

By Senator Horne

6-1507A-99

1 A bill to be entitled
2 An act relating to implementation of chapter
3 97-384, Laws of Florida; amending s. 235.061,
4 F.S.; revising standards for relocatable
5 facilities intended for long-term use;
6 requiring the adoption of certain standards;
7 amending s. 235.062, F.S.; revising procedures
8 for reducing the number of relocatable
9 facilities in use; amending s. 235.15, F.S.;
10 revising criteria for district educational
11 plant surveys; revising requirements for
12 department review and validation of school
13 district and community college educational
14 plant surveys; amending s. 235.186, F.S.;
15 revising eligibility criteria for effort index
16 grants; revising reporting requirements;
17 requiring the Auditor General to certify
18 certain district revenues and expenditures;
19 providing for distribution of effort index
20 grants; amending s. 235.2155, F.S.; revising
21 the purpose of the SIT Program; amending s.
22 235.218, F.S.; revising areas in which measures
23 for evaluating school district facilities work
24 programs will be developed and adopted;
25 reenacting s. 235.062(2), F.S., relating to
26 relocatable facilities, and s. 235.435(1)(e),
27 (1)(g), and (4)(a), F.S., relating to funds for
28 educational plant needs, to incorporate
29 amendments to s. 235.15, F.S., in references;
30 reenacting s. 235.186(3)(g), F.S., relating to
31 effort index grants for school district

1 facilities work program projects to incorporate
2 an amendment to s. 235.2155, F.S., in a
3 reference; reenacting s. 235.217(1)(a), F.S.,
4 relating to the SMART Schools Clearinghouse, to
5 incorporate an amendment to s. 235.186, F.S.,
6 in a reference; reenacting s. 235.26(2)(a),
7 F.S., relating to the uniform statewide
8 building code for public educational facilities
9 construction, to incorporate an amendment to s.
10 235.26, F.S., in a reference; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 235.061 Standards for relocatables used as classroom
18 space; inspections.--

19 (1) The Commissioner of Education shall adopt rules
20 establishing standards for relocatables intended for long-term
21 use as classroom space at a public elementary school, middle
22 school, or high school. "Long-term use" means the use of
23 relocatables at the same educational plant for a period of 4
24 years or more. ~~These rules must be implemented by July 1,~~
25 ~~1998, and~~ Each relocatable constructed, purchased, or
26 otherwise acquired by a district school board after the
27 effective date of the rules and intended for long-term use
28 must comply with the standards. Relocatable standards in
29 effect for existing relocatables, whether constructed,
30 purchased, or leased by the school district, apply to existing
31 relocatables. New relocatable standards apply to newly

1 acquired relocatables, whether constructed, purchased, or
2 leased by the school district after the effective date of the
3 new standards.~~The rules shall require that, by July 1, 2001,~~
4 ~~relocatables that fail to meet the standards may not be used~~
5 ~~as classrooms.~~The standards shall protect the health, safety,
6 and welfare of occupants by requiring compliance with the
7 Uniform Building Code for Public Educational Facilities or
8 other locally adopted state minimum building codes to ensure
9 the safety and stability of construction and onsite
10 installation; fire and moisture protection; air quality and
11 ventilation; appropriate wind resistance; and compliance with
12 the requirements of the Americans with Disabilities Act of
13 1990. If appropriate, the standards must also require
14 relocatables to provide access to the same technologies
15 available to similar classrooms within the main school
16 facility and, if appropriate, to be accessible by adequate
17 covered walkways. By July 1, 2003, the commissioner shall
18 adopt standards for all relocatables intended for long-term
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.

23 Section 2. Paragraph (a) of subsection (1) of section
24 235.062, Florida Statutes, 1998 Supplement, is amended to
25 read:

26 235.062 Reduction of relocatable facilities in use.--

27 (1)(a) It is a goal of the Legislature that all school
28 districts shall provide a safe, secure, and high-quality
29 quality educational environment for their students such that,
30 by July 1, 2003, ~~student stations in relocatable facilities~~
31 ~~exceeding 20 years of age and in use by a district during the~~

1 ~~1998-1999 fiscal year shall be removed and~~ the number of all
2 other relocatable student stations at over-capacity schools
3 during the 1998-1999 ~~that~~ fiscal year shall be decreased by
4 half. In addition, student stations in relocatable facilities
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
10 enrollment growth impair the ability of some districts to
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
15 schools. The Legislature intends that local school districts
16 also increase their investment toward meeting this goal. Each
17 district's progress toward meeting this goal shall be measured
18 annually by comparing district facilities work programs for
19 replacing relocatables with the state capital outlay
20 projections for education prepared by the SMART Schools
21 Clearinghouse pursuant to s. 235.217(3)(e). District
22 facilities work programs shall be monitored by the SMART
23 Schools Clearinghouse to measure the commitment of local
24 school districts toward this goal.

25 Section 3. Paragraphs (b) and (c) of subsection (1) of
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.--

30 (1) At least every 5 years, each board, including the
31 Board of Regents, shall arrange for an educational plant

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

16 (b) Required need assessment criteria for district,
17 community college, and state university plant surveys.--Each
18 educational plant survey completed after December 31, 1997,
19 must use uniform data sources and criteria specified in this
20 paragraph. Each educational plant survey completed after June
21 30, 1995, and before January 1, 1998, must be revised, if
22 necessary, to comply with this paragraph. Each revised
23 educational plant survey and each new educational plant survey
24 supersedes previous surveys.

25 1. Each school district's educational plant survey
26 must reflect the capacity of existing satisfactory facilities
27 as reported in the Florida Inventory of School Houses.
28 Projections of facility space needs may not exceed the norm
29 space and occupant design criteria established by the State
30 Requirements for Educational Facilities. Existing and
31 projected capital outlay full-time equivalent student

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

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

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

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 by the district or
10 institution and approved by the department or the Board of
11 Regents, as appropriate, as necessary for the delivery of an
12 approved educational program.

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

19 Section 4. Subsection (1), paragraph (b) of subsection
20 (4), and paragraph (b) of subsection (5) of section 235.186,
21 Florida Statutes, are amended, and paragraphs (e), (f), and
22 (g) are added to subsection (5) of that section, to read:

23 235.186 Effort index grants for school district
24 facilities work program projects.--

25 (1) PROJECT REVIEW; ELIGIBILITY.--Annually, the SMART
26 Schools Clearinghouse established pursuant to s. 235.217 shall
27 review the adopted district facilities work program of each
28 district to ensure compliance with the provisions of s.
29 235.185 and to determine the district's eligibility to receive
30 an effort index grant for local school facilities projects
31 pursuant to this section. Projects identified in a district

1 facilities work program which are eligible to receive an
2 effort index grant shall be limited to those projects which
3 provide new student stations and associated core facility
4 space to meet projected growth in student membership
5 ~~requirements~~ in K-12 programs. Projected growth shall be
6 determined by comparing the district's existing student
7 capacity in the Florida Inventory of School Houses and the
8 districtwide enrollment cohort projections by grade group
9 organization prepared by the Department of Education. Effort
10 index grants shall not be provided to replace relocatable
11 classrooms which meet standards.

12 (a) Only the following types of projects may be funded
13 from effort-index-grant proceeds:

14 1. Construction of new permanent student stations at
15 new or existing schools.

16 2. Core facilities associated with construction of new
17 student stations.

18 3. Core facilities at existing schools where the
19 capacity of permanent and relocatable student stations exceeds
20 the capacity of the food service dining area by one third.

21 4. Replacement of relocatables that will be 20 years
22 of age or older on July 1, 2003.

23 (b) Effort index grants shall not be used for:

24 1. Remodeling and renovation of existing facilities.

25 2. Maintenance and repair of existing facilities.

26 3. Replacement of permanent facilities.

27 4. New student stations or core facilities in excess
28 of the requirements needed for projected growth.

29 5. Phased replacement of existing schools, purchase of
30 land, site improvement, site development, ancillary
31 facilities, ancillary space, multipurpose rooms, stages,

1 auditoria, hurricane shelters, student services, leased
2 relocatables, or the design of new schools.

3 6. Any project not included in paragraph (a).

4 (4) COMPUTATION OF BASIC DISTRICT CAPITAL OUTLAY
5 EXPENDITURES ELIGIBLE FOR INCLUSION IN CALCULATION FOR EFFORT
6 INDEX GRANTS.--

7 (b) The computation of basic district capital outlay
8 expenditures eligible for inclusion in the clearinghouse's
9 calculation for effort index grants for projects initiated
10 after July 1, 1997, shall be based upon the actual cost per
11 student station or the cost per student station calculated
12 pursuant to s. 235.435(6), whichever is less. A district is
13 not eligible for an effort index grant if during the 5-year
14 qualifying period for the effort index grant the district
15 exercises a waiver from the Commissioner of Education to
16 exceed the cost per student station established by s.
17 235.435(6) for any project. During each year of the 5-year
18 qualifying period for the effort index grant, the district
19 shall spend from revenue generated by the discretionary
20 capital outlay levy authorized by s. 236.25 an amount for new
21 construction that is not less than the average amount spent by
22 the district for new construction during the 3 previous years.

23 (5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT
24 FACILITIES.--

25 (b) Annually by November 1, the clearinghouse shall
26 report to the Governor and the Legislature on the status of
27 eligible applicants for the effort index grants amount
28 ~~required to fully fund effort index grants for each of the~~
29 ~~following 5 years.~~

30 (e) Effort index grants will be based on the 5-year
31 qualifying period of fiscal years 1998-1999 through 2002-2003.

1 During the Fall of 1999, all school districts may resubmit
2 applications for this qualifying period using criteria
3 outlined in this section.

4 (f) The Auditor General shall annually audit the
5 revenues and expenditures of each district designated as
6 eligible for an effort index grant to certify that the
7 district has spent from all eligible revenue sources an amount
8 that is equivalent to the amount of funds projected to be
9 available during the 5-year qualifying period from the sources
10 outlined in subsection (2).

11 (g) Effort index grants shall not be distributed to an
12 eligible district until the district has encumbered all
13 Classroom First bond proceeds and the Auditor General has
14 certified that the district has met all of the eligibility
15 requirements of this section. The Department of Education
16 shall distribute effort index grant funds to eligible
17 districts in the same manner used to distribute Classrooms
18 First bond proceeds.

19 Section 5. Paragraph (a) of subsection (3) of section
20 235.2155, Florida Statutes, 1998 Supplement, is amended to
21 read:

22 235.2155 School Infrastructure Thrift Program Act.--

23 (3) The SIT Program is designed as:

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

25 1. Savings realized through functional, frugal
26 construction.

27 2. Savings realized through the operation of charter
28 schools in non-school-district facilities during the
29 1996-1997, 1997-1998, and 1998-1999 school years.

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1 Section 6. Paragraph (d) of subsection (1) of section
2 235.218, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 235.218 School district facilities work program
5 performance and productivity standards; development;
6 measurement; application.--

7 (1) The SMART Schools Clearinghouse shall develop and
8 adopt measures for evaluating the performance and productivity
9 of school district facilities work programs. The measures may
10 be both quantitative and qualitative and must, to the maximum
11 extent practical, assess those factors that are within the
12 districts' control. The measures must, at a minimum, assess
13 performance in the following areas:

14 (d) Safety as it relates to the general conditions of
15 the physical plant.

16 Section 7. For the purpose of incorporating the
17 amendment to section 235.15, Florida Statutes, 1998
18 Supplement, in references thereto, subsection (2) of section
19 235.062, Florida Statutes, 1998 Supplement, and paragraphs (e)
20 and (g) of subsection (2) and paragraph (a) of subsection (4)
21 of section 235.435, Florida Statutes, 1998 Supplement, are
22 reenacted to read:

23 235.062 Reduction of relocatable facilities in use.--

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

29 235.435 Funds for comprehensive educational plant
30 needs; construction cost maximums for school district capital
31 projects.--Allocations from the Public Education Capital

1 Outlay and Debt Service Trust Fund to the various boards for
2 capital outlay projects shall be determined as follows:

3 (1)

4 (e) Remodeling projects shall be based on the
5 recommendations of a survey pursuant to s. 235.15.

6 (g) When an existing educational plant is determined
7 to be unsatisfactory pursuant to the survey conducted under s.
8 235.15, the board may, by resolution, designate the plant as a
9 historic educational facility and may use funds generated for
10 renovation and remodeling pursuant to this section to restore
11 the facility for use by the board. The board shall agree to
12 pay renovation and remodeling costs in excess of funds which
13 such facility would have generated through the depreciation
14 formula in paragraph (a) had the facility been determined to
15 be satisfactory. The board shall further agree that the plant
16 shall continue to house students. The board may designate a
17 plant as a historic educational facility only if the Division
18 of Historical Resources of the Department of State or the
19 appropriate historic preservation board under chapter 266
20 certifies that:

21 1. The plant is listed or determined eligible for
22 listing in the National Register of Historic Places pursuant
23 to the National Historic Preservation Act of 1966, as amended,
24 16 U.S.C. s. 470;

25 2. The plant is designated historic within a certified
26 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
27 Revenue Code; or

28 3. The division or historic preservation board
29 otherwise finds that the plant is historically significant.

30 (4)(a) The boards of trustees of the community
31 colleges and the Board of Regents of the State University

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

30 Section 8. For the purpose of incorporating the
31 amendment to section 235.2155, Florida Statutes, 1998

1 Supplement, in a reference thereto, paragraph (g) of
2 subsection (3) of section 235.186, Florida Statutes, 1998
3 Supplement, is reenacted to read:

4 235.186 Effort index grants for school district
5 facilities work program projects.--

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

10 (g) School Infrastructure Thrift (SIT) Program awards
11 received pursuant to ss. 235.2155 and 235.216.

12 Section 9. Paragraph (a) of subsection (1) of section
13 235.217, Florida Statutes, 1998 Supplement, is reenacted to
14 incorporate cross reference to section 235.186, Florida
15 Statutes.

16 235.217 SMART (Soundly Made, Accountable, Reasonable,
17 and Thrifty) Schools Clearinghouse.--

18 (1)(a) The SMART Schools Clearinghouse is established
19 to assist school districts that seek to access School
20 Infrastructure Thrift (SIT) Program awards pursuant to ss.
21 235.2155 and 235.216 or effort index grants pursuant to s.
22 235.186. The clearinghouse must use expedited procedures in
23 providing such assistance.

24 Section 10. Paragraph (a) of subsection (2) of section
25 235.26, Florida Statutes, is reenacted to read:

26 235.26 State Uniform Building Code for Public
27 Educational Facilities Construction.--The Commissioner of
28 Education shall adopt a uniform statewide building code for
29 the planning and construction of public educational and
30 ancillary plants by district school boards and community
31 college district boards of trustees. The code must be entitled

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

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

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

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

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15 LEGISLATIVE SUMMARY

16

17 Revises standards for relocatable facilities intended for
18 long-term use. Revises procedures for reducing the number
19 of relocatable facilities in use. Revises criteria for
20 district educational plant surveys. Revises requirements
21 for department review and validation of school district
22 and community college educational plant surveys. Revises
23 eligibility criteria for effort index grants. Requires
24 the Auditor General to certify compliance. Requires
25 distribution of effort index grants. Revises the purpose
26 of the SIT Program. Revises areas in which measures for
27 evaluating school district facilities work programs will
28 be developed and adopted.

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