

Bill No. CS for SB 1848

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 235.062, Florida Statutes, is		
18	amended to read:		
19	235.062 Reduction of relocatable facilities in use.--		
20	(1)(a) It is <u>the intent</u> a goal of the Legislature that		
21	all school districts shall provide a quality educational		
22	environment for their students such that, by July 1, 2003,		
23	student stations in relocatable facilities exceeding 20 years		
24	of age and in use by a district during the 1998-1999 fiscal		
25	year shall be removed and the number of all other relocatable		
26	student stations at over-capacity schools during that fiscal		
27	year shall be decreased by half. The Legislature finds,		
28	however, that necessary maintenance of existing facilities and		
29	public school enrollment growth impair the ability of some		
30	districts to achieve the <u>intent</u> goal of this section within 5		
31	years. Therefore, the Legislature is increasing its commitment		

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1 to school funding in this act, in part to help districts
2 reduce the number of temporary, relocatable student stations
3 at over-capacity schools. The Legislature intends that local
4 school districts also increase their investment toward meeting
5 this intent goal. Each district's progress toward meeting this
6 intent goal shall be measured annually by comparing district
7 facilities work programs for replacing relocatables with the
8 state capital outlay projections for education prepared by the
9 Commissioner of Education ~~SMART Schools Clearinghouse~~ pursuant
10 to s. 235.217(3)(e). District facilities work programs shall
11 be monitored by the Commissioner of Education ~~SMART Schools~~
12 ~~Clearinghouse~~ to measure the commitment of local school
13 districts toward this intent goal.

14 (b) School districts are encouraged to eliminate
15 relocatable facilities. School districts pursuing the intent
16 of removing relocatable facilities and replacing them with
17 permanent facilities at a rate that exceeds the legislative
18 intent expressed in this section shall be eligible for SIT
19 Awards and effort index grants because of this action.

20 (c)(b) For the purposes of this section, an
21 "over-capacity school" means a school the capital outlay FTE
22 enrollment of which exceeds 100 percent of the space and
23 occupant design capacity of its nonrelocatable facilities.
24 However, if a school's initial design incorporated relocatable
25 or modular instructional space, an "over-capacity school"
26 shall mean a school the capital outlay FTE enrollment of which
27 exceeds 100 percent of the space and occupant design capacity
28 of its core facilities.

29 (2) In accordance with the legislative intent goal
30 described in subsection (1), any relocatables purchased with
31 money appropriated from this act shall be counted at actual

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1 student capacity for purposes of ss. 235.15 and 235.217 for
2 the life cycle of the relocatable.

3 Section 2. Subsections (3), (4), and (5) of section
4 235.175, Florida Statutes, are amended to read:

5 235.175 SMART schools; Classrooms First; legislative
6 purpose.--

7 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
8 the purpose of the Legislature to create s. 235.185, requiring
9 each school district annually to adopt a district facilities
10 5-year work program. The purpose of the district facilities
11 work program is to keep the school board and the public fully
12 informed as to whether the district is using sound policies
13 and practices that meet the essential needs of students and
14 that warrant public confidence in district operations. The
15 district facilities work program will be monitored by the
16 Commissioner of Education ~~SMART Schools Clearinghouse, which~~
17 ~~will also apply performance standards pursuant to s. 235.218.~~

18 (4) SMART SCHOOLS CLEARINGHOUSE.--It is the purpose of
19 the Legislature to create s. 235.217, establishing the SMART
20 Schools Clearinghouse to assist the school districts in
21 building SMART schools utilizing functional and frugal
22 practices. The SMART Schools Clearinghouse must review
23 district facilities work programs and projects and identify
24 districts qualified for incentive funding available through
25 ~~effort index grants~~ and School Infrastructure Thrift Program
26 awards; identify opportunities to maximize design and
27 construction savings; develop school district facilities work
28 program performance standards; and provide for review and
29 recommendations to the Governor, the Legislature, and the
30 State Board of Education.

31 (5) EFFORT INDEX GRANTS.--It is the purpose of the

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1 Legislature to create s. 235.186, in order to provide grants
 2 from state funds to assist school districts that have provided
 3 a specified level of local effort funding and still have a
 4 need to build or renovate ~~new~~ student stations and associated
 5 core facility space ~~to meet student membership requirements~~ in
 6 K-12 programs. Districts must utilize state funds in
 7 accordance with statutory requirements and obligate from among
 8 all eligible sources an amount that is equivalent to the
 9 potential available for construction from PECO funds, capital
 10 outlay and debt service bond proceeds, Classrooms First funds,
 11 and the one-half cent local option school sales surtax. As an
 12 alternative to the one-half cent local option school sales
 13 surtax, districts that commit at least 50 percent of the full
 14 value of the 2-mill discretionary capital outlay levy
 15 authorized in s. 236.25 for construction or debt service or
 16 levy millage for general obligation bond debt service may
 17 substitute their values for the one-half cent local option
 18 school sales surtax cost in calculating eligibility for effort
 19 index grants. Effort index grants will be based upon
 20 recommendation of the Commissioner of Education ~~SMART Schools~~
 21 ~~Clearinghouse~~.

22 Section 3. Subsections (1) and (5) of section 235.185,
 23 Florida Statutes, 1998 Supplement, are amended to read:

24 235.185 School district facilities work program;
 25 definitions; preparation, adoption, and amendment; long-term
 26 work programs.--

27 (1) DEFINITIONS.--As used in this section, the term:

28 (a) "Adopted district facilities work program" means
 29 the 5-year work program adopted by the district school board
 30 as provided in subsection (3).

31 (b) "Tentative district facilities work program" means

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1 the 5-year listing of capital outlay projects required:

2 1. To properly maintain the educational plant and
3 ancillary facilities of the district.

4 2. To provide an adequate number of satisfactory
5 student stations for the projected student enrollment of the
6 district in K-12 programs in accordance with the intent goal
7 in s. 235.062.

8 ~~(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to~~
9 ~~the adopted district facilities work program covering the~~
10 ~~5-year work program, the district school board shall adopt~~
11 ~~annually a 10-year and a 20-year work program which include~~
12 ~~the information set forth in subsection (2), but based upon~~
13 ~~enrollment projections and facility needs for the 10-year and~~
14 ~~20-year periods. It is recognized that the projections in the~~
15 ~~10-year and 20-year timeframes are tentative and should be~~
16 ~~used only for general planning purposes.~~

17 Section 4. Subsections (1), (2), and (4) of section
18 235.186, Florida Statutes, are amended, present subsection (5)
19 of that section is redesignated as subsection (6) and amended,
20 and a new subsection (5) is added to that section, to read:

21 235.186 Effort index grants for school district
22 facilities work program projects.--

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

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1 limited to those projects authorized by the educational plant
2 survey as defined by s. 235.15 ~~which provide new student~~
3 ~~stations and associated core facility space to~~ serve meet
4 student membership requirements in K-12 programs and included
5 in the 1998-1999 through 2002-2003 district facilities work
6 program. Effort index grants shall ~~not~~ be provided to replace
7 relocatable classrooms ~~which meet standards.~~ Projects eligible
8 to receive an effort index grant identified in a district
9 facilities work program may include emergency shelters as
10 required by s. 235.26(9), replacement schools, classroom
11 additions, core facilities, land development, and renovations
12 and remodeling where the scope of work extends the useful life
13 of the permanent educational facility.

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

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

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

29 (c) Proceeds from the Classrooms First Program
30 authorized in s. 235.187.

31 (d) One-half cent local option school sales surtax,

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1 pursuant to s. 212.055(7), if fully levied over the 5-year
 2 period, or 50 percent of the full value of the 2-mill
 3 discretionary capital outlay levy authorized in s. 236.25 for
 4 construction or debt service or the full value of millage
 5 levied for general obligation bond debt service.

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

9 (a) When reviewing a district facilities work program,
 10 the Commissioner of Education ~~clearinghouse~~ shall calculate
 11 the district's planned basic capital outlay expenditures that
 12 may be eligible for an effort index grant. For each district,
 13 this calculation shall consist of:

14 1. Expenditures for district capital outlay projects
 15 described in subsection (1).

16 2. Expenditures for debt service payments for
 17 outstanding capital outlay bonds sold to finance new
 18 construction, remodeling, renovation, or major repair of
 19 educational facilities.

20 3. Expenditures for scheduled payments on outstanding
 21 certificates of participation used to finance new
 22 construction, remodeling, renovation, or major repair of
 23 educational facilities.

24
 25 Expenditures relating to the replacement of relocatable
 26 classrooms that meet standards shall not qualify as
 27 expenditures eligible for inclusion in the calculation for
 28 effort index grants.

29 (b) The computation of basic district capital outlay
 30 expenditures eligible for inclusion in the commissioner's
 31 ~~clearinghouse's~~ calculation for effort index grants for

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1 projects initiated after July 1, 1997, shall be based upon the
 2 actual cost per student station or the cost per student
 3 station calculated pursuant to s. 235.435(6), whichever is
 4 less.

5 (c) The computation of the basic capital outlay
 6 expenditures eligible for inclusion in the commissioner's
 7 calculation for effort index grants for projects shall include
 8 emergency shelters as required by s. 235.26(9), replacement
 9 schools, classroom additions, core facilities, land
 10 development, and renovations and remodeling where the scope of
 11 work extends the useful life of the permanent educational
 12 facility.

13 (5) ALTERNATIVE COMPUTATION FOR ELIGIBLE REVENUE
 14 SOURCES FOR REQUIRED LOCAL EFFORT.--Districts that have
 15 fulfilled the statutory requirements of PECO funds, capital
 16 outlay and debt service bond proceeds, and Classrooms First
 17 bonding as specified in s. 235.188, have levied millage for
 18 general obligation bond debt service, have levied the full
 19 2-mill discretionary local capital outlay millage as
 20 authorized in s. 236.25, and have committed at least 50
 21 percent of the proceeds of the millage to debt service of
 22 Certificates of Participation or for construction, remodeling,
 23 and renovation of school plant survey recommended educational
 24 plant projects shall be eligible for effort index grants.

25 (6)(5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT
 26 FACILITIES.--

27 (a) If the calculated district obligation is equal to
 28 or greater than the calculated required effort amount for the
 29 eligible expenditures, the district shall be eligible for an
 30 effort index grant, to be determined by the Commissioner of
 31 Education ~~clearinghouse~~ by calculating need from the actual

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1 cost per student station or the cost per student station
2 pursuant to s. 235.435(6), whichever is less, plus debt
3 service payments for new construction, remodeling, renovation,
4 or major repair of educational facilities less the calculated
5 required effort amount.

6 (b) Annually by November 1, the Commissioner of
7 Education clearinghouse shall report to the Governor and the
8 Legislature on the amount required to fully fund effort index
9 grants for each of the following 5 years.

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

15 (d) If legislative appropriations are insufficient to
16 fully fund the eligible total statewide qualified effort index
17 grants as calculated by the Commissioner of Education
18 clearinghouse, the entire appropriated amount shall be
19 distributed for effort index grants in accordance with the
20 formula established in s. 235.187 ~~priority consideration shall~~
21 ~~be given to providing effort index grants to those districts~~
22 ~~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 5. Paragraph (a) of subsection (1) and
31 subsection (3) of section 235.217, Florida Statutes, are

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1 amended to read:

2 235.217 SMART (Soundly Made, Accountable, Reasonable,
3 and Thrifty) Schools Clearinghouse.--

4 (1)(a) The SMART Schools Clearinghouse is established
5 to assist school districts that seek to access School
6 Infrastructure Thrift (SIT) Program awards pursuant to ss.
7 235.2155 and 235.216 ~~or effort index grants pursuant to s.~~
8 ~~235.186~~. The clearinghouse must use expedited procedures in
9 providing such assistance.

10 (3) The clearinghouse shall:

11 (a) Recommend to the Governor, the Legislature, and
12 the State Board of Education frugal construction standards
13 that ensure appropriate industry standards and optimal life
14 cycles and that may include, but are not limited to, standards
15 for optimal size of core facility space, design-build,
16 performance contracting, energy efficiency, and life-cycle
17 systems costing.

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

21 (c) Recommend to the Governor, the Legislature, and
22 the State Board of Education standards and policies relating
23 to the design and construction of educational facilities.

24 (d) Request the commissioner to consider all relevant
25 recommendations for incorporation into the Uniform Building
26 Code.

27 (e) By July 1, 1998, establish a 5-year statewide
28 capital outlay projection for education. In developing the
29 projection, the clearinghouse shall reasonably adhere to
30 historical projection standards developed for school capital
31 outlay by the Department of Education and shall incorporate

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1 the following factors into the projection:

2 1. A calculation of the number of student stations in
3 each district as calculated in the Florida Inventory of School
4 Houses based upon space to which stations are to be assigned
5 pursuant to s. 235.014(10)(a)1.

6 2. The norm value of each space-per-student station
7 range established for each educational classroom in the State
8 Requirements for Educational Facilities, with the norm value
9 constituting one student station in the Florida Inventory of
10 School Houses.

11 3. The number of capital outlay full-time equivalent
12 students as determined by the department for each school
13 district.

14 4. A total project cost per student station, which may
15 equal the respective maximums provided in s. 235.435(6) for
16 elementary, middle, and high school student stations adjusted
17 by the Consumer Price Level Index calculated 30 months from
18 the time of the current state capital outlay projection for
19 education.

20 5. Maintenance standards and guidelines as determined
21 by the Department of Education.

22 6. A relocatable valuation factor, which must consider
23 the historical lifespan of relocatable classrooms in public
24 schools compared to that of permanent facility space, and
25 account for the intent goal established in s. 235.062 for
26 replacement of relocatables in the next 5 years.

27 7. A projection of available state and district
28 revenues for the next 5 fiscal years, based upon current-year
29 projections of state capital outlay revenues accruing to
30 school districts and current-year levies of ss. 212.055,
31 236.25(2), 236.31, and 236.32 and millage voted from

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1 provisions of s. 9, Art. VII of the State Constitution,
 2 incorporating the most recent projections of the Gross
 3 Receipts, Public Educational Capital Outlay, Education,
 4 Transportation, and General Revenue Estimating Conferences;
 5 and not including any revenues accruing through impact fees,
 6 proceeds accrued from certificates of participation, or any
 7 currently unlevied portion of rate or millage authorized by s.
 8 212.055, s. 236.25(2), s. 236.31, or s. 236.32 or s. 9, Art.
 9 VII of the State Constitution.

10 Section 6. Subsection (3) of section 235.218, Florida
 11 Statutes, is amended to read:

12 235.218 School district facilities work program
 13 performance and productivity standards; development;
 14 measurement; application.--

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

23 Section 7. This act shall take effect upon becoming a
 24 law.

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 26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled
An act relating to educational facilities;
amending s. 235.062, F.S.; encouraging school
districts to eliminate relocatable facilities;
amending s. 235.175, F.S.; providing an
alternative method of qualifying for effort
index grants; amending s. 235.185, F.S.;
amending definitions of terms relating to
school district facilities work programs;
deleting provisions relating to 10-year and
20-year work programs; amending s. 235.186,
F.S.; amending provisions relating to
eligibility for effort index grants; amending
ss. 235.217, 235.218, F.S.; conforming
provisions; providing an effective date.