

1                   A bill to be entitled  
2     An act relating to school construction; defining the term  
3     "green schools"; encouraging the creation of a green  
4     schools action committee by district school boards and  
5     consortia of entities involved in matters concerning  
6     green schools; providing suggestions concerning the  
7     membership and duties of the committee; requiring school  
8     principals to encourage efforts concerning green schools;  
9     requiring that the Department of Education and the  
10    Department of Environmental Protection, in coordination  
11    with various interest groups, create a program to  
12    recognize or award efforts or achievements concerning  
13    green schools; specifying entities that are eligible for  
14    such recognition or award; encouraging such departments  
15    to form partnerships with the private sector to help fund  
16    the program; amending s. 1013.04, F.S.; providing for the  
17    evaluation of school district educational facilities  
18    plans to include an assessment of performance in the area  
19    of integration of certain low-energy usage features and  
20    passive design features; amending s. 1013.23, F.S.;  
21    providing a statement of policy concerning the creation  
22    of public facilities and the use of cost savings produced  
23    by energy efficiency and conservation measures; intending  
24    that district school boards design new buildings or major  
25    renovations to earn a specified rating concerning energy  
26    and environmental design; providing an exception  
27    concerning the construction or renovation projects for  
28    which design is commenced by a specified date;

29 encouraging district school boards to incorporate design  
30 elements into certain construction or renovation projects  
31 which involve achievement of a specified rating; amending  
32 s. 1013.42, F.S.; requiring that, in administering the  
33 School Infrastructure Thrift Program, the Department of  
34 Education promote the creation of educational facilities  
35 meeting goals concerning cost and energy savings and  
36 environmental preservation; providing for inclusion of  
37 criteria concerning cost and energy savings and  
38 environmental preservation in the design of the program;  
39 amending s. 1013.64, F.S.; providing that cost per  
40 student station does not include costs for meeting  
41 certain energy efficiency and conservation requirements;  
42 amending s. 1013.72, F.S.; revising criteria concerning a  
43 school district's eligibility for an award under the  
44 School Infrastructure Thrift Program; authorizing a  
45 higher award for improvements that lower a facility's  
46 operational costs while improving its energy efficiency  
47 or environmental safety; authorizing the Commissioner of  
48 Education to present a trophy or plaque and a cash award  
49 to the school district that wins an award concerning  
50 construction of energy-efficient educational facilities  
51 as recommended by the Office of Educational Facilities  
52 and SMART Schools Clearinghouse; providing an effective  
53 date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
56

HB 1449

2008

57           Section 1. Encouragement of efforts concerning green  
58 schools.--

59           (1) As used in this section, the term "green schools"  
60 means the planned and ongoing interconnection of built and  
61 natural environments certified and approved by the Florida  
62 Building Commission.

63           (2) The Legislature encourages each district school board  
64 and each consortium of district school boards or private schools  
65 to create a green schools action committee consisting of members  
66 that include administrators, construction and grounds staff,  
67 teachers, students, parents, and interested environmental  
68 organizations. The committee should:

69           (a) Review polices and activities concerning conservation,  
70 energy and water use, cleaning solutions, pest management,  
71 recycling efforts, school lunch programs, and the construction  
72 or renovation of educational facilities;

73           (b) Review the curriculum's consistency with outstanding  
74 efforts that involve green schools and that enhance the quality  
75 of education while preserving the environment; and

76           (c) Recommend to the school board or principal a plan that  
77 includes policies and activities to be considered by the  
78 district or school. The plan should be considered by the school  
79 board and may be changed prior to adoption.

80           (3) Each school principal is responsible for encouraging,  
81 implementing, and monitoring efforts that concern green schools  
82 and should include the school advisory committee in such  
83 efforts.

84           (4) Each district school board may annually submit its

85 plan and an end-of-year evaluation concerning the implementation  
 86 of this section and achievements associated with such  
 87 implementation to the Department of Education and the Department  
 88 of Environmental Protection.

89 (5) The Department of Education and the Department of  
 90 Environmental Protection shall, in coordination with  
 91 representatives of the business community, the environmental  
 92 community, and the energy community, develop a program to  
 93 provide awards or recognition for outstanding efforts or  
 94 achievements under this section. Entities that are eligible for  
 95 such an award or recognition include students, classes,  
 96 teachers, schools, or district school boards. The Legislature  
 97 encourages the Department of Education and the Department of  
 98 Environmental Protection to form partnerships with the private  
 99 sector which help fund the program.

100 Section 2. Subsection (1) of section 1013.04, Florida  
 101 Statutes, is amended to read:

102 1013.04 School district educational facilities plan  
 103 performance and productivity standards; development;  
 104 measurement; application.--

105 (1) The Office of Educational Facilities and SMART Schools  
 106 Clearinghouse shall develop and adopt measures for evaluating  
 107 the performance and productivity of school district educational  
 108 facilities plans. The measures may be both quantitative and  
 109 qualitative and must, to the maximum extent practical, assess  
 110 those factors that are within the districts' control. The  
 111 measures must, at a minimum, assess performance in the following  
 112 areas:

- 113 (a) Frugal production of high-quality projects.
- 114 (b) Efficient finance and administration.
- 115 (c) Optimal school and classroom size and utilization
- 116 rate.
- 117 (d) Safety.
- 118 (e) Core facility space needs and cost-effective capacity
- 119 improvements that consider demographic projections.
- 120 (f) Level of district local effort.
- 121 (g) Effective integration of the low-energy usage features
- 122 and the passive design features that are specified in s. 1013.01
- 123 into projects to construct or renovate educational, auxiliary,
- 124 or ancillary facilities.

125 Section 3. Section 1013.23, Florida Statutes, is amended  
 126 to read:

127 1013.23 Energy efficiency and conservation ~~contracting~~.--

128 (1) LEGISLATIVE INTENT.--The Legislature finds that  
 129 investment in energy efficiency and conservation measures in  
 130 educational facilities can reduce the amount of energy consumed  
 131 and produce immediate and long-term savings. It is the policy of  
 132 this state to encourage school districts, community colleges,  
 133 and state universities to invest in energy efficiency and  
 134 conservation measures that reduce energy consumption, produce a  
 135 cost savings, and improve the quality of indoor air in  
 136 facilities, and, when economically feasible, to build, operate,  
 137 maintain, or renovate educational facilities in such a manner so  
 138 as to minimize energy consumption and maximize energy savings.  
 139 It is further the policy of this state to encourage school  
 140 districts, community colleges, and state universities to

141 | reinvest any energy savings resulting from energy efficiency and  
 142 | conservation measures into additional energy efficiency and  
 143 | conservation efforts. It is also the policy of this state to  
 144 | create public facilities that support and enhance the natural  
 145 | environment, contribute to the well-being of future generations,  
 146 | and provide relief for taxpayers by reducing the operating costs  
 147 | of educational facilities.

148 |         (2) DEFINITIONS.--As used in ~~For purposes of~~ this section,  
 149 | the term:

150 |             (a) "Energy efficiency and conservation measure" means a  
 151 | training program, facility alteration, or equipment to be used  
 152 | in new construction, including an addition to an existing  
 153 | facility, that reduces energy costs, and includes, but is not  
 154 | limited to:

155 |             1. Insulation of the facility structure and systems within  
 156 | the facility.

157 |             2. Storm windows and doors, caulking or weatherstripping,  
 158 | multiglazed windows and doors, heat-absorbing, or heat-  
 159 | reflective, glazed and coated window and door systems,  
 160 | additional glazing, reductions in glass area, and other window  
 161 | and door system modifications that reduce energy consumption.

162 |             3. Automatic energy control systems.

163 |             4. Heating, ventilating, or air-conditioning system  
 164 | modifications or replacements.

165 |             5. Replacement or modifications of lighting fixtures to  
 166 | increase the energy efficiency of the lighting system which, at  
 167 | a minimum, shall conform to the Florida Building Code.

168 |             6. Energy recovery systems.

HB 1449

2008

169 7. Cogeneration systems that produce steam or forms of  
170 energy such as heat, as well as electricity, for use primarily  
171 within a facility or complex of facilities.

172 8. Energy efficiency and conservation measures that  
173 provide long-term operating cost reductions and significantly  
174 reduce Btu consumed.

175 9. Renewable energy systems, such as solar, biomass, and  
176 wind.

177 10. Devices which reduce water consumption or sewer  
178 charges.

179 (b) "Energy cost savings" means:

180 1. A measured reduction in fuel, energy, or operation and  
181 maintenance costs created from the implementation of one or more  
182 energy efficiency and conservation measures when compared with  
183 an established baseline for previous fuel, energy, or operation  
184 and maintenance costs; or

185 2. For new construction, a projected reduction in fuel,  
186 energy, or operation and maintenance costs created from the  
187 implementation of one or more energy efficiency and conservation  
188 measures when compared with the projected fuel, energy, or  
189 operation and maintenance costs for equipment if the minimum  
190 standards of the Florida Building Code for educational  
191 facilities construction were implemented and signed and sealed  
192 by a registered professional engineer.

193 (c) "Energy performance-based contract" means a contract  
194 for the evaluation, recommendation, and implementation of energy  
195 efficiency and conservation measures which includes, at a  
196 minimum:

197 1. The design and installation of equipment to implement  
 198 one or more of such measures, and, if applicable, operation and  
 199 maintenance of such measures.

200 2. The amount of any actual annual savings. This amount  
 201 must meet or exceed total annual contract payments made by the  
 202 district school board, community college board of trustees, or  
 203 state university board of trustees for such contract.

204 3. Financing charges to be incurred by the district school  
 205 board, community college board of trustees, or state university  
 206 board of trustees over the life of the contract.

207 (d) "Energy performance contractor" means a person or  
 208 business licensed under ~~pursuant to~~ chapter 471, chapter 481, or  
 209 chapter 489 and experienced in the analysis, design,  
 210 implementation, and installation of energy efficiency and  
 211 conservation measures through the implementation of energy  
 212 performance-based contracts.

213 (3) LEGISLATIVE INTENT FOR DESIGN STANDARDS.--

214 (a) It is the intent of the Legislature that district  
 215 school boards and school districts design each new building or  
 216 major renovation that it constructs with public funds to earn a  
 217 green building or equivalent rating under the United States  
 218 Green Building Council Leadership in Energy and Environmental  
 219 Design (LEED) rating system. This design standard applies only  
 220 to a construction project or a major renovation project for  
 221 which design was commenced on or after July 1, 2008.

222 (b) To the extent possible without incurring extraordinary  
 223 costs, it is the intent of the Legislature that district school  
 224 boards are encouraged to incorporate the design elements

225 associated with earning a green building or equivalent LEED  
 226 rating into construction or renovation projects to which the  
 227 design standard in paragraph (a) does not apply. The Legislature  
 228 intends for district school boards to incorporate the energy  
 229 efficiency and conservation measures or passive design features  
 230 that are specified in s. 1013.44 or this section in the design  
 231 of each new building or major renovation that it constructs with  
 232 public funds.

233 (4)~~(3)~~ ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

234 (a) A district school board, community college board of  
 235 trustees, or state university board of trustees may enter into  
 236 an energy performance-based contract with an energy performance  
 237 contractor to significantly reduce energy or operating costs of  
 238 an educational facility through one or more energy efficiency  
 239 and conservation measures.

240 (b) The energy performance contractor shall be selected in  
 241 compliance with s. 287.055,~~7~~ 7 except that if ~~in a case where~~ a  
 242 district school board, community college board of trustees, or  
 243 state university board of trustees determines that fewer than  
 244 three firms are qualified to perform the required services, the  
 245 requirement under s. 287.055(4)(b) for agency selection of three  
 246 firms, ~~as provided in s. 287.055(4)(b), shall not apply~~ and the  
 247 bid requirements of s. 287.057 do ~~shall~~ not apply.

248 (c) Before entering into a contract pursuant to this  
 249 section, the district school board, community college board of  
 250 trustees, or state university board of trustees shall provide  
 251 published notice of the meeting in which it proposes to award

HB 1449

2008

252 the contract, the names of the parties to the proposed contract,  
253 and the contract's purpose.

254 (d) Before ~~Prior to~~ the design and installation of the  
255 energy efficiency and conservation measure, the district school  
256 board, community college board of trustees, or state university  
257 board of trustees must obtain from the energy performance  
258 contractor a report that discloses all costs associated with the  
259 ~~energy conservation~~ measure and provides an estimate of the  
260 amount of the energy cost savings. The report must be reviewed  
261 by ~~either~~ the Department of Education or the Department of  
262 Management Services or signed and sealed by a registered  
263 professional engineer.

264 (e) A district school board, community college board of  
265 trustees, or state university board of trustees may enter into  
266 an energy performance-based contract with an energy performance  
267 contractor if, after review of the report required by paragraph  
268 (d), it finds that the amount it would spend on the energy  
269 efficiency and conservation measures recommended in the report  
270 will not exceed the amount to be saved in energy and operation  
271 costs over 20 years from the date of installation, based on  
272 life-cycle costing calculations, if the recommendations in the  
273 report were followed and if the energy performance contractor  
274 provides a written guarantee that the energy or operating cost  
275 savings will meet or exceed the costs of the system. The  
276 contract may provide for payments over a period of time not to  
277 exceed 20 years.

278 (f) A district school board, community college board of  
279 trustees, or state university board of trustees may enter into

280 an installment payment contract for the purchase and  
 281 installation of energy efficiency and conservation measures. The  
 282 contract shall provide for payments of not less than one-  
 283 twentieth of the price to be paid within 2 years from the date  
 284 of the complete installation and acceptance by the district  
 285 school board, community college board of trustees, or state  
 286 university board of trustees, and the remaining costs to be paid  
 287 at least quarterly, not to exceed a 20-year term based on life-  
 288 cycle costing calculations.

289 (g) Energy performance-based contracts may extend beyond  
 290 the fiscal year in which they become effective; however, the  
 291 term of any contract shall expire at the end of each fiscal year  
 292 and may be automatically renewed annually up to 20 years,  
 293 subject to a district school board, community college board of  
 294 trustees, or state university board of trustees making  
 295 sufficient annual appropriations based upon continued realized  
 296 energy cost savings. Such contracts shall stipulate that the  
 297 agreement does not constitute a debt, liability, or obligation  
 298 of the state or a district school board, community college board  
 299 of trustees, or state university board of trustees, or a pledge  
 300 of the faith and credit of the state or a district school board,  
 301 community college board of trustees, or state university board  
 302 of trustees.

303 (5)~~(4)~~ CONTRACT PROVISIONS.--

304 (a) An energy performance-based contract shall include a  
 305 guarantee by the energy performance contractor that annual  
 306 energy cost savings will meet or exceed the amortized cost of  
 307 energy efficiency and conservation measures.

308 (b) The contract shall provide that all payments, except  
 309 obligations on termination of the contract before its  
 310 expiration, are to be made over time, but not to exceed 20 years  
 311 from the date of complete installation and acceptance by the  
 312 district school board, community college board of trustees, or  
 313 state university board of trustees, and that the annual savings  
 314 are guaranteed to the extent necessary to make annual payments  
 315 to satisfy the contract.

316 (c) The contract must require that the energy performance  
 317 contractor to whom the contract is awarded provide a 100-percent  
 318 public construction bond to the district school board, community  
 319 college board of trustees, or state university board of trustees  
 320 for its faithful performance, as required by s. 255.05.

321 (d) The contract shall require the energy performance  
 322 contractor to provide to the district school board, community  
 323 college board of trustees, or state university board of trustees  
 324 an annual reconciliation of the guaranteed energy cost savings.  
 325 The energy performance contractor shall be liable for any annual  
 326 savings shortfall which may occur. In the event that such  
 327 reconciliation reveals an excess in annual energy cost savings,  
 328 such excess savings shall not be used to cover potential energy  
 329 cost savings shortages in subsequent contract years.

330 Section 4. Subsections (2) and (3) of section 1013.42,  
 331 Florida Statutes, are amended to read:

332 1013.42 School Infrastructure Thrift (SIT) Program Act.--

333 (2) The School Infrastructure Thrift (SIT) Program is  
 334 established within the Department of Education, and the State  
 335 Board of Education may adopt rules under ss. 120.536(1) and

336 120.54 as necessary to administer ~~operate~~ the program. To  
 337 facilitate the program's purposes, the department shall  
 338 aggressively seek the elimination or revision of obsolete,  
 339 excessively restrictive, or unnecessary laws, rules, and  
 340 regulations for the purpose of reducing the cost of constructing  
 341 educational facilities and related costs without sacrificing  
 342 safety or quality of construction. Such efforts must include,  
 343 but are not limited to, the elimination of duplicate or  
 344 overlapping inspections; the relaxation of requirements relating  
 345 to the life cycle of buildings, landscaping, operable glazing,  
 346 operable windows, radon testing, and firesafety when lawful,  
 347 safe, and cost-beneficial; and other cost savings identified as  
 348 lawful, safe, and cost-beneficial. In administering the program,  
 349 the department shall promote the creation of educational  
 350 facilities that incorporate, to the maximum cost-beneficial  
 351 extent, design features that achieve the goals established by s.  
 352 1013.23 for energy savings and environmental preservation.

- 353 (3) The SIT Program is designed as:
- 354 (a) An incentive program to reward districts for savings  
 355 realized through functional, frugal construction.
- 356 (b) A recognition program to provide an annual SMART  
 357 school of the year recognition award to the district that builds  
 358 the highest quality functional, frugal school.
- 359 (c) An incentive program to reward districts for creating  
 360 educational facilities that conserve energy, preserve the  
 361 environment, and create operating cost savings that benefit  
 362 taxpayers.

363           (d) A recognition program to provide a green-project-of-  
 364 the-year award to the district that constructs the most energy-  
 365 efficient new educational facility, expansion to an existing  
 366 educational facility, or renovation of an existing educational  
 367 facility.

368           Section 5. Paragraph (d) of subsection (6) of section  
 369 1013.64, Florida Statutes, is amended to read:

370           1013.64 Funds for comprehensive educational plant needs;  
 371 construction cost maximums for school district capital  
 372 projects.--Allocations from the Public Education Capital Outlay  
 373 and Debt Service Trust Fund to the various boards for capital  
 374 outlay projects shall be determined as follows:

375           (6)

376           (d) The department shall:

377           1. Compute for each calendar year the statewide average  
 378 construction costs for facilities serving each instructional  
 379 level, for relocatable educational facilities, for  
 380 administrative facilities, and for other ancillary and auxiliary  
 381 facilities. The department shall compute the statewide average  
 382 costs per student station for each instructional level.

383           2. Annually review the actual completed construction costs  
 384 of educational facilities in each school district. For any  
 385 school district in which the total actual cost per student  
 386 station, including change orders, exceeds the statewide limits  
 387 established in paragraph (b), the school district shall report  
 388 to the department the actual cost per student station and the  
 389 reason for the school district's inability to adhere to the  
 390 limits established in paragraph (b). The department shall

391 collect all such reports and shall report to the Governor, the  
 392 President of the Senate, and the Speaker of the House of  
 393 Representatives by December 31 of each year a summary of each  
 394 school district's spending in excess of the cost per student  
 395 station provided in paragraph (b) as reported by the school  
 396 districts.

397  
 398 Cost per student station includes contract costs, legal and  
 399 administrative costs, fees of architects and engineers,  
 400 furniture and equipment, and site improvement costs. Cost per  
 401 student station does not include the cost of purchasing or  
 402 leasing the site for the construction, ~~or~~ the cost of related  
 403 offsite improvements, or the documented extra cost to meet the  
 404 requirements for energy efficiency and conservation under s.  
 405 1013.23.

406 Section 6. Subsections (2) and (3) of section 1013.72,  
 407 Florida Statutes, are amended to read:

408 1013.72 SIT Program award eligibility; maximum cost per  
 409 student station of educational facilities; frugality incentives;  
 410 recognition awards.--

411 (2) A school district may seek an award from the SIT  
 412 Program, pursuant to this section and s. 1013.42, based on the  
 413 district's new construction of educational facilities if the  
 414 cost per student station is less than:

- 415 (a) \$17,952 ~~\$11,600~~ for an elementary school,
- 416 (b) \$19,386 ~~\$13,300~~ for a middle school, or
- 417 (c) \$25,181 ~~\$17,600~~ for a high school,

418

HB 1449

2008

419 (January 2006) ~~(1997)~~ as adjusted annually by the Consumer Price  
420 Index. The award shall be up to 50 percent of such savings, as  
421 recommended by the Office of Educational Facilities and SMART  
422 Schools Clearinghouse. The award for construction implementing a  
423 design created to improve a facility's energy efficiency or  
424 environmental safety while lowering the facility's operational  
425 costs shall be up to 50 percent of the extra costs to design and  
426 construct the improvement which are clearly and separately  
427 identified, calculated, and documented as needed to achieve the  
428 improvement.

429 (3) A school district may seek a SMART school of the year  
430 recognition award for building the highest quality functional,  
431 frugal school. The commissioner may present a trophy or plaque  
432 and a cash award to:

433 (a) The school recommended by the Office of Educational  
434 Facilities and SMART Schools Clearinghouse for a SMART school of  
435 the year recognition award; and

436 (b) The district recommended by the Office of Educational  
437 Facilities and SMART Schools Clearinghouse for a green-project-  
438 of-the-year award for constructing the most energy-efficient new  
439 educational facility, expansion to an existing educational  
440 facility, or renovation of an existing educational facility.

441 Section 7. This act shall take effect July 1, 2008.