

Bill No. CS for SB 1270

Barcode 732624

CHAMBER ACTION

Senate

House

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The Committee on Higher Education Appropriations (Oelrich)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 247, line 12, through  
page, 258, line 2, delete those lines

and insert:

2. Each survey of a special facility, joint-use  
facility, or cooperative career education facility must be  
based on capital outlay full-time equivalent student  
enrollment data prepared by the department for school  
districts and, ~~community colleges, colleges,~~ and by the  
Chancellor of the State University System for universities. A  
survey of space needs of a joint-use facility shall be based  
upon the respective space needs of the school districts,  
community colleges, ~~colleges,~~ and universities, as  
appropriate. Projections of a school district's facility space  
needs may not exceed the norm space and occupant design  
criteria established by the State Requirements for Educational  
Facilities.

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1           3. Each community college's survey must reflect the  
 2 capacity of existing facilities as specified in the inventory  
 3 maintained by the Department of Education. Projections of  
 4 facility space needs must comply with standards for  
 5 determining space needs as specified by rule of the State  
 6 Board of Education. The 5-year projection of capital outlay  
 7 student enrollment must be consistent with the annual report  
 8 of capital outlay full-time student enrollment prepared by the  
 9 Department of Education.

10           4. Each ~~college and~~ state university's survey must  
 11 reflect the capacity of existing facilities as specified in  
 12 the inventory maintained and validated by the Chancellor of  
 13 the State University System ~~Division of Colleges and~~  
 14 ~~Universities~~. Projections of facility space needs must be  
 15 consistent with standards for determining space needs as  
 16 specified by rule of ~~approved by~~ the Board of Governors  
 17 ~~Division of Colleges and Universities~~. The projected capital  
 18 outlay full-time equivalent student enrollment must be  
 19 consistent with the 5-year planned enrollment cycle for the  
 20 State University System approved by the Board of Governors  
 21 ~~Division of Colleges and Universities~~.

22           5. The district educational facilities plan of a  
 23 school district and the educational plant survey of a  
 24 community college, ~~college or~~ state university, or the Florida  
 25 School for the Deaf and the Blind may include space needs that  
 26 deviate from approved standards for determining space needs if  
 27 the deviation is justified by the district or institution and  
 28 approved by the department or the Board of Governors, as  
 29 appropriate, as necessary for the delivery of an approved  
 30 educational program.

31           (c) Review and validation.--The Department of

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1 ~~Education Office of Educational Facilities and SMART Schools~~  
2 ~~Clearinghouse~~ shall review and validate the surveys of school  
3 districts and, community colleges, ~~and colleges~~ and the  
4 Chancellor of the State University System shall review and  
5 validate the surveys of universities, and any amendments  
6 thereto for compliance with the requirements of this chapter  
7 and shall recommend those in compliance for approval by the  
8 State Board of Education or the Board of Governors, as  
9 appropriate. Annually, the department shall perform an  
10 in-depth analysis of a representative sample of each survey of  
11 recommended needs for five districts selected by the  
12 commissioner from among districts with the largest  
13 need-to-revenue ratio. For the purpose of this subsection, the  
14 need-to-revenue ratio is determined by dividing the total  
15 5-year cost of projects listed on the district survey by the  
16 total 5-year fixed capital outlay revenue projections from  
17 state and local sources as determined by the department. The  
18 commissioner may direct fixed capital outlay funds to be  
19 withheld from districts until such time as the survey  
20 accurately projects facilities needs.

21 (d) Periodic update of Florida Inventory of School  
22 Houses.--School districts shall periodically update their  
23 inventory of educational facilities as new capacity becomes  
24 available and as unsatisfactory space is eliminated. The State  
25 Board of Education shall adopt rules to determine the time  
26 frame in which districts must provide a periodic update.

27 (2) Only the district school superintendent, community  
28 college president, or the university president shall certify  
29 to the Department of Education ~~Office of Educational~~  
30 ~~Facilities and SMART Schools Clearinghouse~~ a project's  
31 compliance with the requirements for expenditure of PECO funds

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1 prior to release of funds.

2 (a) Upon request for release of PECO funds for  
 3 planning purposes, certification must be made to the  
 4 Department of Education ~~Office of Educational Facilities and~~  
 5 ~~SMART Schools Clearinghouse~~ that the need for and location of  
 6 the facility are in compliance with the board-approved survey  
 7 recommendations, that the project meets the definition of a  
 8 PECO project and the limiting criteria for expenditures of  
 9 PECO funding, and that the plan is consistent with the local  
 10 government comprehensive plan.

11 (b) Upon request for release of construction funds,  
 12 certification must be made to the Department of Education  
 13 ~~Office of Educational Facilities and SMART Schools~~  
 14 ~~Clearinghouse~~ that the need and location of the facility are  
 15 in compliance with the board-approved survey recommendations,  
 16 that the project meets the definition of a PECO project and  
 17 the limiting criteria for expenditures of PECO funding, and  
 18 that the construction documents meet the requirements of the  
 19 Florida Building Code for educational facilities construction  
 20 or other applicable codes as authorized in this chapter.

21 Section 176. Subsection (2) of section 1013.46,  
 22 Florida Statutes, is amended to read:

23 1013.46 Advertising and awarding contracts;  
 24 prequalification of contractor.--

25 (2) Boards shall prequalify bidders for construction  
 26 contracts ~~according to rules prescribed by the State Board of~~  
 27 ~~Education which require the prequalification of bidders of~~  
 28 ~~educational facilities construction~~. Boards shall require that  
 29 all construction or capital improvement bids be accompanied by  
 30 evidence that the bidder holds an appropriate certificate or  
 31 license or that the prime contractor has a current valid

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1 license.

2 Section 177. Section 1013.47, Florida Statutes, is  
3 amended to read:

4 1013.47 Substance of contract; contractors to give  
5 bond; penalties.--Each board shall develop contracts  
6 consistent with this chapter and statutes governing public  
7 facilities. Such a contract must contain the drawings and  
8 specifications of the work to be done and the material to be  
9 furnished, the time limit in which the construction is to be  
10 completed, the time and method by which payments are to be  
11 made upon the contract, and the penalty to be paid by the  
12 contractor for any failure to comply with the terms of the  
13 contract. The board may require the contractor to pay a  
14 penalty for any failure to comply with the terms of the  
15 contract and may provide an incentive for early completion.  
16 Upon accepting a satisfactory bid, the board shall enter into  
17 a contract with the party or parties whose bid has been  
18 accepted. The contractor shall furnish the board with a  
19 performance and payment bond as set forth in s. 255.05. A  
20 board or other public entity may not require a contractor to  
21 secure a surety bond under s. 255.05 from a specific agent or  
22 bonding company. Notwithstanding any other provision of this  
23 section, if 25 percent or more of the costs of any  
24 construction project is paid out of a trust fund established  
25 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics  
26 employed by contractors or subcontractors on such construction  
27 will be paid wages not less than those prevailing on similar  
28 construction projects in the locality, as determined by the  
29 Secretary of Labor in accordance with the Davis-Bacon Act, as  
30 amended. A person, firm, or corporation that constructs any  
31 part of any educational plant, or addition thereto, on the

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1 basis of any unapproved plans or in violation of any plans  
 2 approved in accordance with the provisions of this chapter and  
 3 rules of the State Board of Education or the Board of  
 4 Governors relating to building standards or specifications is  
 5 subject to forfeiture of bond and unpaid compensation in an  
 6 amount sufficient to reimburse the board for any costs that  
 7 will need to be incurred in making any changes necessary to  
 8 assure that all requirements are met and is also guilty of a  
 9 misdemeanor of the second degree, punishable as provided in s.  
 10 775.082 or s. 775.083, for each separate violation.

11 Section 178. Paragraphs (a), (c), and (d) of  
 12 subsection (1) and subsections (2) and (3) of section 1013.52,  
 13 Florida Statutes, are amended to read:

14 1013.52 Cooperative development and joint use of  
 15 facilities by two or more boards.--

16 (1) Two or more boards, including district school  
 17 boards, community college boards of trustees, the Board of  
 18 Trustees for the Florida School for the Deaf and the Blind,  
 19 and university boards of trustees, desiring to cooperatively  
 20 establish a common educational facility to accommodate  
 21 students shall:

22 (a) Jointly request a formal assessment by the  
 23 Commissioner of Education or the Chancellor of the State  
 24 University System, as appropriate, of the academic program  
 25 need and the need to build new joint-use facilities to house  
 26 approved programs. Completion of the assessment and approval  
 27 of the project by the State Board of Education, the Board of  
 28 Governors, the Chancellor of the State University System, or  
 29 the Commissioner of Education, as appropriate, should be done  
 30 prior to conducting an educational facilities survey.

31 (c) Adopt and submit to the Commissioner of Education,

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1 and the Chancellor of the State University System if the joint  
2 request involves a state university, a joint resolution of the  
3 participating boards indicating their commitment to the  
4 utilization of the requested facility and designating the  
5 locale of the proposed facility. The joint resolution shall  
6 contain a statement of determination by the participating  
7 boards that alternate options, including the use of leased,  
8 rented, or borrowed space, were considered and found less  
9 appropriate than construction of the proposed facility. The  
10 joint resolution shall contain assurance that the development  
11 of the proposed facility has been examined in conjunction with  
12 the programs offered by neighboring public educational  
13 facilities offering instruction at the same level. The joint  
14 resolution also shall contain assurance that each  
15 participating board shall provide for continuity of  
16 educational progression. All joint resolutions shall be  
17 submitted ~~to the commissioner~~ by August 1 for consideration of  
18 funding by the subsequent Legislature.

19 (d) Submit requests for funding of joint-use  
20 facilities projects involving state universities and community  
21 colleges for approval by the Commissioner of Education and the  
22 Chancellor of the State University System. The Commissioner of  
23 Education and the Chancellor of the State University System  
24 shall jointly determine the priority for funding these  
25 projects in relation to the priority of all other capital  
26 outlay projects under their consideration. To be eligible for  
27 funding from the Public Education Capital Outlay and Debt  
28 Service Trust Fund under the provisions of this section,  
29 projects involving both state universities and community  
30 colleges shall appear on the 3-year capital outlay priority  
31 lists of community colleges and of universities required by s.

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1 1013.64. Projects involving a state university, community  
 2 college, and a public school, and in which the larger share of  
 3 the proposed facility is for the use of the state university  
 4 or the community college, shall appear on the 3-year capital  
 5 outlay priority lists of the community colleges or of the  
 6 universities, as applicable.

7       (2) An educational plant survey must be conducted  
 8 within 90 days after submission of the joint resolution and  
 9 substantiating data describing the benefits to be obtained,  
 10 the programs to be offered, and the estimated cost of the  
 11 proposed project. Upon completion of the educational plant  
 12 survey, the participating boards may include the recommended  
 13 projects in their plan as provided in s. 1013.31. Upon  
 14 approval of the project by the commissioner or the Chancellor  
 15 of the State University System, as appropriate, 25 percent of  
 16 the total cost of the project, or the pro rata share based on  
 17 space utilization of 25 percent of the cost, must be included  
 18 in the department's legislative capital outlay budget request  
 19 as provided in s. 1013.60 for educational plants. The  
 20 participating boards must include in their joint resolution a  
 21 commitment to finance the remaining funds necessary to  
 22 complete the planning, construction, and equipping of the  
 23 facility. Funds from the Public Education Capital Outlay and  
 24 Debt Service Trust Fund may not be expended on any project  
 25 unless specifically authorized by the Legislature.

26       (3) Included in all proposals for joint-use facilities  
 27 must be documentation that the proposed new campus or new  
 28 joint-use facility has been reviewed by the State Board of  
 29 Education or the Board of Governors, as appropriate, and has  
 30 been formally requested for authorization by the Legislature.

31       Section 179. Subsection (2) of section 1013.60,



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1 Florida Statutes, is amended to read:

2 1013.60 Legislative capital outlay budget request.--

3 (2) The commissioner shall submit to the Governor and  
4 to the Legislature an integrated, comprehensive budget request  
5 for educational facilities construction and fixed capital  
6 outlay needs for school districts, community colleges, and  
7 universities, pursuant to the provisions of s. 1013.64 and  
8 applicable provisions of chapter 216. Each community college  
9 board of trustees and each university board of trustees shall  
10 submit to the commissioner a 3-year plan and data required in  
11 the development of the annual capital outlay budget. The  
12 information that is approved by the Board of Governors must be  
13 submitted to the Commissioner of Education for inclusion in  
14 the comprehensive budget request for educational facilities.

15 No further disbursements shall be made from the Public  
16 Education Capital Outlay and Debt Service Trust Fund to a  
17 board of trustees that fails to timely submit the required  
18 data until such board of trustees submits the data.

19 Section 180. Paragraph (a) of subsection (4) of  
20 section 1013.64, Florida Statutes, is amended to read:

21 1013.64 Funds for comprehensive educational plant  
22 needs; construction cost maximums for school district capital  
23 projects.--Allocations from the Public Education Capital  
24 Outlay and Debt Service Trust Fund to the various boards for  
25 capital outlay projects shall be determined as follows:

26 (4)(a) Community college boards of trustees and  
27 university boards of trustees shall receive funds for projects  
28 based on a 3-year priority list, to be updated annually, which  
29 is submitted to the Legislature in the legislative budget  
30 request at least 90 days prior to the legislative session. The  
31 State Board of Education shall submit a 3-year priority list

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1 | for community colleges and the Board of Governors shall submit  
2 | a 3-year priority list for universities. The lists shall  
3 | reflect decisions by the State Board of Education for  
4 | community colleges and the Board of Governors for state  
5 | universities concerning program priorities that implement the  
6 | statewide plan for program growth and quality improvement in  
7 | education. No remodeling or renovation project shall be  
8 | included on the 3-year priority list unless the project has  
9 | been recommended pursuant to s. 1013.31 or is for the purpose  
10 | of correcting health and safety deficiencies. No new  
11 | construction project shall be included on the first year of  
12 | the 3-year priority list unless the educational specifications  
13 | have been approved by the commissioner for a community college  
14 | project or by the Board of Governors for a university project,  
15 | as applicable. The funds requested for a new construction  
16 | project in the first year of the 3-year priority list shall be  
17 | in conformance with the scope of the project as defined in the  
18 | educational specifications. Any new construction project  
19 | requested in the first year of the 3-year priority list which  
20 | is not funded by the Legislature shall be carried forward to  
21 | be listed first in developing the updated 3-year priority list  
22 | for the subsequent year's capital outlay budget. Should the  
23 | order of the priority of the projects change from year to  
24 | year, a justification for such change shall be included with  
25 | the updated priority list.

26 |           Section 181. Subsection (1) of section 1013.65,  
27 | Florida Statutes, is amended to read:

28 |           1013.65 Educational and ancillary plant construction  
29 | funds; Public Education Capital Outlay and Debt Service Trust  
30 | Fund; allocation of funds.--

31 |           (1) The commissioner, through the department, shall

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1 administer the Public Education Capital Outlay and Debt  
2 Service Trust Fund. The commissioner shall allocate or  
3 reallocate funds as authorized by the Legislature. Copies of  
4 each allocation or reallocation shall be provided to members  
5 of the State Board of Education and the Board of Governors and  
6 to the chairs of the House of Representatives and Senate  
7 appropriations committees. The commissioner shall provide for  
8 timely encumbrances of funds for duly authorized projects.  
9 Encumbrances may include proceeds to be received under a  
10 resolution approved by the State Board of Education  
11 authorizing the issuance of public education capital outlay  
12 bonds pursuant to s. 9(a)(2), Art. XII of the State  
13 Constitution, s. 215.61, and other applicable law. The  
14 commissioner shall provide for the timely disbursement of  
15 moneys necessary to meet the encumbrance authorizations of the  
16 boards. Records shall be maintained by the department to  
17 identify legislative appropriations, allocations, encumbrance  
18 authorizations, disbursements, transfers, investments, sinking  
19 funds, and revenue receipts by source. The Department of  
20 Education shall pay the administrative costs of the Public  
21 Education Capital Outlay and Debt Service Trust Fund from the  
22 funds which comprise the trust fund.

23 Section 182. Paragraph (c) of subsection (2) and  
24 subsection (3) of section 1013.74, Florida Statutes, are  
25 amended, and subsection (5) is added to that section, to read:

26 1013.74 University authorization for fixed capital  
27 outlay projects.--

28 (2) The following types of projects may be  
29 accomplished pursuant to this section:

30 (c) Construction of projects financed as provided in  
31 s. 1010.62 ~~ss. 1010.60-1010.619 or 1013.71;~~



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