



538594

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2019	.	
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Appropriations Subcommittee on Education (Montford) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 1362 and 1363

insert:

(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



538594

11 urgent construction needs but which lack sufficient resources at
12 present, and cannot reasonably anticipate sufficient resources
13 within the period of the next 3 years, for these purposes from
14 currently authorized sources of capital outlay revenue. A school
15 district requesting funding from the Special Facility
16 Construction Account shall submit one specific construction
17 project, not to exceed one complete educational plant, to the
18 Special Facility Construction Committee. A district may not
19 receive funding for more than one approved project in any 3-year
20 period or while any portion of the district's participation
21 requirement is outstanding. The first year of the 3-year period
22 shall be the first year a district receives an appropriation.
23 The department shall encourage a construction program that
24 reduces the average size of schools in the district. The request
25 must meet the following criteria to be considered by the
26 committee:

27 1. The project must be deemed a critical need and must be
28 recommended for funding by the Special Facility Construction
29 Committee. Before developing construction plans for the proposed
30 facility, the district school board must request a
31 preapplication review by the Special Facility Construction
32 Committee or a project review subcommittee convened by the chair
33 of the committee to include two representatives of the
34 department and two staff members from school districts not
35 eligible to participate in the program. A school district may
36 request a preapplication review at any time; however, if the
37 district school board seeks inclusion in the department's next
38 annual capital outlay legislative budget request, the
39 preapplication review request must be made before February 1.



538594

40 Within 90 days after receiving the preapplication review
41 request, the committee or subcommittee must meet in the school
42 district to review the project proposal and existing facilities.
43 To determine whether the proposed project is a critical need,
44 the 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 demographic, revenue, and
50 education estimating conferences established in s. 216.136; the
51 district's existing satisfactory student stations; the use of
52 all existing district property and facilities; grade level
53 configurations; and any other information that may affect the
54 need for the proposed project.

55 2. The construction project must be recommended in the most
56 recent survey or survey amendment cooperatively prepared by the
57 district and the department, and approved by the department
58 under the rules of the State Board of Education. If a district
59 employs a consultant in the preparation of a survey or survey
60 amendment, the consultant may not be employed by or receive
61 compensation from a third party that designs or constructs a
62 project recommended by the survey.

63 3. The construction project must appear on the district's
64 approved project priority list under the rules of the State
65 Board of Education.

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



538594

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

76 6. Upon construction, the total cost per student station,
77 including change orders, must not exceed the cost per student
78 station as provided in subsection (6) except for cost overruns
79 created by a disaster as defined in s. 252.34 or an
80 unforeseeable circumstance beyond the district's control as
81 determined by the Special Facility Construction Committee.

82 7. There shall be an agreement signed by the district
83 school board stating that it will advertise for bids within 30
84 days of receipt of its encumbrance authorization from the
85 department.

86 8. For construction projects for which Special Facilities
87 Construction Account funding is sought before the 2019-2020
88 fiscal year, the district shall, at the time of the request and
89 for a continuing period necessary to meet the district's
90 participation requirement, levy the maximum millage against its
91 nonexempt assessed property value as allowed in s. 1011.71(2) or
92 shall raise an equivalent amount of revenue from the school
93 capital outlay surtax authorized under s. 212.055(6). Beginning
94 with construction projects for which Special Facilities
95 Construction Account funding is sought in the 2019-2020 fiscal
96 year, the district shall, for a minimum of 3 years before
97 submitting the request and for a continuing period necessary to



538594

98 meet its participation requirement, levy the maximum millage
99 against the district's nonexempt assessed property value as
100 authorized under s. 1011.71(2) or shall raise an equivalent
101 amount of revenue from the school capital outlay surtax
102 authorized under s. 212.055(6). Any district with a new or
103 active project, funded under the provisions of this subsection,
104 shall be required to budget no more than the value of 1 mill per
105 year to the project until the district's participation
106 requirement relating to the local discretionary capital
107 improvement millage or the equivalent amount of revenue from the
108 school capital outlay surtax is satisfied.

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

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

119 11. The district shall have on file with the department an
120 adopted resolution acknowledging its commitment to satisfy its
121 participation requirement, which is equivalent to all
122 unencumbered and future revenue acquired from s. 9(d), Art. XII
123 of the State Constitution, as amended, paragraph (3)(a) of this
124 section, and s. 1011.71(2), in the year of the initial
125 appropriation and for the 2 years immediately following the
126 initial appropriation.



538594

127 12. Phase I ~~Final phase III~~ plans must be approved
128 ~~certified~~ by the district school board as being complete and in
129 compliance with the building and life safety codes before June 1
130 of the year the application is made.

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132 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

133 And the directory clause is amended as follows:

134 Delete line 1356

135 and insert:

136 Section 13. Paragraph (a) of subsection (2) and paragraphs
137 (b), (c), and (d) of subsection (6)

138

139 ===== T I T L E A M E N D M E N T =====

140 And the title is amended as follows:

141 Delete line 173

142 and insert:

143 F.S.; revising the information required to be included
144 in a school district's request to receive certain
145 funding; prohibiting a district school board from
146 using