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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/26/2010	.	
Floor: 2/AD/2R	.	
03/31/2010 02:45 PM	.	
	.	

The Policy and Steering Committee on Ways and Means (Wise) recommended the following:

Senate Amendment (with title amendment)

Between lines 1841 and 1842
insert:

Section 35. Paragraph (a) of subsection (2) of section 1013.64, Florida Statutes, is amended to read:

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

(2) (a) The department shall establish, as a part of the



13 Public Education Capital Outlay and Debt Service Trust Fund, a
14 separate account, in an amount determined by the Legislature, to
15 be known as the "Special Facility Construction Account." The
16 Special Facility Construction Account shall be used to provide
17 necessary construction funds to school districts which have
18 urgent construction needs but which lack sufficient resources at
19 present, and cannot reasonably anticipate sufficient resources
20 within the period of the next 3 years, for these purposes from
21 currently authorized sources of capital outlay revenue. A school
22 district requesting funding from the Special Facility
23 Construction Account shall submit one specific construction
24 project, not to exceed one complete educational plant, to the
25 Special Facility Construction Committee. No district shall
26 receive funding for more than one approved project in any 5-year
27 ~~3-year~~ period. The first year of the 5-year ~~3-year~~ period shall
28 be the first year a district receives an appropriation. The
29 department shall encourage a construction program that reduces
30 the average size of schools in the district. The request must
31 meet the following criteria to be considered by the committee:
32 1. The project must be deemed a critical need and must be
33 recommended for funding by the Special Facility Construction
34 Committee. Prior to developing plans for the proposed facility,
35 the district school board must request a preapplication review
36 by the Special Facility Construction Committee or a project
37 review subcommittee convened by the committee to include two
38 representatives of the department and two staff from school
39 districts not eligible to participate in the program. Within 60
40 days after receiving the preapplication review request, the
41 committee or subcommittee must meet in the school district to



42 review the project proposal and existing facilities. To
43 determine whether the proposed project is a critical need, the
44 committee or subcommittee shall consider, at a minimum, the
45 capacity of all existing facilities within the district as
46 determined by the Florida Inventory of School Houses; the
47 district's pattern of student growth; the district's existing
48 and projected capital outlay full-time equivalent student
49 enrollment as determined by the department; the district's
50 existing satisfactory student stations; the use of all existing
51 district property and facilities; grade level configurations;
52 and any other information that may affect the need for the
53 proposed project.

54 2. The construction project must be recommended in the most
55 recent survey or surveys conducted and approved by the Office of
56 Educational Facilities, in cooperation with ~~by~~ the district,
57 under the rules of the State Board of Education.

58 3. The construction project must appear on the district's
59 approved project priority list under the rules of the State
60 Board of Education.

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

64 5. The district shall have developed a district school
65 board adopted list of facilities that do not exceed the norm for
66 net square feet occupancy requirements under the State
67 Requirements for Educational Facilities, using all possible
68 programmatic combinations for multiple use of space to obtain
69 maximum daily use of all spaces within the facility under
70 consideration.



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71 6. Upon construction, the total cost per student station,
72 including change orders, must not exceed the cost per student
73 station as provided in subsection (6).

74 7. There shall be an agreement signed by the district
75 school board stating that it will advertise for bids within 30
76 days of receipt of its encumbrance authorization from the
77 department.

78 8. The district must have levied during the prior 5 years
79 and shall, at the time of the request and for a continuing
80 period of 3 years, levy the maximum millage against their
81 nonexempt assessed property value as allowed in s. 1011.71(2) or
82 shall raise an equivalent amount of revenue from the school
83 capital outlay surtax authorized under s. 212.055(6). Any
84 district with a new or active project, funded under the
85 provisions of this subsection, shall be required to budget no
86 more than the value of 1.5 mills per year to the project to
87 satisfy the annual participation requirement in the Special
88 Facility Construction Account.

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

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

99 11. The district shall have on file with the department an



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100 adopted resolution acknowledging its 3-year commitment of all
101 unencumbered and future revenue acquired from s. 9(d), Art. XII
102 of the State Constitution, as amended, paragraph (3)(a) of this
103 section, and s. 1011.71(2).

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

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Between lines 154 and 155

112 insert:

113 amending s. 1013.64, F.S.; revising provisions
114 relating to funding for educational facilities
115 projects;