

By the Committee on Fiscal Resource and Senator Cowin

314-1906-00

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A bill to be entitled
An act relating to educational facilities;
amending s. 235.435, F.S.; authorizing school
districts to qualify construction projects for
funding under the Special Facility Construction
Account by using the school capital outlay
surtax in lieu of the maximum millage against
their nonexempt assessed property value;
specifying funding eligibility of certain
projects; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant
needs; construction cost maximums for school district capital
projects.--Allocations from the Public Education Capital
Outlay and Debt Service Trust Fund to the various boards for
capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of
the Public Education Capital Outlay and Debt Service Trust
Fund, a separate account, in an amount determined by the
Legislature, to be known as the "Special Facility Construction
Account." The Special Facility Construction Account shall be
used to provide necessary construction funds to school
districts which have urgent construction needs but which lack
sufficient resources at present, and cannot reasonably
anticipate sufficient resources within the period of the next
3 years, for these purposes from currently authorized sources
of capital outlay revenue. A school district requesting

1 funding from the Special Facility Construction Account shall
2 submit one specific construction project, not to exceed one
3 complete educational plant, to the Special Facility
4 Construction Committee. No district shall receive funding for
5 more than one approved project in any 3-year period. The first
6 year of the 3-year period shall be the first year a district
7 receives an appropriation. The department shall encourage a
8 construction program that reduces the average size of schools
9 in the district. The request must meet the following criteria
10 to be considered by the committee:

11 1. The project must be deemed a critical need and must
12 be recommended for funding by the Special Facility
13 Construction Committee. Prior to developing plans for the
14 proposed facility, the district school board must request a
15 preapplication review by the Special Facility Construction
16 Committee or a project review subcommittee convened by the
17 committee to include two representatives of the department and
18 two staff from school districts other than the district
19 submitting the project. Within 60 days after receiving the
20 preapplication review request, the committee or subcommittee
21 must meet in the school district to review the project
22 proposal and existing facilities. To determine whether the
23 proposed project is a critical need, the committee or
24 subcommittee shall consider, at a minimum, the capacity of all
25 existing facilities within the district as determined by the
26 Florida Inventory of School Houses; the district's pattern of
27 student growth; the district's existing and projected capital
28 outlay full-time equivalent student enrollment as determined
29 by the department; the district's existing satisfactory
30 student stations; the use of all existing district property

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1 and facilities; grade level configurations; and any other
2 information that may affect the need for the proposed project.

3 2. The construction project must be recommended in the
4 most recent survey or surveys by the district under the rules
5 of the State Board of Education.

6 3. The construction project must appear on the
7 district's approved project priority list under the rules of
8 the State Board of Education.

9 4. The district must have selected and had approved a
10 site for the construction project in compliance with s. 235.19
11 and the rules of the State Board of Education.

12 5. The district shall have developed a school board
13 adopted list of facilities that do not exceed the norm for net
14 square feet occupancy requirements under the State
15 Requirements for Educational Facilities, using all possible
16 programmatic combinations for multiple use of space to obtain
17 maximum daily use of all spaces within the facility under
18 consideration.

19 6. Upon construction, the total cost per student
20 station, including change orders, must not exceed the cost per
21 student station as provided in subsection (6).

22 7. There shall be an agreement signed by the district
23 school board stating that it will advertise for bids within 30
24 days of receipt of its encumbrance authorization from the
25 department.

26 8. The district shall, at the time of the request and
27 for a continuing period of 3 years, levy the maximum millage
28 against their nonexempt assessed property value as allowed in
29 s. 236.25(2) or shall raise an equivalent amount of revenue
30 from the school capital outlay surtax authorized under s.
31 212.055(6). Effective July 1, 1991, any district with a new or

1 active project, funded under the provisions of this
2 subsection, shall be required to budget no more than the value
3 of 1.5 mills per year to the project to satisfy the annual
4 participation requirement in the Special Facility Construction
5 Account.

6 9. If a contract has not been signed 90 days after the
7 advertising of bids, the funding for the specific project
8 shall revert to the Special Facility New Construction Account
9 to be reallocated to other projects on the list. However, an
10 additional 90 days may be granted by the commissioner.

11 10. The department shall certify the inability of the
12 district to fund the survey-recommended project over a
13 continuous 3-year period using projected capital outlay
14 revenue derived from s. 9(d), Art. XII of the State
15 Constitution, as amended, paragraph (3)(a) of this section,
16 and s. 236.25(2).

17 11. The district shall have on file with the
18 department an adopted resolution acknowledging its 3-year
19 commitment of all unencumbered and future revenue acquired
20 from s. 9(d), Art. XII of the State Constitution, as amended,
21 paragraph (3)(a) of this section, and s. 236.25(2).

22 12. Final phase III plans must be certified by the
23 board as complete and in compliance with the building and life
24 safety codes prior to August 1.

25 Section 2. Any special facility construction project
26 for which phase III plans were certified by August 1, 1999, as
27 complete and in compliance with the building and life safety
28 codes as required by section 235.435(2)(a)12., Florida
29 Statutes, is eligible for funding under section 235.435(2),
30 Florida Statutes, as amended by this act, if otherwise
31 qualified, beginning July 1, 2000.

1 Section 3. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 SB 400

7 The committee substitute clarifies that, to be eligible to
8 participate in the Special Facilities Construction Account, an
9 eligible county must raise as much revenue from a school
10 capital outlay surtax (1/2 cent sales tax) as it would from
11 levying the maximum amount of millage against its nonexempt
12 assessed property values (2 mills).