

By the Council for Lifelong Learning and Representatives  
Kilmer and Richardson

1                                   A bill to be entitled  
2           An act relating to educational facilities;  
3           amending s. 235.435, F.S.; authorizing school  
4           districts to qualify construction projects for  
5           funding under the Special Facility Construction  
6           Account by using the school capital outlay  
7           surtax in lieu of the maximum millage against  
8           their nonexempt assessed property value;  
9           specifying funding eligibility of certain  
10          projects; providing for future repeal of such  
11          eligibility provision; providing an effective  
12          date.

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

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16           Section 1. Paragraph (a) of subsection (2) of section  
17 235.435, Florida Statutes, is amended to read:

18           235.435 Funds for comprehensive educational plant  
19 needs; construction cost maximums for school district capital  
20 projects.--Allocations from the Public Education Capital  
21 Outlay and Debt Service Trust Fund to the various boards for  
22 capital outlay projects shall be determined as follows:

23           (2)(a) The department shall establish, as a part of  
24 the Public Education Capital Outlay and Debt Service Trust  
25 Fund, a separate account, in an amount determined by the  
26 Legislature, to be known as the "Special Facility Construction  
27 Account." The Special Facility Construction Account shall be  
28 used to provide necessary construction funds to school  
29 districts which have urgent construction needs but which lack  
30 sufficient resources at present, and cannot reasonably  
31 anticipate sufficient resources within the period of the next

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

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

1 student stations; the use of all existing district property  
2 and facilities; grade level configurations; and any other  
3 information that may affect the need for the proposed project.

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

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

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

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

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

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

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

1 212.055(6). Effective July 1, 1991, any district with a new or  
2 active project, funded under the provisions of this  
3 subsection, shall be required to budget no more than the value  
4 of 1.5 mills per year to the project to satisfy the annual  
5 participation requirement in the Special Facility Construction  
6 Account.

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

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

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

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

26 Section 2. Any special facility construction project  
27 for which phase III plans were certified by August 1, 2000, as  
28 complete and in compliance with the building and life safety  
29 codes as required by s. 235.435(2)(a)12., Florida Statutes, is  
30 eligible for funding under s. 235.435(2), Florida Statutes, as  
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1 amended by this act, if otherwise qualified, beginning July 1,  
2 2001. This section is repealed October 1, 2002.

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

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