

By Senator Rossin

17-1319-99

See HB

1                                   A bill to be entitled  
2           An act relating to school facilities; amending  
3           s. 230.23, F.S.; requiring the annual school  
4           budget adopted by a school board to include  
5           sufficient funds for certain inspections and  
6           capital outlay projects; providing sanctions;  
7           amending s. 230.33, F.S.; requiring the annual  
8           school budget developed and submitted by a  
9           superintendent to include sufficient funds for  
10          certain inspections and capital outlay  
11          projects; providing sanctions; amending s.  
12          235.185, F.S.; requiring tentative and adopted  
13          district facilities work programs to include  
14          necessary routine maintenance and repairs and  
15          projects necessary to correct or repair unsafe  
16          or unsanitary conditions; providing an  
17          effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Paragraph (b) of subsection (10) of section  
22   230.23, Florida Statutes, 1998 Supplement, is amended to read:  
23           230.23 Powers and duties of school board.--The school  
24   board, acting as a board, shall exercise all powers and  
25   perform all duties listed below:

26           (10) FINANCE.--Take steps to assure children adequate  
27   educational facilities through the financial procedure  
28   authorized in chapters 236 and 237 and as prescribed below:

29           (b) Annual budget.--Cause to be prepared, adopt, and  
30   have submitted to the Department of Education as required by  
31   law and by regulations of the state board, the annual school

1 budget, such budget to be so prepared and executed as to  
2 promote the improvement of the district school system. The  
3 adoption of an annual school budget which does not include  
4 sufficient funds for periodic inspection of facilities and  
5 corrective action, according to s. 235.06, and for necessary  
6 routine maintenance, according to s. 235.185, shall result in  
7 each school board member being required to forfeit his or her  
8 salary for 1 year or in his or her removal from office, and  
9 intervention by the department to correct such budget  
10 deficiencies.

11 Section 2. Paragraph (b) of subsection (12) of section  
12 230.33, Florida Statutes, is amended to read:

13 230.33 Duties and responsibilities of  
14 superintendent.--The superintendent shall exercise all powers  
15 and perform all duties listed below and elsewhere in the law;  
16 provided, that in so doing he or she shall advise and counsel  
17 with the school board. The superintendent shall perform all  
18 tasks necessary to make sound recommendations, nominations,  
19 proposals, and reports required by law to be acted upon by the  
20 school board. All such recommendations, nominations,  
21 proposals, and reports by the superintendent shall be either  
22 recorded in the minutes or shall be made in writing, noted in  
23 the minutes, and filed in the public records of the board. It  
24 shall be presumed that, in the absence of the record required  
25 in this paragraph, the recommendations, nominations, and  
26 proposals required of the superintendent were not contrary to  
27 the action taken by the school board in such matters.

28 (12) FINANCE.--Recommend measures to the school board  
29 to assure adequate educational facilities throughout the  
30 district, in accordance with the financial procedure  
31 authorized in chapters 236 and 237 and as prescribed below:

1           (b) Annual budget.--Prepare the annual school budget  
2 to be submitted to the school board for adoption according to  
3 law and submit this budget, when adopted by the school board,  
4 to the Department of Education on or before the date required  
5 by rules of the state board. Submission to the school board of  
6 an annual school budget which does not include sufficient  
7 funds for periodic inspection of facilities and corrective  
8 action, according to s. 235.06, and for necessary routine  
9 maintenance, according to s. 235.185, shall result in the  
10 superintendent being required to forfeit his or her salary for  
11 1 year, or in his or her dismissal or removal from office.

12           Section 3. Paragraph (a) of subsection (2) and  
13 subsections (3) and (4) of section 235.185, Florida Statutes,  
14 1998 Supplement, are amended to read:

15           235.185 School district facilities work program;  
16 definitions; preparation, adoption, and amendment; long-term  
17 work programs.--

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

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

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

26           2. A schedule of routine maintenance, repair, and  
27 renovation projects necessary to ensure the health, safety,  
28 and welfare of the occupants of the educational plant and  
29 ancillary facilities of the district.

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1           3. A schedule of capital outlay projects necessary to  
2 correct or repair unsafe or unsanitary conditions, identified  
3 according to s. 235.06.

4           ~~4.2.~~ A schedule of capital outlay projects necessary  
5 to ensure the availability of satisfactory student stations  
6 for the projected student enrollment in K-12 programs. This  
7 schedule shall consider:

8           a. The locations, capacities, and planned utilization  
9 rates of current educational facilities of the district.

10           b. The proposed locations of planned facilities.

11           c. Plans for the use and location of relocatable  
12 facilities, leased facilities, and charter school facilities.

13           d. Plans for multitrack scheduling, grade level  
14 organization, block scheduling, or other alternatives that  
15 reduce the need for permanent student stations.

16           e. Information concerning average class size and  
17 utilization rate by grade level within the district that will  
18 result if the tentative district facilities work program is  
19 fully implemented. The average shall not include exceptional  
20 student education classes or prekindergarten classes.

21           f. The number and percentage of district students  
22 planned to be educated in relocatable facilities during each  
23 year of the tentative district facilities work program.

24           g. Plans for the closure of any school, including  
25 plans for disposition of the facility or usage of facility  
26 space, and anticipated revenues.

27           ~~5.3.~~ The projected cost for each project identified in  
28 the tentative district facilities work program. For proposed  
29 projects for new student stations, a schedule shall be  
30 prepared comparing the planned cost and square footage for  
31 each new student station, by elementary, middle, and high

1 school levels, to the low, average, and high cost of  
2 facilities constructed throughout the state during the most  
3 recent fiscal year for which data is available from the  
4 Department of Education.

5 ~~6.4.~~ A schedule of estimated capital outlay revenues  
6 from each currently approved source which is estimated to be  
7 available for expenditure on the projects included in the  
8 tentative district facilities work program.

9 ~~7.5.~~ A schedule indicating which projects included in  
10 the tentative district facilities work program will be funded  
11 from current revenues projected in subparagraph ~~6~~ 4.

12 ~~8.6.~~ A schedule of options for the generation of  
13 additional revenues by the district for expenditure on  
14 projects identified in the tentative district facilities work  
15 program which are not funded under subparagraph ~~7~~ 5.  
16 Additional anticipated revenues may include effort index  
17 grants, SIT Program awards, and Classrooms First funds.

18 (3) ADOPTED DISTRICT FACILITIES WORK  
19 PROGRAM.--Annually, the district school board shall consider  
20 and adopt the tentative district facilities work program  
21 completed pursuant to subsection (2). Upon giving proper  
22 public notice and opportunity for public comment, the district  
23 school board may amend the program to revise the priority of  
24 projects, to add or delete projects, to reflect the impact of  
25 change orders, or to reflect the approval of new revenue  
26 sources which may become available. The adopted district  
27 facilities work program must include, funding must be provided  
28 for, and priority must be given to projects included in  
29 subparagraphs (2)(a)2. and 3.The adopted district facilities  
30 work program shall:  
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1 (a) Be a complete, balanced capital outlay financial  
2 plan for the district.  
3 (b) Set forth the proposed commitments and planned  
4 expenditures of the district to address the educational  
5 facilities needs of its students and to adequately provide for  
6 the maintenance of the educational plant and ancillary  
7 facilities.  
8 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK  
9 PROGRAM.--The first year of the adopted district facilities  
10 work program shall constitute the capital outlay budget  
11 required in s. 235.18. The adopted district facilities work  
12 program shall include the information required in  
13 subparagraphs (2)(a)1. through 5., 2., and 3., based upon  
14 projects actually funded in the program.

15 Section 4. This act shall take effect upon becoming a  
16 law.

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19 HOUSE SUMMARY

20 Requires the annual school budget adopted by a school  
21 board to include sufficient funds for certain inspections  
22 and capital outlay projects. Provides sanctions. Requires  
23 the annual school budget developed and submitted by a  
24 superintendent to include sufficient funds for certain  
25 inspections and capital outlay projects. Provides  
26 sanctions. Requires tentative and adopted district  
27 facilities work programs to include necessary routine  
28 maintenance and repairs and projects necessary to correct  
29 or repair unsafe or unsanitary conditions.  
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