

By Senator Flores

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20161064__

1 A bill to be entitled
2 An act relating to the Special Facility Construction
3 Account; amending s. 1013.64, F.S.; providing that a
4 school district may not receive funds from the Special
5 Facility Construction Account under certain
6 circumstances; revising the criteria for a request for
7 funding; authorizing the request for a preapplication
8 review to take place at any time; providing
9 exceptions; revising the time period for completion of
10 the review; providing that certain capital outlay
11 full-time equivalent student enrollment estimates be
12 determined by specified estimating conferences;
13 requiring surveys to be cooperatively prepared by
14 certain entities and approved by the Department of
15 Education; prohibiting certain consultants from
16 specified employment and compensation; requiring the
17 total cost per student station to include certain cost
18 overruns; requiring a school district to levy the
19 maximum millage against certain property value under
20 certain circumstances; reducing the required millage
21 to be budgeted for a project; requiring certain plans
22 to be finalized by a specified date; requiring a
23 representative of the department to chair the Special
24 Facility Construction Committee; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraphs (a) and (b) of subsection (2) of
30 section 1013.64, Florida Statutes, are amended to read:

31 1013.64 Funds for comprehensive educational plant needs;
32 construction cost maximums for school district capital

37-01223A-16

20161064__

33 projects.—Allocations from the Public Education Capital Outlay
34 and Debt Service Trust Fund to the various boards for capital
35 outlay projects shall be determined as follows:

36 (2) (a) The department shall establish, as a part of the
37 Public Education Capital Outlay and Debt Service Trust Fund, a
38 separate account, in an amount determined by the Legislature, to
39 be known as the "Special Facility Construction Account." The
40 Special Facility Construction Account shall be used to provide
41 necessary construction funds to school districts which have
42 urgent construction needs but which lack sufficient resources at
43 present, and cannot reasonably anticipate sufficient resources
44 within the period of the next 3 years, for these purposes from
45 currently authorized sources of capital outlay revenue. A school
46 district requesting funding from the Special Facility
47 Construction Account shall submit one specific construction
48 project, not to exceed one complete educational plant, to the
49 Special Facility Construction Committee. A No district may not
50 ~~shall~~ receive funding for more than one approved project in any
51 3-year period or while any portion of the district's
52 participation requirement is outstanding. The first year of the
53 3-year period shall be the first year a district receives an
54 appropriation. The department shall encourage a construction
55 program that reduces the average size of schools in the
56 district. The request must meet the following criteria to be
57 considered by the committee:

58 1. The project must be deemed a critical need and must be
59 recommended for funding by the Special Facility Construction
60 Committee. Before ~~Prior to~~ developing construction plans for the
61 proposed facility, the district school board must request a

37-01223A-16

20161064__

62 preapplication review by the Special Facility Construction
63 Committee or a project review subcommittee convened by the chair
64 of the committee to include two representatives of the
65 department and two staff members from school districts not
66 eligible to participate in the program. A school district may
67 request a preapplication review at any time; however, if the
68 district school board seeks inclusion in the department's next
69 annual capital outlay legislative budget request, the
70 preapplication review request must be made before February 1.
71 Within 90 ~~60~~ days after receiving the preapplication review
72 request, the committee or subcommittee must meet in the school
73 district to review the project proposal and existing facilities.
74 To determine whether the proposed project is a critical need,
75 the committee or subcommittee shall consider, at a minimum, the
76 capacity of all existing facilities within the district as
77 determined by the Florida Inventory of School Houses; the
78 district's pattern of student growth; the district's existing
79 and projected capital outlay full-time equivalent student
80 enrollment as determined by the demographic, revenue, and
81 education estimating conferences established in s. 216.136
82 ~~department~~; the district's existing satisfactory student
83 stations; the use of all existing district property and
84 facilities; grade level configurations; and any other
85 information that may affect the need for the proposed project.

86 2. The construction project must be recommended in the most
87 recent survey or survey amendment cooperatively prepared surveys
88 by the district and the department, and approved by the
89 department under the rules of the State Board of Education. If a
90 district employs a consultant in the preparation of a survey or

37-01223A-16

20161064__

91 survey amendment, the consultant may not be employed by or
92 receive compensation from a third party that designs or
93 constructs a project recommended by the survey.

94 3. The construction project must appear on the district's
95 approved project priority list under the rules of the State
96 Board of Education.

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

100 5. The district shall have developed a district school
101 board adopted list of facilities that do not exceed the norm for
102 net square feet occupancy requirements under the State
103 Requirements for Educational Facilities, using all possible
104 programmatic combinations for multiple use of space to obtain
105 maximum daily use of all spaces within the facility under
106 consideration.

107 6. Upon construction, the total cost per student station,
108 including change orders, must not exceed the cost per student
109 station as provided in subsection (6) except for cost overruns
110 created by a disaster as defined in s. 252.34 or an
111 unforeseeable circumstance beyond the district's control as
112 determined by the Special Facility Construction Committee.

113 7. There shall be an agreement signed by the district
114 school board stating that it will advertise for bids within 30
115 days of receipt of its encumbrance authorization from the
116 department.

117 8. For construction projects for which Special Facilities
118 Construction Account funding is sought before the 2019-2020
119 fiscal year, the district shall, at the time of the request and

37-01223A-16

20161064__

120 for a continuing period necessary to meet the district's
121 participation requirement ~~of 3 years~~, levy the maximum millage
122 against its ~~their~~ nonexempt assessed property value as allowed
123 in s. 1011.71(2) or shall raise an equivalent amount of revenue
124 from the school capital outlay surtax authorized under s.
125 212.055(6). Beginning with construction projects for which
126 Special Facilities Construction Account funding is sought in the
127 2019-2020 fiscal year, the district shall, for a minimum of 3
128 years before submitting the request and for a continuing period
129 necessary to meet its participation requirement, levy the
130 maximum millage against the district's nonexempt assessed
131 property value as authorized under s. 1011.71(2) or shall raise
132 an equivalent amount of revenue from the school capital outlay
133 surtax authorized under s. 212.055(6). Any district with a new
134 or active project, funded under the provisions of this
135 subsection, shall be required to budget no more than the value
136 of 1 mill ~~1.5 mills~~ per year to the project until the district's
137 ~~to satisfy the annual~~ participation requirement relating to the
138 local discretionary capital improvement millage or the
139 equivalent amount of revenue from the school capital outlay
140 surtax is satisfied ~~in the Special Facility Construction~~
141 ~~Account.~~

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

147 10. The department shall certify the inability of the
148 district to fund the survey-recommended project over a

37-01223A-16

20161064__

149 continuous 3-year period using projected capital outlay revenue
150 derived from s. 9(d), Art. XII of the State Constitution, as
151 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

152 11. The district shall have on file with the department an
153 adopted resolution acknowledging its ~~3-year~~ commitment to
154 satisfy its participation requirement, which is equivalent to ~~of~~
155 all unencumbered and future revenue acquired from s. 9(d), Art.
156 XII of the State Constitution, as amended, paragraph (3)(a) of
157 this section, and s. 1011.71(2), in the year of the initial
158 appropriation and for the 2 years immediately following the
159 initial appropriation.

160 12. Final phase III plans must be certified by the district
161 school board as complete and in compliance with the building and
162 life safety codes before June 1 of the year the application is
163 made ~~prior to August 1.~~

164 (b) The Special Facility Construction Committee shall be
165 composed of the following: two representatives of the Department
166 of Education, a representative from the Governor's office, a
167 representative selected annually by the district school boards,
168 and a representative selected annually by the superintendents. A
169 representative of the department shall chair the committee.

170 Section 2. This act shall take effect July 1, 2016.