

By Senator Clary

7-783A-99

1 A bill to be entitled
2 An act relating to educational facilities;
3 transferring the SMART Schools Clearinghouse
4 from the Department of Management Services to
5 the Department of Education; amending s.
6 235.15, F.S.; requiring validation of certain
7 surveys; repealing s. 235.186, F.S., relating
8 to effort index grants; amending ss. 235.175,
9 235.185, 235.188, 235.217, 235.218, F.S.;
10 conforming provisions; deleting obsolete
11 provisions; repealing s. 235.4355, F.S.,
12 relating to SMART Schools Small County
13 Assistance Program for fiscal year 1998-1999;
14 amending s. 46 of ch. 97-384, Laws of Florida,
15 relating to appropriations for School
16 Infrastructure Thrift Program awards and effort
17 index grants; limiting the appropriation to
18 such awards; deleting funding for and
19 references to effort index grants; providing an
20 effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Effective July 1, 1999, the SMART Schools
25 Clearinghouse created by section 235.217, Florida Statutes,
26 1998 Supplement, and its powers, duties, functions, records,
27 personnel, property and unexpended balances of appropriations,
28 allocations, and other funds are transferred from the
29 Department of Management Services to the Department of
30 Education by a type two transfer as defined in section 20.06,
31 Florida Statutes.

1 Section 2. Paragraph (c) of subsection (1) of section
2 235.15, Florida Statutes, 1998 Supplement, is amended to read:

3 235.15 Educational plant survey; localized need
4 assessment; PECO project funding.--

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

22 (c) Review and validation.--~~When required by the~~
23 ~~Constitution,~~The department shall review and validate the
24 surveys of school districts and community colleges and any
25 amendments thereto for compliance with the requirements of
26 this chapter and, when required by the State Constitution,
27 shall recommend those in compliance for approval by the State
28 Board of Education.

29 Section 3. Subsections (4), (5), and (6) of section
30 235.175, Florida Statutes, 1998 Supplement, are amended to
31 read:

1 235.175 SMART schools; Classrooms First; legislative
2 purpose.--

3 (4) SMART SCHOOLS ASSISTANCE AND OVERSIGHT
4 ~~CLEARINGHOUSE~~.--It is the purpose of the Legislature to create
5 s. 235.217, directing the Department of Education establishing
6 ~~the SMART Schools Clearinghouse~~ to assist the school districts
7 in building SMART schools utilizing functional and frugal
8 practices. The SMART Schools Clearinghouse must review
9 district facilities work programs and projects and identify
10 districts qualified for incentive funding available through
11 ~~effort index grants and~~ School Infrastructure Thrift Program
12 awards; identify opportunities to maximize design and
13 construction savings; develop school district facilities work
14 program performance standards; and provide for review and
15 recommendations to the Governor, the Legislature, and the
16 State Board of Education.

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

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1 (5)~~(6)~~ SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
2 AWARDS.--It is the purpose of the Legislature to convert the
3 SIT Program established in ss. 235.2155 and 235.216 to an
4 incentive award program to encourage functional, frugal
5 facilities and practices. Districts that find ways to reduce
6 the cost of, or eliminate the need for, constructing
7 educational facilities can receive SIT Program awards equal to
8 50 percent of the amount saved. In addition, districts may
9 submit new schools to receive a SIT Program SMART school of
10 the year recognition award. SIT Program awards will be based
11 upon recommendation of the SMART Schools Clearinghouse and may
12 be used for any authorized capital expenditure.

13 Section 4. Paragraph (a) of subsection (2) of section
14 235.185, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 235.185 School district facilities work program;
17 definitions; preparation, adoption, and amendment; long-term
18 work programs.--

19 (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK
20 PROGRAM.--

21 (a) Annually, prior to the adoption of the district
22 school budget, each school board shall prepare a tentative
23 district facilities work program that includes:

24 1. A schedule of major repair and renovation projects
25 necessary to maintain the educational plant and ancillary
26 facilities of the district.

27 2. A schedule of capital outlay projects necessary to
28 ensure the availability of satisfactory student stations for
29 the projected student enrollment in K-12 programs. This
30 schedule shall consider:

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- 1 a. The locations, capacities, and planned utilization
2 rates of current educational facilities of the district.
- 3 b. The proposed locations of planned facilities.
- 4 c. Plans for the use and location of relocatable
5 facilities, leased facilities, and charter school facilities.
- 6 d. Plans for multitrack scheduling, grade level
7 organization, block scheduling, or other alternatives that
8 reduce the need for permanent student stations.
- 9 e. Information concerning average class size and
10 utilization rate by grade level within the district that will
11 result if the tentative district facilities work program is
12 fully implemented. The average shall not include exceptional
13 student education classes or prekindergarten classes.
- 14 f. The number and percentage of district students
15 planned to be educated in relocatable facilities during each
16 year of the tentative district facilities work program.
- 17 g. Plans for the closure of any school, including
18 plans for disposition of the facility or usage of facility
19 space, and anticipated revenues.
- 20 3. The projected cost for each project identified in
21 the tentative district facilities work program. For proposed
22 projects for new student stations, a schedule shall be
23 prepared comparing the planned cost and square footage for
24 each new student station, by elementary, middle, and high
25 school levels, to the low, average, and high cost of
26 facilities constructed throughout the state during the most
27 recent fiscal year for which data is available from the
28 Department of Education.
- 29 4. A schedule of estimated capital outlay revenues
30 from each currently approved source which is estimated to be
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1 available for expenditure on the projects included in the
2 tentative district facilities work program.

3 5. A schedule indicating which projects included in
4 the tentative district facilities work program will be funded
5 from current revenues projected in subparagraph 4.

6 6. A schedule of options for the generation of
7 additional revenues by the district for expenditure on
8 projects identified in the tentative district facilities work
9 program which are not funded under subparagraph 5. Additional
10 anticipated revenues may include ~~effort index grants~~, SIT
11 Program awards, and Classrooms First funds.

12 Section 5. Section 235.188, Florida Statutes, is
13 amended to read:

14 235.188 Full bonding required to participate in
15 programs.--Any district with unused bonding capacity in its
16 Capital Outlay and Debt Service Trust Fund allocation that
17 certifies in its district facilities work program that it will
18 not be able to meet all of its need for new student stations
19 within existing revenues must fully bond its Capital Outlay
20 and Debt Service Trust Fund allocation before it may
21 participate in Classrooms First or, the School Infrastructure
22 Thrift (SIT) Program, ~~or the Effort Index Grants Program.~~

23 Section 6. Paragraphs (a), (c), (d), and (e) of
24 subsection (1), paragraph (b) of subsection (3), subsection
25 (4), and paragraphs (d) and (e) of subsection (5) of section
26 235.217, Florida Statutes, 1998 Supplement, are amended to
27 read:

28 235.217 SMART (Soundly Made, Accountable, Reasonable,
29 and Thrifty) Schools Clearinghouse.--

30 (1)(a) The SMART Schools Clearinghouse is established
31 to assist school districts that seek ~~to access~~ School

1 Infrastructure Thrift (SIT) Program awards pursuant to ss.
2 235.2155 and 235.216 ~~or effort index grants pursuant to s.~~
3 ~~235.186~~. The clearinghouse must use expedited procedures in
4 providing such assistance.

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

8 (c)~~(d)~~ The clearinghouse is assigned to the Department
9 of Education Management Services for administrative and fiscal
10 accountability purposes, but it shall otherwise function
11 independently of the control and direction of the department,
12 except as otherwise provided in chapters 110, 255, and 287 for
13 agencies of the executive branch.

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

19 (3) The clearinghouse shall:

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

23 (4) The clearinghouse may not enter into the
24 day-to-day operation of the ~~Department of Management Services~~
25 ~~or the~~ Department of Education and is specifically prohibited
26 from taking part in any of the following activities of a
27 school district:

28 (a) The awarding of contracts.

29 (b) The selection of a consultant or contractor or the
30 prequalification of any individual consultant or contractor.

31 However, the clearinghouse may recommend to the commissioner

1 standards and policies governing the procedure for selection
2 and prequalification of consultants and contractors.

3 (c) The selection of the specific location of a
4 facility.

5 (5)

6 (d) The clearinghouse shall develop a budget request
7 pursuant to chapter 216. The budget request is not subject to
8 change by the Department of Education Management Services but
9 shall be submitted to the Governor and the Legislature along
10 with the budget request of the department.

11 (e) The clearinghouse and the Department of Education
12 shall develop a ~~an interagency~~ cooperation, collaboration, and
13 information-sharing agreement, as necessary to work out areas
14 of mutual concern.

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

17 235.218 School district facilities work program
18 performance and productivity standards; development;
19 measurement; application.--

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

29 Section 8. Section 46 of chapter 97-384, Laws of
30 Florida, is amended to read:

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1 Section 46. There is hereby appropriated to the
2 Department of Education for fiscal year 1997-1998 the sum of
3 \$150 million from the General Revenue Fund and, contingent
4 upon the sale of 1997 school capital outlay bonds pursuant to
5 s. 235.2195, Florida Statutes, the sum of \$450 million from
6 the Educational Enhancement Trust Fund. The purpose of this
7 appropriation is to fund School Infrastructure Thrift (SIT)
8 Program awards pursuant to the provisions of ss. 235.2155 and
9 235.216, Florida Statutes, ~~and effort index grants pursuant~~
10 ~~to the provisions of s. 235.186, Florida Statutes. The maximum~~
11 ~~amount of funds authorized for effort index grant awards~~
12 ~~through June 30, 1998, is \$70 million. Effort index grants~~
13 ~~shall only be funded from the Educational Enhancement Trust~~
14 ~~Fund appropriation authorized in this section. The funds~~
15 appropriated in this section shall not be subject to the
16 provisions of s. 216.301, Florida Statutes.

17 Section 9. Section 235.186, Florida Statutes, as
18 created by section 5 of chapter 97-384, Laws of Florida, is
19 repealed.

20 Section 10. Section 235.4355, Florida Statutes, as
21 created by section 19 of chapter 97-384, Laws of Florida, is
22 repealed.

23 Section 11. This act shall take effect upon becoming a
24 law.

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SENATE SUMMARY

Transfers the SMART Schools Clearinghouse to the Department of Education. Requires the Department of Education to validate school district surveys of educational facilities. Repeals s. 235.186, F.S., relating to effort index grants and makes conforming changes. Transfers funds appropriated by chapter 97-384, Laws of Florida, for effort index grants to School Infrastructure Thrift (SIT) Program awards. Repeals s. 235.4355, F.S., relating to the SMART Schools Small County Assistance Program for fiscal year 1998-1999.