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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 \$280,000;  
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:

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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 \$280,000 ~~\$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.-

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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

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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

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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.

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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.