

Bill No. CS for CS for CS for SB 360, 1st Eng.

Barcode 920758

CHAMBER ACTION

Senate

House

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Senator Haridopolos moved the following amendment:

Senate Amendment (with title amendment)

On page 128, lines 22-28, delete those lines

and insert:

Section 27. Subsection (2) of section 1013.64, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

1013.64 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

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

15 1. The project must be deemed a critical need and must
16 be recommended for funding by the Special Facility
17 Construction Committee. Prior to developing plans for the
18 proposed facility, the district school board must request a
19 preapplication review by the Special Facility Construction
20 Committee or a project review subcommittee convened by the
21 committee to include two representatives of the department and
22 two staff from school districts not eligible to participate in
23 the program. Within 60 days after receiving the preapplication
24 review request, the committee or subcommittee must meet in the
25 school district to review the project proposal and existing
26 facilities. To determine whether the proposed project is a
27 critical need, the committee or subcommittee shall consider,
28 at a minimum, the capacity of all existing facilities within
29 the district as determined by the Florida Inventory of School
30 Houses; the district's pattern of student growth; the
31 district's existing and projected capital outlay full-time

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1 equivalent student enrollment as determined by the department;
2 the district's existing satisfactory student stations; the use
3 of all existing district property and facilities; grade level
4 configurations; and any other information that may affect the
5 need for the proposed project.

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

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

12 4. The district must have selected and had approved a
13 site for the construction project in compliance with s.
14 1013.36 and the rules of the State Board of Education.

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

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

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

29 ~~8. The district shall, at the time of the request and~~
30 ~~for a continuing period of 3 years, levy the maximum millage~~
31 ~~against their nonexempt assessed property value as allowed in~~

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1 ~~s. 1011.71(2) or shall raise an equivalent amount of revenue~~
 2 ~~from the school capital outlay surtax authorized under s.~~
 3 ~~212.055(6). Any district with a new or active project, funded~~
 4 ~~under the provisions of this subsection, shall be required to~~
 5 ~~budget no more than the value of 1.5 mills per year to the~~
 6 ~~project to satisfy the annual participation requirement in the~~
 7 ~~Special Facility Construction Account.~~

8 8.9. If a contract has not been signed 90 days after
 9 the advertising of bids, the funding for the specific project
 10 shall revert to the Special Facility New Construction Account
 11 to be reallocated to other projects on the list. However, an
 12 additional 90 days may be granted by the commissioner.

13 9.10. The department shall certify the inability of
 14 the district to fund the survey-recommended project over a
 15 continuous 3-year period using projected capital outlay
 16 revenue derived from s. 9(d), Art. XII of the State
 17 Constitution, as amended, paragraph (3)(a) of this section,
 18 and s. 1011.71(2).

19 ~~11. The district shall have on file with the~~
 20 ~~department an adopted resolution acknowledging its 3-year~~
 21 ~~commitment of all unencumbered and future revenue acquired~~
 22 ~~from s. 9(d), Art. XII of the State Constitution, as amended,~~
 23 ~~paragraph (3)(a) of this section, and s. 1011.71(2).~~

24 10.12. Final phase III plans must be certified by the
 25 board as complete and in compliance with the building and life
 26 safety codes prior to August 1.

27 (b) The department shall establish, as a part of the
 28 Public Education Capital Outlay and Debt Service Trust Fund, a
 29 separate account, in an amount determined by the Legislature,
 30 to be known as the "High Growth County Facility Construction
 31 Account." The account shall be used to provide necessary

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1 construction funds to high growth school districts which have
2 urgent construction needs, but which lack sufficient resources
3 at present and cannot reasonably anticipate sufficient
4 resources within the period of the next 3 years, for these
5 purposes from currently authorized sources of capital outlay
6 revenue and local sources. A school district requesting
7 funding from the account shall submit one specific
8 construction project, not to exceed one complete educational
9 plant, to the Special Facility Construction Committee. No
10 district shall receive funding for more than one approved
11 project in any 2-year period, provided that any grants
12 received under this paragraph must be fully expended or
13 encumbered in order for a district to apply for additional
14 funding under this paragraph and all Classrooms First funds
15 have been allocated and expended by the district. The first
16 year of the 2-year period shall be the first year a district
17 receives an appropriation. The request must meet the following
18 criteria to be considered by the committee:

19 1. The project must be deemed a critical need and must
20 be recommended for funding by the Special Facility
21 Construction Committee. Prior to developing plans for the
22 proposed facility, the district school board must request a
23 preapplication review by the Special Facility Construction
24 Committee or a project review subcommittee convened by the
25 committee to include two representatives of the department and
26 two staff from school districts not eligible to participate in
27 the program. Within 60 days after receiving the preapplication
28 review request, the committee or subcommittee must meet in the
29 school district to review the project proposal and existing
30 facilities. To determine whether the proposed project is a
31 critical need, the committee or subcommittee shall consider,

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1 at a minimum, the capacity of all existing facilities within
 2 the district as determined by the Florida Inventory of School
 3 Houses; the district's pattern of student growth with priority
 4 given to those districts that have equaled or exceeded twice
 5 the statewide average in growth in capital outlay full-time
 6 equivalent students over the previous 4 fiscal years; the
 7 district's existing and projected capital outlay full-time
 8 equivalent student enrollment as determined by the department
 9 with priority given to these districts with 20,000 or more
 10 capital outlay full-time equivalent students; the district's
 11 existing satisfactory student stations; the use of all
 12 existing district property and facilities; grade level
 13 configurations; and any other information that may affect the
 14 need for the proposed project.

15 2. The construction project must be recommended in the
 16 most recent survey or surveys by the district under the rules
 17 of the State Board of Education.

18 3. The construction project includes either a
 19 recreational facility or media center that will be jointly
 20 used with a local government.

21 4. The construction project must appear on the
 22 district's approved project priority list under the rules of
 23 the State Board of Education.

24 5. The district must have selected and had approved a
 25 site for the construction project in compliance with the
 26 interlocal agreement with the appropriate local government, s.
 27 1013.36, and the rules of the State Board of Education.

28 6. The district shall have developed a district school
 29 board adopted list of facilities that do not exceed the norm
 30 for net square feet occupancy requirements under the state
 31 requirements for educational facilities, using all possible

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1 programmatic combinations for multiple use of space to obtain
2 maximum daily use of all spaces within the facility under
3 consideration.

4 7. Upon construction, the total cost per student
5 station, including change orders, must not exceed the cost per
6 student station as provided in subsection (6).

7 8. There shall be an agreement signed by the district
8 school board stating that it will advertise for bids within 30
9 days after receipt of its encumbrance authorization from the
10 department.

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

16 10. Final phase III plans must be certified by the
17 board as complete and in compliance with the building and life
18 safety codes prior to August 1.

19 (c)(b) The Special Facility Construction Committee
20 shall be composed of the following: two representatives of the
21 Department of Education, a representative from the Governor's
22 office, a representative selected annually by the district
23 school boards, and a representative selected annually by the
24 superintendents.

25 (d)(c) The committee shall review the requests
26 submitted from the districts, evaluate the ability of the
27 project to relieve critical needs, and rank the requests in
28 priority order. This statewide priority list for special
29 facilities construction shall be submitted to the Legislature
30 in the commissioner's annual capital outlay legislative budget
31 request at least 45 days prior to the legislative session. For

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1 the initial year of the funding of the program outlined in
2 paragraph (b), the Special Facility Construction Committee
3 shall authorize the disbursement of funds appropriated by the
4 Legislature for the purposes of the program funded by the High
5 Growth County Facility Construction Account created in
6 paragraph (b).

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 6, line 6, following the semicolon,
12
13 insert:
14 revising criteria for requesting funding from
15 the Special Facility Construction Account;
16 requiring the Department of Education to
17 establish the High Growth County Facility
18 Construction Account as a separate account
19 within the Public Education Capital Outlay and
20 Debt Service Trust Fund for certain purposes;
21 specifying requirements for funding from the
22 account;

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