

By Senator Clary

7-270-01

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           the district's nonexempt assessed property  
9           value; specifying funding eligibility of  
10          certain projects; providing an effective date.

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

13  
14           Section 1. Paragraph (a) of subsection (2) of section  
15 235.435, Florida Statutes, is amended to read:

16           235.435 Funds for comprehensive educational plant  
17 needs; construction cost maximums for school district capital  
18 projects.--Allocations from the Public Education Capital  
19 Outlay and Debt Service Trust Fund to the various boards for  
20 capital outlay projects shall be determined as follows:

21           (2)(a) The department shall establish, as a part of  
22 the Public Education Capital Outlay and Debt Service Trust  
23 Fund, a separate account, in an amount determined by the  
24 Legislature, to be known as the "Special Facility Construction  
25 Account." The Special Facility Construction Account shall be  
26 used to provide necessary construction funds to school  
27 districts which have urgent construction needs but which lack  
28 sufficient resources at present, and cannot reasonably  
29 anticipate sufficient resources within the period of the next  
30 3 years, for these purposes from currently authorized sources  
31 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

31

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 its ~~their~~ nonexempt assessed property value as allowed  
29 in 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, 2000, 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, 2001.

