

HB 1485

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CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to funding for educational facilities;
7 amending s. 1013.65, F.S.; revising provisions relating to
8 appropriations to the Public Education Capital Outlay and
9 Debt Service Trust Fund; deleting the sum appropriated for
10 the Classrooms for Kids Program; amending s. 1013.738,
11 F.S.; revising the eligibility criteria for the High
12 Growth District Capital Outlay Assistance Grant Program;
13 revising provisions for allocation of funds; providing
14 calculations; establishing the Build Schools Better and
15 Faster Task Force; providing membership and assignment to
16 the Department of Education for administrative purposes;
17 requiring recommendations to the Governor and Legislature
18 relating to educational facility construction and
19 maintenance; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Paragraph (a) of subsection (2) of section
24 1013.65, Florida Statutes, is amended to read:

25 1013.65 Educational and ancillary plant construction
26 funds; Public Education Capital Outlay and Debt Service Trust
27 Fund; allocation of funds.--

28 (2)(a) The Public Education Capital Outlay and Debt
29 Service Trust Fund shall be comprised of the following sources,
30 which are hereby appropriated to the trust fund:

31 1. Proceeds, premiums, and accrued interest from the sale
32 of public education bonds and that portion of the revenues
33 accruing from the gross receipts tax as provided by s. 9(a)(2),
34 Art. XII of the State Constitution, as amended, interest on
35 investments, and federal interest subsidies.

36 2. General revenue funds appropriated to the fund for
37 educational capital outlay purposes.

38 3. All capital outlay funds previously appropriated and
39 certified forward pursuant to s. 216.301.

40 4.a. Funds paid pursuant to s. 201.15(1)(d).

41 ~~b. The sum of \$41.75 million of such funds shall be~~
42 ~~appropriated annually for expenditure to fund the Classrooms for~~
43 ~~Kids Program created in s. 1013.735 and shall be distributed as~~
44 ~~provided by that section.~~

45 Section 2. Subsections (2) and (3) of section 1013.738,
46 Florida Statutes, are amended to read:

47 1013.738 High Growth District Capital Outlay Assistance
48 Grant Program.--

49 (2) In order to qualify for a grant, a school district
50 must meet the following criteria:

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51 (a) The district must have levied the full 2 mills of
52 nonvoted discretionary capital outlay millage authorized in s.
53 1011.71(2) for each of the past 3 4 fiscal years or currently
54 receive an amount from the school capital outlay surtax
55 authorized in s. 212.055(6) that, when added to the nonvoted
56 discretionary capital outlay millage collected, equals the
57 amount that would be generated if the full 2 mills of nonvoted
58 discretionary capital outlay millage had been collected over the
59 past 3 fiscal years.

60 (b) The district must receive, in the current fiscal year,
61 revenue from the collection of an impact fee specifically for
62 schools and revenue from the collection of one of the following:

63 1. A local government infrastructure sales surtax
64 authorized in s. 212.055(2) in which a portion is dedicated for
65 the construction of schools in the current fiscal year.

66 2. A school capital outlay surtax authorized in s.
67 212.055(6). If the school capital outlay surtax is used to meet
68 the conditions of paragraph (a), the amount of the school
69 capital outlay surtax collected must be in excess of the amount
70 in paragraph (a).

71 3. A local bond referendum as authorized in ss. 1010.40-
72 1010.55.

73 ~~(b) Fifty percent of the revenue derived from the 2 mill~~
74 ~~nonvoted discretionary capital outlay millage for the past 4~~
75 ~~fiscal years, when divided by the district's growth in capital~~
76 ~~outlay FTE students over this period, produces a value that is~~
77 ~~less than the average cost per student station calculated~~
78 ~~pursuant to s. 1013.72(2), and weighted by statewide growth in~~

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79 ~~capital outlay FTE students in elementary, middle, and high~~
80 ~~schools for the past 4 fiscal years.~~

81 (c) The district must have equaled or exceeded three times
82 ~~twice~~ the statewide average of growth in capital outlay FTE
83 students over this same 3-year ~~4-year~~ period.

84 (d) The district must not have received an appropriation
85 from the special facilities construction program in the current
86 fiscal year. The Commissioner of Education must have released
87 all funds allocated to the district from the Classrooms First
88 Program authorized in s. 1013.68, and these funds were fully
89 expended by the district as of February 1 of the current fiscal
90 year.

91 (e) ~~The total capital outlay FTE students of the district~~
92 ~~is greater than 15,000 students.~~

93 (3) The funds provided in the General Appropriations Act
94 shall be allocated pursuant to the following methodology:

95 (a) Each eligible district school board shall receive an
96 amount from the Public Education Capital Outlay and Debt Service
97 Trust Fund to be calculated by computing the capital outlay
98 full-time equivalent membership as determined by the department.
99 Such membership must include, but is not limited to:

100 1. K-12 students, except hospital and homebound part-time
101 students; and

102 2. Students who are career education students and adult
103 disabled students and who are enrolled in school district career
104 centers.

105 (b) The capital outlay full-time equivalent membership
106 shall be determined for kindergarten through grade 12 and for

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107 career centers by averaging the unweighted full-time equivalent
108 membership for the second and third surveys and comparing the
109 results on a school-by-school basis with the Florida Inventory
110 for School Houses. The capital outlay full-time equivalent
111 membership by grade-level organization shall be used in making
112 the following calculation: the capital outlay full-time
113 equivalent membership by grade-level organization for the prior
114 year must be used to compute the growth over the highest of the
115 3 years preceding the prior year.

116 (c) The total amount appropriated by the Legislature
117 pursuant to this subsection shall be allocated among the growth
118 capital outlay full-time equivalent membership. The allocation
119 shall be prorated to the districts based upon each district's
120 percentage of growth capital outlay full-time equivalent
121 membership. The most recent 4-year capital outlay full-time
122 equivalent membership data shall be used in each subsequent
123 year's calculation for the allocation of funds pursuant to this
124 subsection. If a change, correction, or recomputation of data
125 during any year results in a reduction or increase of the
126 calculated amount previously allocated to a district, the
127 allocation to that district shall be adjusted correspondingly.
128 If such recomputation results in an increase or decrease of the
129 calculated amount, such additional or reduced amounts shall be
130 added to or reduced from the district's future appropriations.
131 However, no change, correction, or recomputation of data shall
132 be made subsequent to 2 years following the initial annual
133 allocation.

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134 ~~(a) For each eligible district, the Department of~~
135 ~~Education shall calculate the value of 50 percent of the revenue~~
136 ~~derived from the 2-mill nonvoted discretionary capital outlay~~
137 ~~millage for the past 4 fiscal years divided by the increase in~~
138 ~~capital outlay FTE students for the same period.~~

139 ~~(b) The Department of Education shall determine, for each~~
140 ~~eligible district, the amount that must be added to the value~~
141 ~~calculated pursuant to paragraph (a) to produce the weighted~~
142 ~~average value per student station calculated pursuant to~~
143 ~~paragraph (2)(b).~~

144 ~~(c) The value calculated for each eligible district~~
145 ~~pursuant to paragraph (b) shall be multiplied by the average~~
146 ~~increase in capital outlay FTE students for the past 4 fiscal~~
147 ~~years to determine the maximum amount of a grant that may be~~
148 ~~awarded to a district pursuant to this section.~~

149 ~~(d) In the event the funds provided in the General~~
150 ~~Appropriations Act are insufficient to fully fund the maximum~~
151 ~~grants calculated pursuant to paragraph (c), the Department of~~
152 ~~Education shall allocate the funds based on each district's~~
153 ~~prorated share of the total maximum award amount calculated for~~
154 ~~all eligible districts.~~

155 Section 3. Build Schools Better and Faster Task Force.--

156 (1) The Build Schools Better and Faster Task Force is
157 established. The task force shall consist of the following: the
158 Secretary of Management Services or the secretary's designee,
159 who shall serve as chair; the chair of the State Board of
160 Education or the chair's designee, who shall serve as vice
161 chair; and five members who are not members of the Legislature

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162 or school district officers or employees and who have a broad
163 variety of business experience in the private construction
164 industry sector. The private construction industry members shall
165 be appointed as follows: one member appointed by the Governor,
166 two members appointed by the President of the Senate, and two
167 members appointed by Speaker of the House of Representatives.

168 (2) The members of the task force shall be appointed no
169 later than July 1, 2006, and shall convene for their first
170 meeting no later than August 1, 2006.

171 (3) The task force is assigned to the Department of
172 Education for administrative purposes. Members of the task force
173 are entitled to per diem and travel expenses pursuant to s.
174 112.061, Florida Statutes, and shall be subject to the Code of
175 Ethics for Public Officers and Employees under part III of
176 chapter 112, Florida Statutes.

177 (4) The task force shall make recommendations to the
178 Governor and the Legislature no later than February 1, 2007. The
179 recommendations must include, but are not limited to,
180 recommendations regarding:

181 (a) The feasibility and advisability of, and possible
182 methodologies for, achieving greater facilities construction
183 cost efficiencies and reducing construction times by
184 establishing a statewide program for better, faster school
185 construction and maintenance.

186 (b) Optimal design and performance standards for safe and
187 functional school facilities that are space efficient and
188 technologically advanced.

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189 (c) Optimal construction standards that ensure appropriate
190 industry standards and optimal life cycles, including, but not
191 limited to, standards for optimal size of core facility space,
192 design-build performance contracting, energy efficiency, and
193 life-cycle systems costing.

194 (d) Maintenance, repair, renovation, remodeling, and site
195 acquisition standards, guidelines, and protocols.

196 (e) Optimal use of permanent versus relocatable facilities
197 and protocols for decisionmaking regarding each.

198 (f) Protocols for regular assessments of facility capacity
199 to ensure maximization of space utilization.

200 (g) Energy performance contracting with guaranteed annual
201 energy savings.

202 (5) Upon delivery of its final report and recommendations,
203 the task force shall cease to exist.

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