

By the Committees on Environmental Preservation and Conservation; Education Pre-K - 12; and Senator Constantine

592-2521-07

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

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

1 Section 1. Section 1013.441, Florida Statutes, is
2 created to read:

3 1013.441 Green Schools Pilot Project.--

4 (1) The Legislature finds that it is cost-effective
5 and healthy for the public and the environment to build
6 schools that maximize low-water usage and incorporate energy
7 efficiencies, renewable energy, and recycling technologies
8 into the construction of schools. Therefore, the Green Schools
9 Pilot Project is established for selected school districts for
10 the purpose of incorporating the Leadership in Energy and
11 Environmental Design (LEED) silver-level or the Green Globes
12 two-globe rating or better building-certification standards
13 into every new educational building construction project and,
14 when feasible, every educational building renovation project.

15 (2) LEED building certification standards are defined
16 by the United States Green Building Council and the Green
17 Globes certification standards are defined by the Green
18 Building Initiative. Both standards address the total effect
19 that new buildings have on the environment so as to maximize
20 energy efficiency and to minimize adverse effects on the
21 environment.

22 (3) For purposes of this section, the term "additional
23 costs" means the expenditures that are necessary to build a
24 complete school to LEED silver-level or Green Globes two-globe
25 or better building-certification standards but that exceed the
26 expenditures necessary to build a complete school in
27 compliance with this chapter. Such additional costs may
28 include, but are not limited to, registration and
29 certification fees charged for certification of the school to
30 LEED silver-level or Green Globes two-globe or better
31 building-certification standards.

1 (4)(a) The Department of Education, in consultation
2 with the Florida Energy Office, shall develop by August 1,
3 2007, an application process for school districts to
4 participate in the pilot project. Three school districts shall
5 be selected by the State Board of Education by January 1,
6 2008, to participate in the pilot project. One school district
7 shall be in a county having a population of 1 million or more
8 residents; one school district shall be in a county having a
9 population of 250,000 to 999,999 residents; and one school
10 district shall be in a county having a population of fewer
11 than 250,000 residents. School districts selected to
12 participate in the pilot project shall, to the greatest extent
13 possible, represent geographically different regions of the
14 state.

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

18 1. Demonstrate that it implements sound financial
19 management practices by producing documentation that indicates
20 that the school district for the preceding 3 years has had no
21 material weaknesses or instances of material noncompliance
22 noted in its annual audits required under s. 218.39.

23 2. Engage a design team that has demonstrated
24 knowledge and experience in high-performance green building
25 construction.

26 3. Commit to building at least one complete school to
27 LEED silver-level or Green Globes two-globe or better
28 building-certification standards. A school built to such
29 building-certification standards shall be designated as a
30 "Green School."

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1 (c) When selecting school districts to participate in
2 the pilot project, evaluation criteria implemented by the
3 State Board of Education may include, but need not be limited
4 to, school districts that demonstrate a high percentage of
5 environmentally inefficient schools or school districts that
6 propose innovative methods for improving water savings, energy
7 efficiency, or indoor environmental quality.

8 (5)(a) From funds appropriated for the Green Schools
9 Pilot Program, the department shall distribute to each
10 participating school district an amount sufficient to fund the
11 additional costs required to build one complete school to LEED
12 silver-level or Green Globes two-globe or better
13 building-certification standards.

14 1. If appropriated funds are insufficient to fund the
15 total of additional costs required to build three complete
16 schools to LEED silver-level or Green Globes two-globe or
17 better building-certification standards, the department shall
18 prorate funds available and make distributions based on the
19 ratio of each school's additional costs relative to the total
20 of additional costs for the three schools.

21 2. If appropriated funds remain after the
22 distribution, such funds may be distributed by the department
23 to one or more of the participating school districts to fund
24 the additional costs required to build other new schools or to
25 renovate existing schools to LEED silver-level or Green Globes
26 two-globe or better building-certification standards.

27 (b) Participating school districts must annually
28 report to the department the expenditure of funds received
29 under paragraph (a). The reports must be open to inspection
30 and examination by the Auditor General. A participating school
31 district must return to the department:

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

3 2. Funds received under paragraph (a) for the
4 construction or renovation of a school if LEED silver-level or
5 Green Globes two-globe certification or better is not obtained
6 for the school within 1 year after its completion.

7 (c) Notwithstanding s. 216.301 and pursuant to s.
8 216.351, undisbursed balances of appropriations for the Green
9 Schools Pilot Program do not revert to the General Revenue
10 Fund but shall be retained by the department to be used for
11 purposes of this section.

12 (6) Each participating school district shall deliver
13 to the Governor, the President of the Senate, the Speaker of
14 the House of Representatives, and the Commissioner of
15 Education a report on the effects Green Schools have had on
16 student performance and health, operational costs, energy
17 consumption, and the environment in the district. This report
18 shall be submitted by July 1 of the year after a Green School
19 has been in full operation for 3 years.

20 Section 2. For the 2007-2008 fiscal year, the sum of
21 \$3.5 million in nonrecurring funds is appropriated from the
22 Public Education Capital Outlay and Debt Service Trust Fund to
23 the Department of Education for the purpose of funding the
24 additional costs required for the new construction of three
25 complete schools to LEED silver-level or Green Globes
26 two-globe or better building-certification standards under the
27 Green Schools Pilot Project.

28 Section 3. This act shall take effect July 1, 2007.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 2136
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5 The committee substitute adds more specificity to the
6 Legislative intent. Provides that the school districts
7 selected for the pilot project incorporate Leadership in
8 Energy and Environmental Design (LEED) silver level or Green
9 Globes two-globe rating or better for building certification
10 standards into every new educational building construction
11 project.
12
13 Defines the term "additional costs."
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15 Clarifies that the school districts are to be selected by the
16 State Board of Education. Clarifies what selected school
17 districts must do to actually receive the pilot project.
18
19 Provides that if appropriated funds are insufficient to fund
20 the total of additional costs required to build three complete
21 schools to the specified standards, the department shall
22 prorate the available funds.
23
24 Requires a participating school district to return to the
25 department any funds found by the Auditor General to have been
26 improperly expended.
27
28 Requires that the participating school districts must also
29 give the Commissioner of Education a copy of the report that
30 is required to be given to the Governor, the President of the
31 Senate, and the Speaker of the House of Representatives.
 Appropriates \$3.5 million from the Public Education Capital
 Outlay and Debt Service Trust Fund instead of the General
 Revenue Fund for the pilot project.