph (b) of subsection (5) of section 235.186, Florida Statutes, 1998 Supplement, are amended, and paragraphs (e), (f), and (g) are added to subsection (5) of said section to read:
- 235.186 Effort index grants for school district facilities work program projects. --
- (1) PROJECT REVIEW; ELIGIBILITY. -- Annually, the SMART Schools Clearinghouse established pursuant to s. 235.217 shall review the adopted district facilities work program of each district to ensure compliance with the provisions of s. 235.185 and to determine the district's eligibility to receive 31 an effort index grant for local school facilities projects

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pursuant to this section. Projects identified in a district 1 facilities work program which are eligible to receive an effort index grant shall be limited to those projects which provide new student stations and associated core facility space to meet projected growth in student membership requirements in K-12 programs. Projected growth shall be determined by comparing the district's existing student capacity reported in the Florida Inventory of School Houses and the districtwide enrollment cohort projections by grade group organization prepared by the Department of Education. Effort index grants shall not be provided to replace 12 relocatable classrooms which meet standards.

- (a) Only the following types of projects may be funded from effort index grant proceeds:
- 1. Construction of new permanent student stations at new or existing schools.
- 2. Core facilities associated with construction of new student stations.
- 3. Core facilities at existing schools where the capacity of permanent and relocatable student stations exceeds the capacity of the food service dining area by one third.
- 4. Replacement of relocatables that will be 20 years or greater in age on July 1, 2003.
 - (b) Effort index grants shall not be used for:
 - 1. Remodeling and renovation of existing facilities.
 - 2. Maintenance and repair of existing facilities.
 - 3. Replacement of permanent facilities.
- 4. New student stations or core facilities in excess of requirements needed for projected growth.
- 30 Phased replacement of existing schools, purchase of land, site improvement, site development, ancillary

facilities, ancillary space, multipurpose rooms, stages, auditoria, hurricane shelters, student services, leased relocatables, or the design of new schools.

- 6. Any project not included in paragraph (a).
- (4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT INDEX GRANTS.--
- (b) The computation of basic district capital outlay expenditures eligible for inclusion in the clearinghouse's calculation for effort index grants for projects initiated after July 1, 1997, shall be based upon the actual cost per student station or the cost per student station calculated pursuant to s. 235.435(6), whichever is less. A district is not eligible for an effort index grant if during the 5-year qualifying period for the effort index grant the district exercises a waiver from the Commissioner of Education to exceed the cost per student station established by s. 235.435(6) for any project. During each year of the 5-year qualifying period for the effort index grant, the district shall spend from revenue generated by the discretionary capital outlay levy authorized by s. 236.25 an amount for new construction that is not less than the average amount spent by the district for new construction during the 3 previous years.
- (5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT FACILITIES.--
- (b) Annually by November 1, the clearinghouse shall report to the Governor and the Legislature on the status of the eligible applicants for the effort index grants amount required to fully fund effort index grants for each of the following 5 years.

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- (e) Effort index grants will be based on the 5-year qualifying period of the fiscal years 1998-1999 through 2002-2003. During the fall of 1999, all school districts may resubmit applications for this qualifying period using criteria outlined in this section.
- (f) The Auditor General shall annually audit the revenues and expenditures of each district designated as eligible for an effort index grant to certify that the district has spent from all eligible revenue sources an amount that is equivalent to the amount of funds projected to be available during the 5-year qualifying period from the sources outlined in subsection (2).
- (g) Effort index grants shall not be distributed to an eligible district until the district has encumbered all Classrooms First bond proceeds and the Auditor General has certified that the district has met all of the eligibility requirements of this section. The Department of Education shall distribute effort index grant funds to eligible districts in the same manner used to distribute Classrooms First bond proceeds.

Section 5. Paragraph (a) of subsection (3) of section 235.2155, Florida Statutes, 1998 Supplement, is amended to read:

235.2155 School Infrastructure Thrift Program Act.--

- (3) The SIT Program is designed as:
- (a) An incentive program to reward districts for:
- 1. Savings realized through functional, frugal construction.
- 29 2. Savings realized through the operation of charter schools in non-school-district facilities during the 1996-1997, 1997-1998, and 1998-1999 school years.

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Section 6. Paragraph (d) of subsection (1) of section 235.218, Florida Statutes, 1998 Supplement, is amended to read:

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

- (1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district facilities work programs. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:
- (d) Safety as it relates to the general conditions of the physical plant.

Section 7. For the purpose of incorporating the amendment to section 235.15, Florida Statutes, 1998 Supplement, in references thereto, the sections or subdivisions of Florida Statutes or Florida Statutes, 1998 Supplement, set forth below are reenacted to read:

235.062 Reduction of relocatable facilities in use. --

(2) In accordance with the legislative goal described in subsection (1), any relocatables purchased with money appropriated from this act shall be counted at actual student capacity for purposes of ss. 235.15 and 235.217 for the life cycle of the relocatable.

235.435 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects. -- Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for 31 capital outlay projects shall be determined as follows:

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- Remodeling projects shall be based on the recommendations of a survey pursuant to s. 235.15.
- (g) When an existing educational plant is determined to be unsatisfactory pursuant to the survey conducted under s. 235.15, the board may, by resolution, designate the plant as a historic educational facility and may use funds generated for renovation and remodeling pursuant to this section to restore the facility for use by the board. The board shall agree to pay renovation and remodeling costs in excess of funds which such facility would have generated through the depreciation formula in paragraph (a) had the facility been determined to be satisfactory. The board shall further agree that the plant shall continue to house students. The board may designate a plant as a historic educational facility only if the Division of Historical Resources of the Department of State or the appropriate historic preservation board under chapter 266 certifies that:
- The plant is listed or determined eligible for listing in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 U.S.C. s. 470;
- 2. The plant is designated historic within a certified local district pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code; or
- The division or historic preservation board otherwise finds that the plant is historically significant.
- (4)(a) The boards of trustees of the community colleges and the Board of Regents of the State University System shall receive funds for projects based on a 3-year 31 priority list, to be updated annually, which is submitted to

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the Legislature in the legislative budget request at least 45 days prior to the legislative session. The State Board of Community Colleges shall submit a 3-year priority list for the entire State Community College System. The Board of Regents shall submit a 3-year priority list for the entire State University System. The lists shall reflect decisions by the boards concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 235.15 or is for the purpose of correcting health and safety deficiencies. 12 13 construction project shall be included on the first year of 14 the 3-year priority list unless the educational specifications have been approved by the Chancellor for university projects 15 or by the Division of Community Colleges for community college 16 projects. The funds requested for a new construction project in the first year of the 3-year priority list shall be in 19 conformance with the scope of the project as defined in the 20 educational specifications. Any new construction project requested in the first year of the 3-year priority list which 21 22 is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list 23 for the subsequent year's capital outlay budget. Should the 24 order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list. Section 8. For the purpose of incorporating the

amendment to section 235.2155, Florida Statutes, 1998

Supplement, in a reference thereto, paragraph (g) of

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subsection (3) of section 235.186, Florida Statutes, 1998 Supplement, is reenacted to read:

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

- (3) ELIGIBLE REVENUE SOURCES FOR REQUIRED LOCAL EFFORT.--Expenditures from eligible revenues which may be counted toward a district's required local effort shall be limited to:
- (q) School Infrastructure Thrift (SIT) Program awards received pursuant to ss. 235.2155 and 235.216.

Section 9. Paragraph (a) of subsection (1) of section 235.217, Florida Statutes, 1998 Supplement, is reenacted to incorporate cross reference to section 235.186, Florida Statutes.

- 235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse. --
- (1)(a) The SMART Schools Clearinghouse is established to assist school districts that seek to access School Infrastructure Thrift (SIT) Program awards pursuant to ss. 235.2155 and 235.216 or effort index grants pursuant to s. 235.186. The clearinghouse must use expedited procedures in providing such assistance.

Section 10. Paragraph (a) of subsection (2) of section 235.26, Florida Statutes, is reenacted to incorporate cross reference to section 235.061, Florida Statutes.

235.26 State Uniform Building Code for Public Educational Facilities Construction. -- The Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community 31 college district boards of trustees. The code must be entitled

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the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS
REQUIRED FOR APPROVAL.—A district school board or community
college district board of trustees may not approve any plans
for the construction, renovation, remodeling, or demolition of
any educational or ancillary plants unless these plans conform
to the requirements of the Uniform Building Code. Each
district school board and community college district board of
trustees may adopt policies for delegating to the
superintendent or community college president authority for
submitting documents to the department and for awarding
contracts subsequent to and consistent with board approval of
the scope, timeframes, funding source, and budget of a
survey-recommended project. It is also the responsibility of
the department to develop, as a part of the Uniform Building
Code, standards relating to:

(a) Prefabricated facilities, factory-built facilities, or site-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner of Education. The standards must comply with the requirements of s. 235.061 for relocatable facilities intended for long-term use as classroom space.

Section 11. This act shall take effect July 1, 1999.

 Revises standards for relocatable facilities intended for long-term use. Revises procedures for reducing the number of relocatable facilities in use. Revises criteria for district educational plant surveys. Revises requirements for department review and validation of school district and community college educational plant surveys. Revises eligibility criteria for effort index grants. Revises reporting requirements. Requires the Auditor General to certify certain district revenues and expenditures. Provides for distribution of effort index grants. Revises the purpose of the SIT Program. Revises areas in which measures for evaluating school district facilities work programs will be developed and adopted.