

1                   A bill to be entitled  
2           An act relating to educational facilities; amending s.  
3           1013.371, F.S.; providing that specified areas of critical  
4           state concern are exempt from ch. 380, F.S., specified  
5           land development regulations, and specified local  
6           comprehensive plans; creating s. 1013.441, F.S.;  
7           establishing the Green Schools Pilot Project to enable  
8           selected school districts to comply with certain building  
9           certification standards; defining a term; providing for an  
10          application and selection process for participation in the  
11          pilot project; providing requirements for school districts  
12          to participate; providing for evaluation criteria that may  
13          be used during the selection process; providing for the  
14          distribution of funds by the Department of Education;  
15          providing for prorated distribution of funds under  
16          specified circumstances; providing authority to distribute  
17          excess funds for specified purposes; requiring the  
18          reporting of expenditures by participating school  
19          districts; authorizing inspection and evaluation of the  
20          reports by the Auditor General; providing for the return  
21          of improperly expended funds and of specified funds if a  
22          constructed or renovated school fails to achieve specified  
23          certification standards; providing that appropriated funds  
24          shall not revert; requiring a report by each participating  
25          school district; providing an appropriation; providing an  
26          effective date.

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

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Section 1. Paragraph (a) of subsection (1) of section 1013.371, Florida Statutes, is amended to read:

1013.371 Conformity to codes.--

(1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

(a)1. Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a board must conform to the Florida Building Code and the Florida Fire Prevention Code, and the plants are exempt from:

- a. All other state building codes.†
- b. County, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code.†
- c. Building permits, and assessments of fees for building permits, except as provided in s. 553.80.†
- d. Ordinances.†
- e. Road closures.†~~and~~
- f. Impact fees or service availability fees.
- g. Chapter 380, land development regulations as defined in

s. 380.031(8), and local comprehensive plans as defined in s. 380.031(10) if the plants are located in an area of critical state concern under s. 380.0552 or in the City of Key West.

2. Any inspection by local or state government must be based on the Florida Building Code and the Florida Fire Prevention Code. Each board shall provide for periodic inspection of the proposed educational plant during each phase

56 of construction to determine compliance with the state  
57 requirements for educational facilities.

58 Section 2. Section 1013.441, Florida Statutes, is created  
59 to read:

60 1013.441 Green Schools Pilot Project.--

61 (1) The Legislature recognizes that it is both cost  
62 effective and healthy for citizens and the environment to build  
63 schools that maximize low water usage and the use of energy  
64 efficiencies, renewable energy, and recycling technologies. As  
65 such, there is established the Green Schools Pilot Project to  
66 create a program for selected school districts to utilize  
67 Leadership in Energy and Environmental Design (LEED) silver-  
68 level or better building certification standards in new  
69 educational building construction projects and, where feasible,  
70 in educational building renovation projects.

71 (2) LEED building certification standards are defined by  
72 the U.S. Green Building Council and address the total impact  
73 that new buildings have on the environment so as to maximize  
74 their energy efficiency and to minimize their adverse  
75 environmental impacts.

76 (3) For purposes of this section, the term "additional  
77 costs" means the expenditures that are necessary to build a  
78 complete school to LEED silver-level or better building  
79 certification standards and that exceed the expenditures  
80 necessary to build a complete school in compliance with this  
81 chapter. Such additional costs may include, but are not limited  
82 to, registration and certification fees charged for  
83 certification of the school to LEED silver-level or better

84 building certification standards.

85 (4) (a) The Department of Education in consultation with  
86 the Florida Energy Office shall develop by August 1, 2007, an  
87 application process for school districts to participate in the  
88 pilot project. Three school districts shall be selected by the  
89 State Board of Education by January 1, 2008, to participate in  
90 the pilot project. One school district shall be in a county with  
91 a population of 1 million or more residents; one school district  
92 shall be in a county with a population of 250,000 to 999,999  
93 residents; and one school district shall be in a county with a  
94 population under 250,000 residents. School districts selected to  
95 participate in the pilot project shall, to the greatest extent  
96 possible, represent geographically different regions of the  
97 state.

98 (b) At a minimum, each school district selected by the  
99 State Board of Education to participate in the pilot project  
100 must:

101 1. Demonstrate that it implements sound financial  
102 management practices by producing documentation that indicates  
103 that the school district for the preceding 3 years has had no  
104 material weaknesses or instances of material noncompliance noted  
105 in its annual audits required under s. 218.39.

106 2. Engage a design team with demonstrated knowledge and  
107 experience in high-performance green building construction.

108 3. Commit to building at least one complete school to the  
109 LEED silver-level or better building certification standards.  
110 Schools built to such building certification standards shall be  
111 designated as "Green Schools."

112        (c) When selecting school districts to participate in the  
113 pilot project, evaluation criteria implemented by the State  
114 Board of Education may include, but are not limited to,  
115 targeting school districts that demonstrate a high percentage of  
116 environmentally inefficient schools or school districts that  
117 propose innovative methods to improve water savings, energy  
118 efficiency, or indoor environmental quality.

119        (5) (a) From funds appropriated for the Green Schools Pilot  
120 Program, the department shall distribute to each participating  
121 school district an amount sufficient to fund the additional  
122 costs required to build one complete school to LEED silver-level  
123 or better building certification standards.

124        1. If appropriated funds are insufficient to fund the  
125 total of additional costs required to build three complete  
126 schools to LEED silver-level or better building certification  
127 standards, the department shall prorate funds available and make  
128 distributions based on the ratio of each school's additional  
129 costs relative to the total of additional costs for the three  
130 schools.

131        2. If appropriated funds remain after the distribution,  
132 such funds may be distributed by the department to one or more  
133 of the participating school districts to fund the additional  
134 costs required to build other new schools or renovate existing  
135 schools to LEED silver-level or better building certification  
136 standards.

137        (b) Participating school districts must annually report to  
138 the department the expenditure of funds received under paragraph  
139 (a). The reports shall be open to inspection and examination by

140 the Auditor General. A participating school district must return  
141 to the department:

142 1. Any funds found by the Auditor General to have been  
143 improperly expended.

144 2. Funds received under paragraph (a) for the construction  
145 or renovation of a school if LEED silver-level or better  
146 certification is not obtained for the school within 1 year after  
147 its completion.

148 (c) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
149 undisbursed balances of appropriations for the Green Schools  
150 Pilot Project shall not revert to the General Revenue Fund but  
151 shall be retained by the department to be used for purposes of  
152 this section.

153 (6) Each participating school district shall deliver to  
154 the Governor, the President of the Senate, the Speaker of the  
155 House of Representatives, and the Commissioner of Education a  
156 report on the effects Green Schools have had on student  
157 performance and health, operational costs, energy consumption,  
158 and the environment in the district. This report shall be  
159 submitted by July 1 of the year after a Green School has been in  
160 full operation for a period of 3 years.

161 Section 3. For fiscal year 2007-2008, the sum of  
162 \$3,500,000 in nonrecurring funds is appropriated from the Public  
163 Education Capital Outlay and Debt Service Trust Fund to the  
164 Department of Education to fund the additional costs required  
165 for the new construction of three complete schools to LEED  
166 silver-level or better building certification standards under

CS/HB 1257

2007

167 the Green Schools Pilot Project as provided in s. 1013.441,  
168 Florida Statutes.

169 Section 4. This act shall take effect July 1, 2007.