

By Senator Wise

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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

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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.; revising criteria concerning
40 funding for educational facilities; requiring a
41 computation by the Department of Education of statewide
42 average construction costs; requiring that school
43 districts provide a report to the department if certain
44 construction-related costs exceed certain statewide
45 limits; providing criteria concerning the calculation of
46 such construction-related costs; providing requirements
47 concerning the report's contents; requiring that the
48 department present a summary of the reports to the
49 Governor and the Legislature; amending s. 1013.72, F.S.;
50 revising criteria concerning a school district's
51 eligibility for an award under the School Infrastructure
52 Thrift Program; authorizing a higher award for
53 improvements that lower a facility's operational costs
54 while improving its energy efficiency or environmental
55 safety; authorizing the Commissioner of Education to
56 present a trophy or plaque and a cash award to the school
57 district that wins an award concerning construction of
58 energy-efficient educational facilities as recommended by

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59 the Office of Educational Facilities and SMART Schools
60 Clearinghouse; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Encouragement of efforts concerning green
65 schools.--

66 (1) As used in this section, the term "green schools" means
67 the planned and ongoing interconnection of built and natural
68 environments certified and approved by the Florida Building
69 Commission.

70 (2) The Legislature encourages each district school board
71 and each consortium of district school boards or private schools
72 to create a green schools action committee consisting of members
73 that include administrators, construction and grounds staff,
74 teachers, students, parents, and interested environmental
75 organizations. The committee should:

76 (a) Review polices and activities concerning conservation,
77 energy and water use, cleaning solutions, pest management,
78 recycling efforts, school lunch programs, and the construction or
79 renovation of educational facilities;

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

83 (c) Recommend to the school board or principal a plan that
84 includes policies and activities to be considered by the district
85 or school. The plan should be considered by the school board and
86 may be changed prior to adoption.

87 (3) Each school principal is responsible for encouraging,

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88 implementing, and monitoring efforts that concern green schools
89 and should include the school advisory committee in such efforts.

90 (4) Each district school board may annually submit its
91 plans and an end-of-year evaluation concerning the implementation
92 of this section and achievements associated with such
93 implementation to the Department of Education and the Department
94 of Environmental Protection.

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

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

108 1013.04 School district educational facilities plan
109 performance and productivity standards; development; measurement;
110 application.--

111 (1) The Office of Educational Facilities and SMART Schools
112 Clearinghouse shall develop and adopt measures for evaluating the
113 performance and productivity of school district educational
114 facilities plans. The measures may be both quantitative and
115 qualitative and must, to the maximum extent practical, assess
116 those factors that are within the districts' control. The

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117 measures must, at a minimum, assess performance in the following
118 areas:

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

130 Section 3. Section 1013.23, Florida Statutes, is amended to
131 read:

132 1013.23 Energy efficiency and conservation ~~contracting~~.--

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

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

153 (2) DEFINITIONS.--As used in ~~For purposes of~~ this section,
154 the term:

155 (a) "Energy efficiency and conservation measure" means a
156 training program, facility alteration, or equipment to be used in
157 new construction, including an addition to an existing facility,
158 that reduces energy costs, and includes, but is not limited to:

159 1. Insulation of the facility structure and systems within
160 the facility.

161 2. Storm windows and doors, caulking or weatherstripping,
162 multiglazed windows and doors, heat-absorbing, or heat-
163 reflective, glazed and coated window and door systems, additional
164 glazing, reductions in glass area, and other window and door
165 system modifications that reduce energy consumption.

166 3. Automatic energy control systems.

167 4. Heating, ventilating, or air-conditioning system
168 modifications or replacements.

169 5. Replacement or modifications of lighting fixtures to
170 increase the energy efficiency of the lighting system which, at a
171 minimum, shall conform to the Florida Building Code.

172 6. Energy recovery systems.

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

176 8. Energy efficiency and conservation measures that provide
177 long-term operating cost reductions and significantly reduce Btu
178 consumed.

179 9. Renewable energy systems, such as solar, biomass, and
180 wind.

181 10. Devices which reduce water consumption or sewer
182 charges.

183 (b) "Energy cost savings" means:

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

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

197 (c) "Energy performance-based contract" means a contract
198 for the evaluation, recommendation, and implementation of energy
199 efficiency and conservation measures which includes, at a
200 minimum:

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201 1. The design and installation of equipment to implement
202 one or more of such measures, and, if applicable, operation and
203 maintenance of such measures.

204 2. The amount of any actual annual savings. This amount
205 must meet or exceed total annual contract payments made by the
206 district school board, community college board of trustees, or
207 state university board of trustees for such contract.

208 3. Financing charges to be incurred by the district school
209 board, community college board of trustees, or state university
210 board of trustees over the life of the contract.

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

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

225 (b) To the extent possible without incurring extraordinary
226 costs, it is the intent of the Legislature that district school
227 boards are encouraged to incorporate the design elements
228 associated with earning a green building or equivalent LEED
229 rating into construction or renovation projects to which the

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230 design standard in paragraph (a) does not apply. The Legislature
231 intends for district school boards to incorporate the energy
232 efficiency and conservation measures or passive design features
233 that are specified in s. 1013.44 or this section in the design of
234 each new building or major renovation that it constructs with
235 public funds.

236 (4) ~~(3)~~ ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

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

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

251 (c) Before entering into a contract pursuant to this
252 section, the district school board, community college board of
253 trustees, or state university board of trustees shall provide
254 published notice of the meeting in which it proposes to award the
255 contract, the names of the parties to the proposed contract, and
256 the contract's purpose.

257 (d) Before ~~Prior to~~ the design and installation of the
258 energy efficiency and conservation measure, the district school

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259 | board, community college board of trustees, or state university
260 | board of trustees must obtain from the energy performance
261 | contractor a report that discloses all costs associated with the
262 | ~~energy conservation~~ measure and provides an estimate of the
263 | amount of the energy cost savings. The report must be reviewed by
264 | ~~either~~ the Department of Education or the Department of
265 | Management Services or signed and sealed by a registered
266 | professional engineer.

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

280 | (f) A district school board, community college board of
281 | trustees, or state university board of trustees may enter into an
282 | installment payment contract for the purchase and installation of
283 | energy efficiency and conservation measures. The contract shall
284 | provide for payments of not less than one-twentieth of the price
285 | to be paid within 2 years from the date of the complete
286 | installation and acceptance by the district school board,
287 | community college board of trustees, or state university board of

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288 trustees, and the remaining costs to be paid at least quarterly,
289 not to exceed a 20-year term based on life-cycle costing
290 calculations.

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

304 (5)~~(4)~~ CONTRACT PROVISIONS.--

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

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

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

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

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

333 1013.42 School Infrastructure Thrift (SIT) Program Act.--

334 (2) The School Infrastructure Thrift (SIT) Program is
335 established within the Department of Education, and the State
336 Board of Education may adopt rules under ss. 120.536(1) and
337 120.54 as necessary to administer ~~operate~~ the program. To
338 facilitate the program's purposes, the department shall
339 aggressively seek the elimination or revision of obsolete,
340 excessively restrictive, or unnecessary laws, rules, and
341 regulations for the purpose of reducing the cost of constructing
342 educational facilities and related costs without sacrificing
343 safety or quality of construction. Such efforts must include, but
344 are not limited to, the elimination of duplicate or overlapping
345 inspections; the relaxation of requirements relating to the life

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346 cycle of buildings, landscaping, operable glazing, operable
347 windows, radon testing, and firesafety when lawful, safe, and
348 cost-beneficial; and other cost savings identified as lawful,
349 safe, and cost-beneficial. In administering the program, the
350 department shall promote the creation of educational facilities
351 that incorporate, to the maximum cost-beneficial extent, design
352 features that achieve the goals established by s. 1013.23 for
353 energy savings and environmental preservation.

354 (3) The SIT Program is designed as:

355 (a) An incentive program to reward districts for savings
356 realized through functional, frugal construction.

357 (b) A recognition program to provide an annual SMART school
358 of the year recognition award to the district that builds the
359 highest quality functional, frugal school.

360 (c) An incentive program to reward districts for creating
361 educational facilities that conserve energy, preserve the
362 environment, and create operating cost savings that benefit
363 taxpayers.

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

369 Section 5. Paragraph (d) of subsection (6) of section
370 1013.64, Florida Statutes, as amended by section 37 of chapter
371 2007-73, Laws of Florida, is amended to read:

372 1013.64 Funds for comprehensive educational plant needs;
373 construction cost maximums for school district capital
374 projects.--Allocations from the Public Education Capital Outlay

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375 and Debt Service Trust Fund to the various boards for capital
376 outlay projects shall be determined as follows:

377 (6)

378 (d) The department shall:

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

385 2. Annually review the actual completed construction costs
386 of educational facilities in each school district. For any school
387 district in which the total actual cost per student station,
388 including change orders, exceeds the statewide limits established
389 in paragraph (b), the school district shall report to the
390 department the actual cost per student station and the reason for
391 the school district's inability to adhere to the limits
392 established in paragraph (b). The department shall collect all
393 such reports and shall report to the Governor, the President of
394 the Senate, and the Speaker of the House of Representatives by
395 December 31 of each year a summary of each school district's
396 spending in excess of the cost per student station provided in
397 paragraph (b) as reported by the school districts. As used in
398 this subparagraph the term "cost per student station" includes
399 contract costs, legal and administrative costs, fees of
400 architects and engineers, furniture and equipment, and site-
401 improvement costs, and excludes the cost of purchasing or leasing
402 the site for the construction, the cost of related offsite
403 improvements, or the documented extra cost to meet the

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404 requirements for energy efficiency and conservation under s.
405 1013.23. Funds distributed to the district school boards shall be
406 allocated solely based on the provisions of paragraphs (1) (a) and
407 (2) (a) and paragraph (a) of this subsection. No individual school
408 district projects shall be funded off the top of funds allocated
409 to district school boards.

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

412 1013.72 SIT Program award eligibility; maximum cost per
413 student station of educational facilities; frugality incentives;
414 recognition awards.--

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

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

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

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

437 (a) The school recommended by the Office of Educational
438 Facilities and SMART Schools Clearinghouse for a SMART school of
439 the year recognition award; and

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

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