

1 A bill to be entitled
2 An act relating to educational facilities;
3 amending s. 235.056, F.S.; requiring certain
4 plans to be prepared by an appropriate design
5 professional; amending s. 235.0155, F.S.;
6 revising the fee for prototype plans usage;
7 amending s. 235.15, F.S.; requiring validation
8 of certain surveys; amending s. 235.175, F.S.;
9 deleting formula for School Infrastructure
10 Thrift awards and effort index grants; amending
11 s. 235.186, F.S.; allocating certain funds for
12 effort index grants; revising the eligibility
13 criteria and allocation formula for effort
14 index grants; amending s. 235.2155, F.S.;
15 revising School Infrastructure Thrift awards
16 and related uses; amending s. 235.216, F.S.
17 authorizing enhanced School Infrastructure
18 Thrift Awards; specifying eligibility criteria;
19 amending ss. 235.217, 235.218, F.S.; conforming
20 provisions; deleting obsolete provisions;
21 amending s. 235.211, F.S.; revising plan review
22 requirements; amending s. 235.212, F.S.;
23 specifying areas exempt from operable glazing;
24 amending s. 235.31, F.S.; revising review
25 authority of contracts; amending s. 235.061,
26 F.S.; providing for the adoption of standards
27 for relocatable classrooms; amending s.
28 404.056, F.S.; revising requirements related to
29 radon testing; amending s. 46 of ch. 97-384,
30 Laws of Florida, relating to appropriations for
31 School Infrastructure Thrift Program awards and

1 effort index grants; specifying the amount
2 authorized for effort index grants; amending s.
3 235.26, F.S.; requiring district school boards
4 to comply with certain standards for
5 construction materials and systems based on
6 life-cycle costs; providing an exception;
7 requiring a public hearing; repealing s.
8 235.4355, F.S., relating to SMART Schools Small
9 County Assistance Program for Fiscal Year
10 1998-1999; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (b) of subsection (3) of section
15 235.056, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 235.056 Lease, rental, and lease-purchase of
18 educational facilities and sites.--

19 (3)

20 (b) Prior to occupying a rented or a leased existing
21 building, or space within an existing building, pursuant to
22 this subsection, a school board shall, in a public meeting,
23 adopt a resolution certifying that the following circumstances
24 apply to the building proposed for occupancy:

25 1. Growth among the school-age population in the
26 school district has created a need for new educational
27 facilities in a neighborhood where there is little or no
28 vacant land.

29 2. There exists a supply of vacant space in existing
30 buildings that meet state minimum building and life safety
31 codes.

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

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

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

26 6. The plans for conversion of the building were
27 prepared by an appropriate design professional ~~architect or~~
28 ~~structural engineer~~ licensed in this state, and the work of
29 conversion was performed by contractors licensed in this
30 state.

31

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

4 8. The building has been reviewed, inspected, and
5 granted a certificate of occupancy by the local building
6 department.

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

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

13 235.0155 Prototype designs.--

14 (3) District school boards may use the prototype plans
15 ~~free of charge from the department for all new facilities.~~
16 Site adaptations, minor plan modifications, inspections,
17 contract award, contract management, and final acceptance of
18 the project shall be provided under contracts held by the
19 school board.

20 Section 3. Paragraph (c) of subsection (1) of section
21 235.15, Florida Statutes, 1998 Supplement, is amended to read:

22 235.15 Educational plant survey; localized need
23 assessment; PECO project funding.--

24 (1) At least every 5 years, each board, including the
25 Board of Regents, shall arrange for an educational plant
26 survey, to aid in formulating plans for housing the
27 educational program and student population, faculty,
28 administrators, staff, and auxiliary and ancillary services of
29 the district or campus, including consideration of the local
30 comprehensive plan. The Division of Workforce Development
31 shall document the need for additional career and adult

1 education programs and the continuation of existing programs
2 before facility construction or renovation related to career
3 or adult education may be included in the educational plant
4 survey of a school district or community college that delivers
5 career or adult education programs. Information used by the
6 Division of Workforce Development to establish facility needs
7 must include, but need not be limited to, labor market data,
8 needs analysis, and information submitted by the school
9 district or community college.

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

17 Section 4. Subsections (4), (5), and (6) of section
18 235.175, Florida Statutes, 1998 Supplement, are amended to
19 read:

20 235.175 SMART schools; Classrooms First; legislative
21 purpose.--

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

1 program performance standards; and provide for review and
2 recommendations to the Governor, the Legislature, and the
3 State Board of Education.

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

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

30 Section 5. Section 235.186, Florida Statutes, 1998
31 Supplement, is amended to read:

1 235.186 Effort index grants for school district
2 facilities ~~work program projects~~.--

3 (1) The Legislature hereby allocates for effort index
4 grants the sum of \$300 million from the funds appropriated
5 from the Educational Enhancement Trust Fund by section 46 of
6 chapter 97-384, Laws of Florida, contingent upon the sale of
7 school capital outlay bonds. From these funds, the
8 Commissioner of Education shall allocate to the four school
9 districts deemed eligible for an effort index grant by the
10 SMART Schools Clearinghouse the sums of \$7,442,890 to the Clay
11 County School District, \$62,755,920 to the Dade County School
12 District, \$1,628,590 to the Hendry County School District, and
13 \$414,950 to the Madison County School District. The remaining
14 funds shall be allocated among the remaining district school
15 boards that qualify for an effort index grant by meeting the
16 local capital outlay effort criteria in paragraph (a) or
17 paragraph (b).

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

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

25 1. Levied the full 2 mills of nonvoted discretionary
26 capital outlay authorized by s. 236.25(2) during 1995-1996,
27 1996-1997, 1997-1998, and 1998-1999.

28 2. Levied a cumulative voted millage for capital
29 outlay and debt service equal to 2.5 mills for fiscal years
30 1995 through 1999.

31

1 3. Received proceeds of school impact fees greater
2 than \$500 per dwelling unit which were in effect on July 1,
3 1998.

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

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

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

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

28 (2) A district school board shall expend the funds
29 received under this section only to:

30 (a) Construct, renovate, remodel, repair, or maintain
31 educational facilities; or

1 (b) Pay debt service on bonds issued under this
2 section, the proceeds of which must be expended for new
3 construction, remodeling, renovation, and major repairs. Bond
4 proceeds shall be expended first for providing permanent
5 classroom facilities and related auxiliary facilities. Bond
6 proceeds may not be expended for any other facilities until
7 all unmet needs for permanent classrooms and auxiliary
8 facilities as defined in s. 235.011 have been satisfied.

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

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

25 (4) A district school board that chooses to pledge
26 allocations from the Classrooms First Program for the issuance
27 of bonds must encumber those bond proceeds before pledging
28 funds for the payment of debt service on bonds issued pursuant
29 to this section.

30 (5) A school district may receive a distribution for
31 use pursuant to paragraph (2)(a) only if the district school

1 board certifies to the Commissioner of Education that the
2 district has no unmet need for permanent classroom facilities
3 in its 5-year capital outlay work plan. If the work plan
4 contains such unmet needs, the district must use its
5 distribution for the payment of bonds under paragraph (2)(b).
6 If the district does not require its full bonded distribution
7 to eliminate such unmet needs, it may bond only that portion
8 of its allocation necessary to meet the needs.

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

22 ~~(2) COMPUTATION OF REQUIRED LOCAL EFFORT AMOUNT FOR~~
23 ~~DISTRICT EFFORT INDEX.--Prior to a school district being~~
24 ~~eligible to receive an effort index grant pursuant to this~~
25 ~~section, the clearinghouse shall certify that the district~~
26 ~~agreed to expend, from among all eligible sources, an amount~~
27 ~~that is equivalent to the amount of funds projected to be~~
28 ~~available during the period covered by the district facilities~~
29 ~~work program from the following four sources for eligible~~
30 ~~basic capital outlay expenditures described in subsection (4):~~
31

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

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

6 ~~(c) Proceeds from the Classrooms First Program~~
7 ~~authorized in s. 235.187.~~

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

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

15 ~~(a) Public Education Capital Outlay and Debt Service~~
16 ~~Trust Fund distributions for construction pursuant to s.~~
17 ~~235.42.~~

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

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

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

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

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

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

31

1 ~~(h) Classrooms First Program proceeds received~~
2 ~~pursuant to s. 235.187.~~

3 ~~(i) Private donations.~~

4 ~~(j) Grants from local governments or not-for-profit~~
5 ~~organizations.~~

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 clearinghouse shall calculate the district's planned basic~~
11 ~~capital outlay expenditures that may be eligible for an effort~~
12 ~~index grant. For each district, this calculation shall consist~~
13 ~~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 clearinghouse's~~
31 ~~calculation for effort index grants for projects initiated~~

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

4 ~~(5) ALLOCATION OF EFFORT INDEX GRANTS FOR DISTRICT~~
5 ~~FACILITIES.~~

6 ~~(a) If the calculated district obligation is equal to~~
7 ~~or greater than the calculated required effort amount for the~~
8 ~~eligible expenditures, the district shall be eligible for an~~
9 ~~effort index grant, to be determined by the clearinghouse by~~
10 ~~calculating need from the actual cost per student station or~~
11 ~~the cost per student station pursuant to s. 235.435(6),~~
12 ~~whichever is less, plus debt service payments for new~~
13 ~~construction, remodeling, renovation, or major repair of~~
14 ~~educational facilities less the calculated required effort~~
15 ~~amount.~~

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

20 ~~(c) Districts demonstrating inability to finance~~
21 ~~eligible projects in their district facilities work programs~~
22 ~~after meeting the requirements in subsection (2) may be~~
23 ~~eligible to receive effort index grants, subject to~~
24 ~~legislative appropriations for this purpose.~~

25 ~~(d) If legislative appropriations are insufficient to~~
26 ~~fully fund the eligible total statewide qualified effort index~~
27 ~~grants as calculated by the clearinghouse, priority~~
28 ~~consideration shall be given to providing effort index grants~~
29 ~~to those districts based upon:~~

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

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

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

8 235.211 Educational facilities contracting and
9 construction techniques.--

10 (4) Except as otherwise provided in this section and
11 s. 481.229, the services of a registered architect must be
12 used for the development of plans for the erection,
13 enlargement, or alteration of any educational facility. The
14 services of a registered architect are not required for a
15 minor renovation project for which the construction cost is
16 less than \$50,000 or for the placement or hookup of
17 relocatable educational facilities that conform with standards
18 adopted under s. 235.26(2) and (3). However, boards must
19 provide compliance with building code requirements and ensure
20 that these structures are adequately anchored for wind
21 resistance as required by law. Boards are encouraged to
22 consider the reuse of existing construction documents or
23 design criteria packages where such reuse is feasible and
24 practical. Notwithstanding s. 287.055, a board may purchase
25 the architectural services for the design of educational or
26 ancillary facilities under an existing contract agreement for
27 professional services held by a school board in the State of
28 Florida, provided that the purchase is to the economic
29 advantage of the purchasing board, the services conform to the
30 standards prescribed by rules of the Commissioner of
31 Education, and such reuse is not without notice to, and

1 permission from, the architect of record whose plans or design
2 criteria are being reused. ~~The department shall review these~~
3 Plans shall be reviewed for compliance with the state
4 requirements for educational facilities. Rules adopted under
5 this section must establish uniform prequalification,
6 selection, bidding, and negotiation procedures applicable to
7 construction management contracts and the design-build
8 process. This section does not supersede any small,
9 woman-owned or minority-owned business enterprise preference
10 program adopted by a board. Except as otherwise provided in
11 this section, the negotiation procedures applicable to
12 construction management contracts and the design-build process
13 must conform to the requirements of s. 287.055. A board may
14 not modify any rules regarding construction management
15 contracts or the design-build process.

16 Section 7. Paragraph (a) of subsection (3) and
17 subsections (7) and (8) of section 235.2155, Florida Statutes,
18 1998 Supplement, are amended to read:

19 235.2155 School Infrastructure Thrift Program Act.--

20 (3) The SIT Program is designed as:

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

22 1. Savings realized through functional, frugal
23 construction.

24 2. Savings realized through the operation of charter
25 schools in non-school-district facilities.

26 (7) Awards from the SIT Program shall be made by the
27 commissioner from funds appropriated by the Legislature. An
28 award funded by an appropriation from the General Revenue Fund
29 ~~and~~ may be used for any lawful capital outlay expenditure. An
30 award funded by an appropriation of the proceeds of bonds

31

1 issued pursuant to s. 235.2195 may be used only for bondable
2 capital outlay projects.

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

7 ~~(b) For each award to a school district pursuant to~~
8 ~~paragraph (3)(b) that is recommended by the SMART Schools~~
9 ~~Clearinghouse, the commissioner may present a trophy or plaque~~
10 ~~and a cash award to the school.~~

11 Section 8. Subsections (2) and (3) of section 235.216,
12 Florida Statutes, 1998 Supplement, are amended to read:

13 235.216 SIT Program award eligibility; maximum cost
14 per student station of educational facilities; frugality
15 incentives; recognition awards.--

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

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

- 21 1. \$11,600 for an elementary school,
- 22 2. \$13,300 for a middle school, or
- 23 3. \$17,600 for a high school,

24
25 (1997) as adjusted annually by the Consumer Price Index. The
26 award shall be up to 50 percent of such savings, as
27 recommended by the SMART Schools Clearinghouse.

28 (b) Operation of charter schools in
29 non-school-district facilities. SIT Program awards pursuant to
30 this paragraph shall be as recommended by the SMART Schools
31 Clearinghouse. After the initial award, the recommendation

1 must be based on savings realized from proportionate district
2 increase in such charter school enrollment in excess of
3 original enrollment, and the award shall be up to 50 percent
4 of such savings.

5 (3) Beginning with the 1998-1999 fiscal year, a school
6 district may seek a SMART school of the year recognition award
7 for building the highest quality functional, frugal school.
8 The commissioner may present a trophy or plaque and a cash
9 award to the school recommended by the SMART Schools
10 Clearinghouse for a SMART school of the year recognition
11 award.

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

15 235.217 SMART (Soundly Made, Accountable, Reasonable,
16 and Thrifty) Schools Clearinghouse.--

17 (1)

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

21 (c)~~(d)~~ The clearinghouse is assigned to the Department
22 of Management Services for administrative and fiscal
23 accountability purposes, but it shall otherwise function
24 independently of the control and direction of the department,
25 except as otherwise provided in chapters 110, 255, and 287 for
26 agencies of the executive branch.

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

1 (3) The clearinghouse shall:

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

5 Section 10. Paragraph (a) of subsection (1) of section
6 235.212, Florida Statutes, is amended to read:

7 235.212 Low-energy use design; solar energy systems;
8 swimming pool heaters.--

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

19 Section 11. Paragraph (a) of subsection (1) of section
20 235.31, Florida Statutes, 1998 Supplement, is amended to read:

21 235.31 Advertising and awarding contracts;
22 prequalification of contractor.--

23 (1)(a) As soon as practicable after any bond issue has
24 been voted upon and authorized or funds have been made
25 available for the construction, remodeling, renovation,
26 demolition, or otherwise for the improvement, of any
27 educational or ancillary plant, and after plans for the work
28 have been approved, the board, if competitively bidding the
29 project pursuant to s. 235.211, after advertising the same in
30 the manner prescribed by law or rule, shall award the contract
31 for the building or improvements to the lowest responsible

1 bidder. However, if after taking all deductive alternates,
2 the bid of the lowest responsible bidder exceeds the
3 construction budget for the project established at the phase
4 III submittal, the board may declare an emergency. After
5 stating the reasons why an emergency exists, the board may
6 negotiate the construction contract or modify the contract,
7 including the specifications, with the lowest responsible
8 bidder and, if the contract is modified, shall resubmit the
9 documents to the authorized review authority ~~department~~ for
10 review to confirm that the project remains in compliance with
11 building and fire codes. The board may reject all bids
12 received and may readvertise, calling for new bids.

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

15 235.218 School district facilities work program
16 performance and productivity standards; development;
17 measurement; application.--

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

27 Section 13. Subsection (1) of section 235.061, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 235.061 Standards for relocatables used as classroom
30 space; inspections.--

31

1 (1) The Commissioner of Education shall adopt rules
2 establishing standards for relocatables intended for long-term
3 use as classroom space at a public elementary school, middle
4 school, or high school. "Long-term use" means the use of
5 relocatables at the same educational plant for a period of 4
6 years or more. These rules must be implemented by July 1,
7 1998, and each relocatable acquired by a district school board
8 after the effective date of the rules and intended for
9 long-term use must comply with the standards. The rules shall
10 require that, by July 1, 2001, relocatables that fail to meet
11 the standards may not be used as classrooms. The standards
12 shall protect the health, safety, and welfare of occupants by
13 requiring compliance with the Uniform Building Code for Public
14 Educational Facilities or other locally adopted state minimum
15 building codes to ensure the safety and stability of
16 construction and onsite installation; fire and moisture
17 protection; air quality and ventilation; appropriate wind
18 resistance; and compliance with the requirements of the
19 Americans with Disabilities Act of 1990. If appropriate, the
20 standards must also require relocatables to provide access to
21 the same technologies available to similar classrooms within
22 the main school facility and, if appropriate, to be accessible
23 by adequate covered walkways. By July 1, 2003, the
24 commissioner shall adopt standards for all relocatables
25 intended for long-term use as classrooms.A relocatable that
26 is subject to this section and does not meet the standards
27 shall not be reported as providing satisfactory student
28 stations in the Florida Inventory of School Houses.

29 Section 14. Subsection (5) of section 404.056, Florida
30 Statutes, 1998 Supplement, is amended to read:

31

1 404.056 Environmental radiation standards and
2 programs; radon protection.--

3 (5) MANDATORY TESTING.--All public and private school
4 buildings or school sites housing students in kindergarten
5 through grade 12; all state-owned, state-operated,
6 state-regulated, or state-licensed 24-hour care facilities;
7 and all state-licensed day care centers for children or minors
8 which are located in counties designated within the Department
9 of Community Affairs' Florida Radon Protection Map Categories
10 as "Intermediate" or "Elevated Radon Potential" shall be
11 measured to determine the level of indoor radon, using
12 measurement procedures established by the department. Testing
13 shall be completed within the first year of construction in 20
14 percent of the habitable first floor spaces within any of the
15 regulated buildings.Initial measurements shall be completed
16 and reported to the department by July 1, of the year the
17 building is opened for occupancy. Follow-up testing must be
18 completed in 5 percent of the habitable first floor spaces
19 within any of the regulated buildings after the building has
20 been occupied for 5 years, and results must be reported to the
21 department by July 1 of the 5th year of occupancy. After radon
22 measurements have been made twice, regulated buildings need
23 not undergo further testing unless significant structural
24 changes occur. Where fill soil is required for the
25 construction of a regulated building, initial testing of fill
26 soil must be performed using measurement procedures
27 established by the department, and the results must be
28 reported to the department prior to construction.~~1990, and~~
29 ~~repeated measurements shall be performed and reported to the~~
30 ~~department at 5-year intervals. Test results, prior to the~~
31 ~~effective date of this act, may be accepted by the department~~

1 ~~as long as the tests conducted meet the standards for testing~~
2 ~~promulgated by the department, and the school or care facility~~
3 ~~certifies this in writing to the department.~~ The provisions
4 of paragraph (3)(c) as to confidentiality shall not apply to
5 this subsection. No funds collected pursuant to s. 553.721
6 shall be used to carry out the provisions of this subsection.

7 Section 15. Section 46 of chapter 97-384, Laws of
8 Florida, is amended to read:

9 Section 46. There is hereby appropriated to the
10 Department of Education for fiscal year 1997-1998 the sum of
11 \$150 million from the General Revenue Fund and, contingent
12 upon the sale of 1997 school capital outlay bonds pursuant to
13 s. 235.2195, Florida Statutes, the sum of \$450 million from
14 the Educational Enhancement Trust Fund. The purpose of this
15 appropriation is to fund School Infrastructure Thrift (SIT)
16 Program awards pursuant to the provisions of ss. 235.2155 and
17 235.216, Florida Statutes, and effort index grants pursuant to
18 the provisions of s. 235.186, Florida Statutes. The maximum
19 amount of funds authorized for effort index grant awards
20 ~~through June 30, 1998, is \$300~~\$70 million. Effort index
21 grants shall only be funded from the Educational Enhancement
22 Trust Fund appropriation authorized in this section. The funds
23 appropriated in this section shall not be subject to the
24 provisions of s. 216.301, Florida Statutes.

25 Section 16. Subsection (3) of section 235.26, Florida
26 Statutes, 1998 Supplement, is amended to read:

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

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

18 (3) ENFORCEMENT BY BOARD.--It is the responsibility of
19 each district school board and community college district
20 board of trustees to ensure that all plans and educational and
21 ancillary plants meet the standards of the Uniform Building
22 Code and to provide for the enforcement of this code in the
23 areas of its jurisdiction. Each board shall provide for the
24 proper supervision and inspection of the work. Each board may
25 employ a chief building official or inspector and such other
26 inspectors, who have been certified by the department or
27 certified pursuant to chapter 468, and such personnel as are
28 necessary to administer and enforce the provisions of this
29 code. Boards may also utilize local building department
30 inspectors who are certified by the department to enforce this
31 code. Plans or facilities that fail to meet the standards of

1 the Uniform Building Code may not be approved. When planning
2 for and constructing an educational, auxiliary, or ancillary
3 facility, a district school board must use construction
4 materials and systems that meet standards adopted pursuant to
5 subsection (2)(f)5. If the planned or actual construction of a
6 facility deviates from the adopted standards, the district
7 school board must, at a public hearing, quantify and compare
8 the costs of constructing the facility with the proposed
9 deviations and in compliance with the adopted standards and
10 the Uniform Building Code. The board must explain the reason
11 for the proposed deviations and compare how the total
12 construction costs and projected life-cycle costs of the
13 facility or component system of the facility would be affected
14 by implementing the proposed deviations rather than using
15 materials and systems that meet the adopted standards. The
16 provisions of this paragraph do apply to educational,
17 auxiliary, and ancillary facility projects commenced on or
18 after July 1, 1999.

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

22 Section 18. This act shall take effect upon becoming a
23 law.

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