

By the Committees on Education Facilities Appropriations;
Education Pre-K - 12; and Senator Bennett

584-05824-08

20081276c2

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 providing for such amount to be adjusted annually;
6 amending s. 1013.64, F.S.; providing duties of the Office
7 of Educational Facilities with respect to approving school
8 district construction projects and assisting districts in
9 developing lists of proposed facilities; limiting total
10 project costs except for providential causes; providing an
11 effective date.

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

14
15 Section 1. Paragraph (e) of subsection (1) of section
16 1013.45, Florida Statutes, is amended to read:

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

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

22 (e) Day-labor contracts not exceeding \$300,000 ~~\$200,000~~ for
23 construction, renovation, remodeling, or maintenance of existing
24 facilities. Beginning January 2009, this amount shall be adjusted
25 annually based upon changes in the Consumer Price Index.

26 Section 2. Paragraph (a) of subsection (2) of section
27 1013.64, Florida Statutes, is amended to read:

28 1013.64 Funds for comprehensive educational plant needs;
29 construction cost maximums for school district capital projects.-

584-05824-08

20081276c2

30 -Allocations from the Public Education Capital Outlay and Debt
31 Service Trust Fund to the various boards for capital outlay
32 projects shall be determined as follows:

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

53 1. The project must be deemed a critical need and must be
54 recommended for funding by the Special Facility Construction
55 Committee. Prior to developing plans for the proposed facility,
56 the district school board must request a preapplication review by
57 the Special Facility Construction Committee or a project review
58 subcommittee convened by the committee to include two

584-05824-08

20081276c2

59 representatives of the department and two staff from school
60 districts not eligible to participate in the program. Within 60
61 days after receiving the preapplication review request, the
62 committee or subcommittee must meet in the school district to
63 review the project proposal and existing facilities. To determine
64 whether the proposed project is a critical need, the committee or
65 subcommittee shall consider, at a minimum, the capacity of all
66 existing facilities within the district as determined by the
67 Florida Inventory of School Houses; the district's pattern of
68 student growth; the district's existing and projected capital
69 outlay full-time equivalent student enrollment as determined by
70 the department; the district's existing satisfactory student
71 stations; the use of all existing district property and
72 facilities; grade level configurations; and any other information
73 that may affect the need for the proposed project.

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

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

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

84 5. With the assistance of the Office of Educational
85 Facilities, the district shall have developed a district school
86 board adopted list of facilities that do not exceed the norm for
87 net square feet occupancy requirements under the State

584-05824-08

20081276c2

88 Requirements for Educational Facilities, using all possible
89 programmatic combinations for multiple use of space to obtain
90 maximum daily use of all spaces within the facility under
91 consideration.

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

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

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

112 9. If a contract has not been signed 90 days after the
113 advertising of bids, the funding for the specific project shall
114 revert to the Special Facility New Construction Account to be
115 reallocated to other projects on the list. However, an additional
116 90 days may be granted by the commissioner.

584-05824-08

20081276c2

117 10. The department shall certify the inability of the
118 district to fund the survey-recommended project over a continuous
119 3-year period using projected capital outlay revenue derived from
120 s. 9(d), Art. XII of the State Constitution, as amended,
121 paragraph (3)(a) of this section, and s. 1011.71(2).

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

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

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