

By the Committee on Education Pre-K - 12; and Senator Bennett

581-04240-08

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1 A bill to be entitled

2 An act relating to educational facilities construction;
3 amending s. 1013.45, F.S.; increasing the maximum
4 authorized amount of a day-labor contract to \$300,000;
5 amending s. 1013.64, F.S.; providing duties of the Office
6 of Educational Facilities with respect to approving school
7 district construction projects and assisting districts in
8 developing lists of proposed facilities; limiting total
9 project costs except for providential causes; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) of subsection (1) of section
15 1013.45, Florida Statutes, is amended to read:

16 1013.45 Educational facilities contracting and construction
17 techniques.--

18 (1) Boards may employ procedures to contract for
19 construction of new facilities, or major additions to existing
20 facilities, that will include, but not be limited to:

21 (e) Day-labor contracts not exceeding \$300,000 ~~\$200,000~~ for
22 construction, renovation, remodeling, or maintenance of existing
23 facilities.

24 Section 2. Paragraph (a) of subsection (2) of section
25 1013.64, Florida Statutes, is amended to read:

26 1013.64 Funds for comprehensive educational plant needs;
27 construction cost maximums for school district capital projects.-
28 -Allocations from the Public Education Capital Outlay and Debt
29 Service Trust Fund to the various boards for capital outlay

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30 projects shall be determined as follows:

31 (2) (a) The department shall establish, as a part of the
32 Public Education Capital Outlay and Debt Service Trust Fund, a
33 separate account, in an amount determined by the Legislature, to
34 be known as the "Special Facility Construction Account." The
35 Special Facility Construction Account shall be used to provide
36 necessary construction funds to school districts which have
37 urgent construction needs but which lack sufficient resources at
38 present, and cannot reasonably anticipate sufficient resources
39 within the period of the next 3 years, for these purposes from
40 currently authorized sources of capital outlay revenue. A school
41 district requesting funding from the Special Facility
42 Construction Account shall submit one specific construction
43 project, not to exceed one complete educational plant, to the
44 Special Facility Construction Committee. No district shall
45 receive funding for more than one approved project in any 3-year
46 period. The first year of the 3-year period shall be the first
47 year a district receives an appropriation. The department shall
48 encourage a construction program that reduces the average size of
49 schools in the district. The request must meet the following
50 criteria to be considered by the committee:

51 1. The project must be deemed a critical need and must be
52 recommended for funding by the Special Facility Construction
53 Committee. Prior to developing plans for the proposed facility,
54 the district school board must request a preapplication review by
55 the Special Facility Construction Committee or a project review
56 subcommittee convened by the committee to include two
57 representatives of the department and two staff from school
58 districts not eligible to participate in the program. Within 60

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59 days after receiving the preapplication review request, the
60 committee or subcommittee must meet in the school district to
61 review the project proposal and existing facilities. To determine
62 whether the proposed project is a critical need, the committee or
63 subcommittee shall consider, at a minimum, the capacity of all
64 existing facilities within the district as determined by the
65 Florida Inventory of School Houses; the district's pattern of
66 student growth; the district's existing and projected capital
67 outlay full-time equivalent student enrollment as determined by
68 the department; the district's existing satisfactory student
69 stations; the use of all existing district property and
70 facilities; grade level configurations; and any other information
71 that may affect the need for the proposed project.

72 2. The construction project must be recommended in the most
73 recent survey or surveys conducted and approved by the Office of
74 Educational Facilities with the assistance of ~~by~~ the district
75 under the rules of the State Board of Education.

76 3. The construction project must appear on the district's
77 approved project priority list under the rules of the State Board
78 of Education.

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

82 5. With the assistance of the Office of Educational
83 Facilities, the district shall have developed a district school
84 board adopted list of facilities that do not exceed the norm for
85 net square feet occupancy requirements under the State
86 Requirements for Educational Facilities, using all possible
87 programmatic combinations for multiple use of space to obtain

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88 maximum daily use of all spaces within the facility under
89 consideration.

90 6. Upon construction, the total cost per student station,
91 including change orders, must not exceed the cost per student
92 station as provided in subsection (6). The total project may not
93 exceed the cost estimate approved by the Special Facility
94 Construction Committee, and additional funding may not be awarded
95 except for providential causes.

96 7. There shall be an agreement signed by the district
97 school board stating that it will advertise for bids within 30
98 days of receipt of its encumbrance authorization from the
99 department.

100 8. The district shall, at the time of the request and for a
101 continuing period of 3 years, levy the maximum millage against
102 their nonexempt assessed property value as allowed in s.
103 1011.71(2) or shall raise an equivalent amount of revenue from
104 the school capital outlay surtax authorized under s. 212.055(6).
105 Any district with a new or active project, funded under the
106 provisions of this subsection, shall be required to budget no
107 more than the value of 1.5 mills per year to the project to
108 satisfy the annual participation requirement in the Special
109 Facility Construction Account.

110 9. If a contract has not been signed 90 days after the
111 advertising of bids, the funding for the specific project shall
112 revert to the Special Facility New Construction Account to be
113 reallocated to other projects on the list. However, an additional
114 90 days may be granted by the commissioner.

115 10. The department shall certify the inability of the
116 district to fund the survey-recommended project over a continuous

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117 3-year period using projected capital outlay revenue derived from
118 s. 9(d), Art. XII of the State Constitution, as amended,
119 paragraph (3)(a) of this section, and s. 1011.71(2).

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

125 12. Final phase III plans must be certified by the board as
126 complete and in compliance with the building and life safety
127 codes, and reviewed and approved by the Office of Educational
128 Facilities, prior to August 1.

129 Section 3. This act shall take effect July 1, 2008.