

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 cost per student station to include certain cost
18 overruns; requiring a school district to levy the
19 maximum millage against certain property value or
20 raise a specified amount from the school capital
21 outlay surtax under certain circumstances; reducing
22 the required millage to be budgeted for a project;
23 requiring certain plans to be finalized by a specified
24 date; requiring a representative of the department to
25 chair the Special Facility Construction Committee;
26 providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (2) of section 1013.64, Florida Statutes, are 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 Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A ~~No~~ district may not ~~shall~~ receive funding for more than one approved project in any 3-year period or while any portion of the district's

53 participation requirement remains outstanding. The first year of
54 the 3-year period shall be the first year a district receives an
55 appropriation. The department shall encourage a construction
56 program that reduces the average size of schools in the
57 district. The request must meet the following criteria to be
58 considered by the committee:

59 1. The project must be deemed a critical need and must be
60 recommended for funding by the Special Facility Construction
61 Committee. Before ~~Prior to~~ developing construction plans for the
62 proposed facility, the district school board must request a
63 preapplication review by the Special Facility Construction
64 Committee or a project review subcommittee convened by the chair
65 of the committee to include two representatives of the
66 department and two staff members from school districts not
67 eligible to participate in the program. The request for a
68 preapplication review may be made at any time; however, for
69 inclusion in the Department of Education's next annual capital
70 outlay legislative budget request, the request for a
71 preapplication review must be made before February 1 of the
72 fiscal year before the legislative budget request. Within 90 ~~60~~
73 days after receiving the preapplication review request, the
74 committee or subcommittee must meet in the school district to
75 review the project proposal and existing facilities. To
76 determine whether the proposed project is a critical need, the
77 committee or subcommittee shall consider, at a minimum, the
78 capacity of all existing facilities within the district as

79 | determined by the Florida Inventory of School Houses; the
80 | district's pattern of student growth; the district's existing
81 | and projected capital outlay full-time equivalent student
82 | enrollment as determined by the demographic, revenue, and
83 | education estimating conferences established in s. 216.136
84 | ~~department~~; the district's existing satisfactory student
85 | stations; the use of all existing district property and
86 | facilities; grade level configurations; and any other
87 | information that may affect the need for the proposed project.

88 | 2. The construction project must be recommended in the
89 | most recent survey or survey amendment cooperatively prepared
90 | ~~surveys~~ by the district and the department, and approved by the
91 | department under the rules of the State Board of Education. If a
92 | district employs a consultant in the preparation of a survey or
93 | survey amendment, the consultant may not be employed by or
94 | receive compensation from a third party that designs or
95 | constructs a project recommended by the survey.

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

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

102 | 5. The district shall have developed a district school
103 | board adopted list of facilities that do not exceed the norm for
104 | net square feet occupancy requirements under the State

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105 Requirements for Educational Facilities, using all possible
106 programmatic combinations for multiple use of space to obtain
107 maximum daily use of all spaces within the facility under
108 consideration.

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

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

119 8. For construction projects for which Special Facility
120 Construction Account funding is sought before the 2019-2020
121 fiscal year, the district shall, at the time of the request and
122 for a continuing period necessary to meet the district's
123 participation requirement under subparagraph 11. ~~of 3 years,~~
124 levy the maximum millage against their nonexempt assessed
125 property value as allowed in s. 1011.71(2) or shall raise an
126 equivalent amount of revenue from the school capital outlay
127 surtax authorized under s. 212.055(6). Beginning with the 2019-
128 2020 fiscal year, for construction projects for which Special
129 Facility Construction Account funding is sought, the district
130 shall, for a minimum of 3 years before the request and for a

131 continuing period necessary to meet the district's participation
132 requirement under subparagraph 11., levy the maximum millage
133 against their nonexempt assessed property value as allowed in s.
134 1011.71(2) or raise an equivalent amount of revenue from the
135 school capital outlay surtax authorized under s. 212.055(6). Any
136 district with a new or active project, funded under the
137 provisions of this subsection, shall be required to budget no
138 more than the value of 1.0 mill ~~1.5 mills~~ per year to the
139 project until the district's ~~to satisfy the annual~~ participation
140 requirement relating to the local discretionary capital
141 improvement millage authorized under s. 1011.71(2) or the
142 equivalent amount of revenue from the school capital outlay
143 surtax authorized under s. 212.055(6) is satisfied ~~in the~~
144 ~~Special Facility Construction Account.~~

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

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

155 11. The district shall have on file with the department an
156 adopted resolution acknowledging its ~~3-year~~ commitment to

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157 satisfy its participation requirement. The district's
158 participation requirement is equivalent to ~~of~~ all unencumbered
159 and future revenue acquired in the year of the initial
160 appropriation and for the 2 years immediately following the
161 initial appropriation from s. 9(d), Art. XII of the State
162 Constitution, as amended, paragraph (3)(a) of this section, and
163 s. 1011.71(2).

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

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

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