



Journal of the Senate

Number 3—Special Session A

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Excused: Senators Casas, Jones and Turner

PRAYER

The following prayer was offered by Senator Meadows:

Most gracious God, we thank you for our land, for our government and all of its application. We recognize those responsibilities assigned to people in public trust and honor their dedication in resolving and their sincerity in decision. May the influence of the Holy Spirit reign today so that these Senators will uphold that which is right and follow convictions of truth.

In your name, we pray. Amen.

PLEDGE

Senator Crist led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF BILLS ON THIRD READING

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **SB 8-A** was passed and certified to the House. The vote on passage was:

Yeas—31

Madam President	Cowin	Harris	McKay
Bankhead	Crist	Holzendorf	Myers
Bronson	Dantzler	Horne	Ostalkiewicz
Brown-Waite	Dudley	Jenne	Scott
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Childers	Grant	Latvala	Williams
Clary	Hargrett	Lee	

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Gutman, Kirkpatrick, Meadows, Silver

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; requiring notification of scholarships; appropriating funds for certain scholarship programs; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 10-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dantzler	Jenne	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Grant	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Sullivan, **CS for SB 12-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Childers	Grant	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction, technology enhancement, maintenance, improvement, and renovation of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

—as amended November 4 was read the third time by title.

On motion by Senator Grant, **SB 20-A** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Sullivan
Campbell	Forman	Latvala	Thomas
Childers	Grant	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick, Silver

RECESS

The Senate recessed at 9:28 a.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 10:29 a.m. A quorum present—37:

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of messages and motions.

On motion by Senator Bankhead, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 17-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on General Government Appropriations and Representative K. Pruitt and others—

HB 17-A—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the “SMART Schools Act”; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the effort index grant program; providing for withholding of certain funds upon failure to repay such loans; providing for deposit of such withheld funds; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing Classrooms Now capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; providing for appropriations; providing funding for a SMART school demonstration middle school project; establishing the Florida Teacher Lead Program; defining “classroom teacher”; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the “Best Financial Management Practices for School Districts”; revising provisions relating to review of a school district’s best financial management practices; revising certain reporting requirements; amending s. 235.011, F.S.; redefining certain terms and defining

(c) Notwithstanding s. 212.054(5), the sales surtax may take effect on the first day of any month, as fixed by the resolution adopted pursuant to paragraph (a), but may not take effect until at least 60 days after the date of approval by the electors of the resolution adopted pursuant to paragraph (a).

(d) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. *If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.*

(e) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or required state taxes.

(f) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 3. Rural Relief Fund.—*The Rural Relief Fund is created to provide necessary funds to rural districts that have urgent remodeling, renovation, and repair needs but have insufficient resources at present to meet those needs and cannot reasonably anticipate sufficient resources within the next 3 years. For the purposes of the Rural Relief Program, a rural district is defined as any district with a student population of less than 30,000 unweighted full-time-equivalent students.*

(1) *The Department of Education shall establish a special facilities construction committee in the same manner as provided in section 235.435, Florida Statutes. The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. Districts that agree to pay a part of the cost are to be given priority.*

(2) *A rural school district that requests funding from the Rural Relief Fund shall submit its specific remodeling, repair, or renovation projects to the special facilities construction committee. A rural school district may request an award from the Special Facilities Construction Account Program for the construction of new buildings at an existing educational plant or for the expansion of existing educational facilities if the district school board certifies that this is the most economical means to add new student stations. A district may not receive funding for any project in which the state's share of the cost exceeds \$5 million. The request must meet the following criteria to be considered by the committee:*

(a) *The remodeling, renovation, or repair must be recommended in the most recent survey or surveys conducted by the district under the rules of the State Board of Education.*

(b) *The projected cost of the district's survey-recommended remodeling, renovation, or repair must exceed the estimated total of authorized sources of state capital outlay revenue and the projected revenue generated from the levy of maximum millage against nonexempt assessed property value as allowed in section 236.25(2), Florida Statutes.*

(c) *The district must submit documentation of the remodeling, renovation, or repair to the special facilities construction committee for review.*

(d) *The district must at the time of the request be levying the maximum millage against nonexempt assessed property value as allowed in section 236.25(2), Florida Statutes, or must submit a resolution from the school board committing to levy the required millage in the subsequent fiscal year. In lieu of the millage requirement, the district may qualify by*

documenting that the district is raising the equivalent of the maximum millage requirement through other local revenue sources, such as the half-cent sales tax.

(3) *The Department of Education shall distribute funds to district school boards according to the statewide priority list recommended by the special facilities construction committee and approved by the Commissioner of Education. The Rural Relief Fund shall be funded to the extent to which money is provided by the Legislature for the Rural Relief Fund.*

Section 4. *The sum of \$50 million is transferred from the School Infrastructure Thrift Program to the Rural Relief Fund created by this act. In addition, the sum of \$50 million is appropriated from the General Revenue Fund to the Rural Relief Fund.*

Section 5. *All survey-approved projects for which the design or design-build contract was executed prior to May 30, 1997, and for which notice of verification of school board action was submitted to the Department of Education shall proceed under the laws and rules in effect as of the date the design or design-build contract was executed.*

Section 6. *Section 235.2155, Florida Statutes, as created by section 22 of chapter 97-153, Laws of Florida, and section 2 of chapter 97-265, Laws of Florida, and section 235.216, Florida Statutes, as created by section 23 of chapter 97-153, Laws of Florida, and section 3 of chapter 97-265, Laws of Florida, are repealed.*

Section 7. Paragraphs (a) and (b) of subsection (5) of section 24.121, Florida Statutes, are amended, present paragraph (f) of that subsection is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in paragraphs (c), (d), ~~and~~ (e), and (f), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(f) *From the funds appropriated from the Educational Enhancement Trust Fund to district school boards in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the sum of \$220 million must be distributed to district school boards for the Classrooms First Program as provided in section 8 of this act.*

(g)(~~f~~) Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Section 8. Classrooms First Program; uses; pledge of funds.—*It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of \$220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.*

(1) *The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:*

(a) *Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;*

(b) *Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and*

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 24.121(5)(f), Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district if the district school board certifies to the Commissioner of Education that the district's educational plant needs for the next 5 years can be met from anticipated revenues. A district must not expend funds received under this section to pay the salaries of administrative personnel, instructional personnel, or teacher aides as defined by section 228.041, Florida Statutes, or of an educational support employee; however, the funds may be spent for those services of school district personnel which are directly related to the maintenance, renovation, repair, or remodeling of an educational plant as defined in section 235.011, Florida Statutes.

However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction. Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5., Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 24.121(5)(f), Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section. From the funds appropriated in this section, \$525,000 is appropriated to fund a study to determine the most effective use of the resources

that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.

(5) Each educational plant constructed with the proceeds of bonds issued pursuant to this section must be clearly identified on site as having been built with lottery moneys.

Section 9. The sum of \$110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.

Section 10. For the 1997-1998 fiscal year, the sum of \$1,600,000 is appropriated from the General Revenue Fund to the University of South Florida for the purchase of the TGH-USF Psychiatric Center. The state shall not be obligated to provide operating costs for the center from the General Revenue Fund in excess of the level funded by the Legislature in the 1997-1998 fiscal year.

Section 11. Subsection (2) of section 235.06, Florida Statutes, as amended by section 142 of chapter 97-190, Laws of Florida, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.

Section 12. For the 1997-1998 fiscal year, the sum of \$1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institute of Health (NIH).

Section 13. The sum of \$3 million is appropriated from the General Revenue Fund to the Department of Education for the purpose of implementing the provisions of section 10 of chapter 97-265, Laws of Florida.

Section 14. *The sum of \$150,000 is appropriated to the Department of Education from the General Revenue Fund for the development of standards for construction materials and systems based on life-cycle costs.*

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; transferring funds and providing an appropriation to the Department of Education for the Rural Relief Fund; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility; providing an appropriation to the Department of Education for the purpose of implementing s. 10, ch. 97-265, Laws of Florida; providing an appropriation to the Department of Education to develop certain standards; providing an effective date.

Senators Horne and Grant offered the following amendment to **Amendment 1** which was moved by Senator Horne and adopted:

Amendment 1A (with title amendment)—On page 15, between lines 27 and 28 insert:

Section 15. Subsection (3) of section 228.056, Florida Statutes, is amended to read:

228.056 Charter schools.—

(3) PROPOSAL.—A proposal for a new charter school may be made by an individual, teachers, parents, a group of individuals, a *municipality*, or a legal entity organized under the laws of this state. The principal, teachers, parents, and/or the school advisory council at an existing public school, including a public school-within-a-school that is designated as a school by the district school board, shall submit any proposal for converting the school to a charter school. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status.

Section 16. Section 230.23025, Florida Statutes, as created by section 11 of chapter 97-265, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet "best financial management practices." The best financial management practices will be adopted by the state Commissioner of Education *may be*

updated periodically within 90 days after the effective date of this act, after consultation with the Legislature, the Governor, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must instill public confidence by addressing address the following areas:

(a) Efficient use of resources, including assessments of facilities construction and maintenance practices, use of state and district construction funds, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking; *and*

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(2) School districts may, by a unanimous vote of the membership of the school board, apply to OPPAGA for a *complete best financial management practice review or a review of one or more components of the best financial practices, including management, personnel, facilities, transportation, and food and nutrition services reviews.* OPPAGA shall prioritize districts for review based on their growth rates and demonstrated need for review. The director of OPPAGA may, ~~at his discretion,~~ contract with private consultants to perform part or all of the review of any district. Districts applying for a *complete review* shall contribute 50 percent of review costs, unless funding for the entire cost of the review is specifically provided by the Legislature ~~or the district has had a performance review pursuant to ss. 11-515 and 230.2302.~~ *Districts applying for a review of one or more components shall contribute 75 percent of the cost of reviewing each component.*

(3) ~~Each review~~ *District reviews* conducted under this section ~~shall~~ be completed within 6 months after commencement. OPPAGA shall issue a report to the district regarding its financial management practices and cost savings recommendations within 60 days after completing the reviews. If the district is found not to conform to best financial management practices, the report ~~must~~ *shall* contain a plan of action detailing how the district could meet the best practices within 2 years.

(4) District school boards that agree by a majority plus one vote to institute the action plan shall submit an annual report to *the Legislature, the Governor, OPPAGA, the Auditor General, and the Commissioner of Education on progress made toward towards* implementing the plan and whether changes have occurred in other areas of operation which would affect compliance with the best practices. Such districts shall be reviewed annually by OPPAGA, in addition to the annual financial audit required under s. 11.45, to determine whether they have attained compliance with the best financial management practices in the areas covered by the plan. Districts that are found to comply with the best financial management practices shall receive a "Seal of Best Financial Management" by the State Board of Education certifying that the district is adhering to the state's best financial management practices *in the areas covered by the plan.* This designation shall be effective for a ~~5-year 3-year~~ period, after which the district school board may reapply for the designation to be granted after another financial management practice review. During the designation period, the district school board shall annually notify OPPAGA, the Auditor General, and the State Board of Education of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education may revoke the designation of a district at any time if it determines that a district is no longer complying with the state's best financial management practices.

(5) *Any audit or performance review of one or all of the designated components conducted or supervised by OPPAGA within 5 years before December 1, 1997, may serve as the audit or review required as the examination of district operations necessary for a determination of whether a district meets the "best financial management practices" designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.*

Section 17. Section 235.011, Florida Statutes, is amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(1) *“Absolute project cost” means all total project costs plus the purchase price, or the full value of the lease, of the site and costs of offsite improvements; turn lanes; turn signals; infrastructure utilities; onsite sewer plant; onsite water system; hurricane shelters; and environmental and other mitigation as required.*

(2)(4) *“Ancillary plant” is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.*

(3)(2) *“Auxiliary facility” means the spaces located at educational plants which are not designed for student occupant stations.*

(4)(3) *“Board,” unless otherwise specified, means a district school board, a community college board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term “board” does not include the State Board of Education or the Board of Regents.*

(5)(4) *“Capital project,” for the purpose of s. 9(a)(2), Art. XII of the State Constitution, as amended, means sums of money appropriated from the Public Education Capital Outlay and Debt Service Trust Fund to the state system of public education and other educational agencies as authorized by the Legislature.*

(6) *“Contract cost” means those costs incurred to construct a project to the perimeter of the property.*

(7) *“Core facilities” means the media center, cafeteria, toilet facilities, and circulation space of an education plant.*

(8) *“Department maintenance index” means the calculation established by rule of the Department of Education by July 1, 1998, for purposes of the statewide need assessment calculation and for life-cycle cost analysis.*

(9)(5) *“Educational facilities” means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards.*

(10)(6) *“Educational plant” comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant.*

(11)(7) *“Educational plant survey” means a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student.*

(12)(8) *“Feasibility study” means the examination and analysis of information related to projected educational facilities to determine whether they are reasonable and possible.*

(13)(9) *“Long-range planning” means devising a systematic method based on educational information and needs, carefully analyzed, to provide the facilities to meet the goals and objectives of the educational agency.*

(14)(10) *“Low-energy usage features” means engineering features or devices which supplant or minimize the consumption of fossil fuels by heating equipment and cooling equipment. Such features may include, but are not limited to, high efficiency chillers and boilers, thermal storage tanks, solar energy systems, waste heat recovery systems, and facility load management systems.*

(15)(11) *“Maintenance and repair” means the upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking*

lots, roads, and walkways. *“Maintenance and repair” does shall not include renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems. “Maintenance and repair” does not include custodial services or groundskeeping services.*

(16)(12) *“Need determination” means the identification of types and amounts of educational facilities necessary to accommodate the educational programs, student population, faculty, administrators, staff, and auxiliary and ancillary services of an educational agency.*

(17)(13) *“New construction” means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building.*

(18)(14) *“Passive design elements” means architectural features which minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme and which permit use of the facility without heating or air-conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, landscaping, earth bermings, insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.*

(19)(15) *“Public education capital outlay (PECO) funded projects” means site and site improvements necessary to accommodate buildings, equipment, other structures, and special educational use areas that are built, installed, or established to serve primarily the educational instructional program of the district school board or community college and the Board of Regents.*

(20)(16) *“Remodeling” means the changing of existing facilities by rearrangement of spaces and their use and includes, but is not limited to, the conversion of two classrooms to a science laboratory or the conversion of a closed plan arrangement to an open plan configuration.*

(21)(17) *“Renovation” means the rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, interior or exterior reconditioning of facilities and spaces; air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure. For the purposes of this definition, the term “materials” does not include instructional materials.*

(22)(18) *“Satisfactory educational facility” means a facility which has been recommended for continued use by an educational plant survey or which has been classified as satisfactory in the state inventory of educational facilities.*

(23)(19) *“Site” means a space of ground occupied or to be occupied by an educational facility or program.*

(24)(20) *“Site development” means work that must be performed on an unimproved site in order to make it usable for the desired purpose; or, work incidental to new construction or to make an addition usable.*

(25)(21) *“Site improvement” means work that must be performed on an existing site to improve its utilization, correct health and safety deficiencies, meet special program needs or provide additional service areas.*

(26)(22) *“Site improvement incident to construction” means the work that must be performed on a site as an accompaniment to the construction of an educational facility.*

(27)(23) *“Satellite facility” means the buildings and equipment, structures, and special educational use areas that are built, installed, or established by private business or industry in accordance with chapter 6A-2, Florida Administrative Code, to be used exclusively for educational purposes to serve primarily the students of its employees and which are staffed professionally by the district school board.*

(28) *“Statewide need assessment calculation” means a 5-year determination of new construction and facility maintenance needs related to the instructional programs of a district, as calculated in s. 235.1491.*

(29) "Total project cost" means all contract costs plus administrative costs and costs of site engineering; furniture, fixtures, and equipment; architect and engineering fees; and legal costs associated with the completion of a project.

Section 18. Subsection (1) and paragraph (a) of subsection (10) of section 235.014, Florida Statutes, as amended by section 4 of chapter 97-265, Laws of Florida, are amended to read:

235.014 Functions of the department.—The functions of the department shall include, but not be limited to, the following; it shall:

(1) Establish recommended minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when using local operating funds or when the core facilities of an educational facility are constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department shall encourage multiple use of facilities and spaces in educational plants.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the State Board of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare the comparison of new school inventory to allocation limits provided by this chapter; review of cost projections for conformity with cost limits set by s. 235.435(6) state averages; compare comparison of total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that student station and auxiliary facility space area allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for vocational and adult educational programs comply with needs documented by the Division of Workforce Development Applied Technology and Adult Education; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include:

- a. ~~for~~ Cafeterias;;
- b. Multipurpose dining areas;;
- c. Media centers; and
- d. Administration;;
- e. Auditoria;
- f. Elementary school, middle school, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, and beyond which student stations must be assigned;

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, and beyond which student stations must be assigned; and

h. Elementary school art and music rooms.

2. The term "validate" as applied to surveys by community colleges means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by the Division of Community Colleges, including nonvocational, vocational, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection,

where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the Division of Community Colleges as accurate for analysis of space requirements and needs; confirm that needs projected for vocational and adult educational programs comply with needs documented by the Division of Workforce Development Applied Technology and Adult Education; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

Section 19. Paragraph (a) of subsection (2) of section 235.056, Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, is amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(2)(a) A board may rent or lease educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites must be inspected prior to occupancy by the board's Uniform Building Code inspector, who shall report to the department.

1. Beginning July 1, 1995, all newly leased spaces must be inspected and brought into compliance with the state minimum building code pursuant to chapter 553, and the life safety codes pursuant to chapter 633, prior to occupancy, using the board's operations budget or funds derived from millage proceeds pursuant to s. 236.25(2). As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

2. Plans for renovation or remodeling of leased space shall conform to state minimum building and life safety codes for educational occupancies, or other occupancies as appropriate, as required in chapters 553 and 633, prior to occupancy. As an alternative, the board may elect to comply with the State Uniform Building Code for Public Educational Facilities Construction instead of the state minimum building code or the life safety code, or both.

3. All leased facilities must be inspected annually for firesafety deficiencies in accordance with the applicable code and have corrections made in accordance with s. 235.06. Operational funds or funds derived from millage proceeds pursuant to s. 236.25(2) may be used to correct deficiencies in leased space.

4. When the board declares that a public emergency exists, it may take up to 30 days to bring the leased facility into compliance with the requirements of Commissioner of Education rules.

5. By July 1, 1998, the department shall present to the Governor, the Speaker of the House of Representatives, and the President of the Senate a report on the amount of leased space used by districts for prekindergarten programs and for instructional purposes of elementary schools, middle schools, and high schools. The report shall indicate the number of capital outlay full-time-equivalent students who are instructed in leased spaces, the number of permanent and relocatable facilities which are leased, the number of prekindergarten stations assigned in permanent facilities, the condition of leased facilities in accordance with applicable building and life safety codes, and the methods by which leased spaces are financed. The report shall make recommendations as to prescriptive changes that districts must make with regard to leased facilities, as well as recommendations regarding the assignment of student stations to such facilities.

Section 20. Section 235.061, Florida Statutes, is created to read:

235.061 Standards for relocatable buildings and manufactured buildings used as long-term classroom space.—The Commissioner of Education shall adopt rules establishing standards for relocatable buildings and manufactured buildings intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means use at the same school site for a period of 5 years or more. These rules must be implemented by July 1, 1998, and each relocatable building and manufactured building acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. The standards must also require such relocatable buildings and manufactured buildings to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. A relocatable building or manufactured building that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

Section 21. Section 235.1491, Florida Statutes, is created to read:

235.1491 Statewide need assessment calculation for educational capital outlay.—

(1) The Legislature finds that state-level need assessment of educational capital outlay is required to ascertain the funds necessary to ensure that all students in the state system of public education are taught in a quality learning environment. An assessment is deemed necessary to:

(a) Quantify capital outlay needs based upon a uniform standard necessary to ensure that the learning environment in facilities of a school district is qualitatively similar to that of the same educational delivery system elsewhere in this state; and

(b) Provide a uniform set of space and cost guidelines to school districts for all additional capital outlay needs which will enhance public accountability.

(2)(a) For school districts, the statewide need assessment calculation includes the following components:

1. A calculation of the number of student stations in each district based upon space to which stations are to be assigned pursuant to s. 235.014(10)(a)1.;

2. The norm value of each space-per-student station range established for each educational classroom in the State Requirements for Educational Facilities, with the norm value constituting one student station in the Florida Inventory of School Houses;

3. The number of current satisfactory student stations as calculated in the Florida Inventory of School Houses, as determined through this section;

4. The number of capital outlay full-time-equivalent students as determined by the department for each school district;

5. A total project cost per student station equal to the respective maximums provided in s. 235.435(6) for elementary school student stations, middle school student stations, and high school student stations plus an inflationary factor calculated 30 months after the time of the current need assessment, such factor to be determined by rule of the Commissioner of Education; and

6. A maintenance index factor as determined by rule of the Commissioner of Education.

(b)1. In the manner prescribed by s. 235.435(3), the department shall determine each district's capital outlay full-time-equivalent enrollment by May 31 each year, along with its projection for district enrollment 5 years into the future. This projection shall be indicated in the Florida Inventory of School Houses and in the district's educational plant survey

as the district's "5th-year projected enrollment," and this projection shall also be used for purposes of the statewide need assessment calculation. All enrollment factored into the calculation of the distribution of funds in s. 235.435(3) shall be factored into the determination of the 5th-year projected enrollment calculation. A district's 5th-year projected enrollment for which the 1998-1999 fiscal year statewide need assessment calculation is determined shall be based upon the departmental enrollment projection for that district at the end of the 2002-2003 school year.

2. By June 1, 1998, and by each June 1 thereafter, the department shall calculate each district's existing elementary school, middle school, and high school educational plant inventory by dividing the total square footage of each district room bearing student stations and included under subparagraph (a)1. by the applicable norm value for each such room under provisions of subparagraph (a)2. The quotient will determine the initial number of satisfactory student stations in each district for that district fiscal year; the calculation derived on June 1, 1998, is the state's calculation of the district inventory for the 1998-1999 school year. This number shall be defined as the "gross capacity" and shall be so indicated in the Florida Inventory of School Houses. For purposes of the gross capacity, satisfactory relocatable facilities shall be counted at 100 percent of actual student capacity, and all leased spaces, whether permanent or relocatable, shall be counted at 0 percent. The recommended school utilization factors included in the State Requirements for Educational Facilities shall also be factored into the calculation of the gross capacity.

3. After calculating each district's gross capacity, the department shall perform a second calculation of current district inventory for purposes of need determination. In the second calculation, all calculations of the gross capacity remain unchanged except that relocatable facilities shall be counted at 50 percent of actual student capacity; and they shall be counted at 0 percent if manufactured or constructed at least 20 years before the need determination, if the relocatable facility is located at a school that is enrolled at or above 130 percent of the capacity of core facilities, or if the relocatable facility was purchased or lease-purchased and maintained with federal funds and used for a federally mandated program. This second calculation shall be defined as the "net capacity" and shall be so indicated in the Florida Inventory of School Houses.

4. The department shall subtract the district's current-year net capacity calculated in subparagraph 3. from the district's 5th-year projected enrollment calculated in subparagraph 1., and the difference, if positive, shall constitute the state determination of the number of student stations needed by the district over the next 5 years.

5. The department shall multiply the difference calculated in subparagraph 4., if positive, by the cost benchmarks provided in subparagraph (a)5. for elementary schools, middle schools, and high schools, as applicable. The resulting product equals that district's 5-year need for new student stations.

6. By July 1, 1998, the Commissioner of Education shall establish by rule an educational plant maintenance schedule for purposes of establishing a 5-year statewide maintenance need calculation to become effective in the 1998-1999 fiscal year. The maintenance schedule must be based on a life-cycle cost index determined by the department to be a reputable indicator of proper building maintenance. The rule shall incorporate the expected life of permanent and relocatable facilities over which time each facility's expected maintenance may be calculated. The department shall also incorporate the current ages of existing educational plants in the Florida Inventory of School Houses into the determination of the 5-year maintenance calculation.

7. By September 1 each year, the department shall add the monetary values derived in subparagraphs 5. and 6. to obtain the 5-year statewide need assessment calculation for educational facilities in the public schools in that fiscal year.

8. By September 1 each year, the department shall project available state and district revenues for the next 5 fiscal years with the current fiscal year being the first year. For state revenue sources, the department shall incorporate the most recent projections of the Education, Transportation, and Revenue Estimating Conferences. For district revenue sources, the department shall measure the projected local revenues and shall incorporate the most recent projections of the Revenue Estimating Conference for applicable local sales and surtax projections. No available district revenue sources presently unlevied shall be included in the official 5-year revenue projection, but the department must make a separate

projection of each district's potential revenue based on the unlevied sources.

9. On September 1 each year, the department shall present a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the sum determined in subparagraph 7. as the state's official 5-year estimate of facility needs in public schools, the sum determined in subparagraph 8. as the state's official estimate of total available revenues in the next 5 years based on current levies by the districts and state, and the difference between the two sums as the state's official assessment of unmet 5-year need in public school capital outlay in that fiscal year. The report shall also include the assessment for each individual district and shall indicate the potential revenue that could be raised during the 5-year period from unlevied district sources as determined in subparagraph 8. The report shall also include the number of capital outlay full-time-equivalent students who are instructed in permanent facilities and in relocatable facilities that are leased by a district school board for elementary schools, middle schools, and high schools.

10. The Legislature recognizes the need for districts to remodel or renovate existing educational plants periodically. Districts may prefer remodeling or renovation of educational plants instead of plant maintenance, but the Legislature encourages districts to choose a remodeling or renovation option only if such work is cost-effective compared to regular plant maintenance.

(c)1. The norm values for student space and the recommended school utilization factors specified by the State Requirements for Educational Facilities, 1997, which are used in subparagraph (a)2. for purposes of calculating the statewide need assessment provided by this section have the full force and effect of law and may be changed only by rule adopted by the Commissioner of Education and approved by the State Board of Education.

2. The Florida Inventory of School Houses is designated as the state's complete, official registry of public school educational facilities and the official document for determining the number of student stations in the state's public schools. All school districts must, by May 1, 1998, provide current designs of all existing educational facilities to the department for verification of self-reported capacity data and inclusion in the Florida Inventory of School Houses, and each district is required to submit current plans for all new, renovated, remodeled, or expanded educational facilities by May 1 each year thereafter only for the purpose of verifying capacities and updating the state inventory. No provision of this section empowers the department to review facility plans for any purpose other than capacity verification and update of the state facility inventory.

(d) It is the intent of the Legislature that the statewide need assessment performed for public schools pursuant to this subsection constitute a state standard of the financial needs required by school districts to meet their instructional needs in a quality academic environment. A school district may justify to the electors of the district the need for additional funds beyond its statewide need assessment calculation for any educational programs or student space enhancements deemed necessary.

Section 22. Section 235.15, Florida Statutes, as amended by section 17 of chapter 97-95, Laws of Florida, section 5 of chapter 97-265, Laws of Florida, and section 13 of chapter 97-307, Laws of Florida, is amended to read:

235.15 Educational plant survey; localized need assessment calculations; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) *Survey preparation and required data.*—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) *Required need assessment criteria for district, community college, and state university plant surveys.*—Each educational plant survey completed after December 31, 1997, ~~June 30, 1997~~, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, ~~July 1, 1997~~, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the ~~norm minimum~~ space and occupant design criteria established by the State Requirements for Educational Facilities ~~rule of the State Board of Education~~. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, ~~Relocatables~~ shall be included in the school district inventory of gross capacity of facilities and must be counted ~~rated~~ at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under s. 235.158; all remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, ~~relocatables~~ shall be counted at 75 percent of actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the commissioner's report authorized in s. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the Department of Education. ~~However, an adjustment shall be made for deficiencies in core space because of the use of relocatables. For schools with permanent educational facilities, this adjustment shall be the product of 75 percent multiplied by a factor determined by the ratio of permanent classrooms to relocatable classrooms. Such product shall not exceed 100 percent.~~

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the ~~norm minimum~~ space and occupant design criteria established by the State Requirements for Educational Facilities ~~rule of the State Board of Education~~.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by, to the satisfaction of the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) *Review and validation.*—When required by the Constitution, the department shall review and validate the surveys of school districts and community colleges and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding.

(b) Upon request for release of construction funds, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter.

Section 23. Section 235.155, Florida Statutes, is amended to read:

235.155 Exception to recommendations in educational plant survey.—An exception to the recommendations in the educational plant survey may be allowed if a board, including the Board of Regents, deems that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A board, including the Board of Regents, upon determining that an exception is warranted, must present a full statement, in writing, setting forth all the facts to the Commissioner of Education. *The Legislature intends that exceptions granted under this section should preclude a district school board from exceeding the district's state-determined student station deficit calculated pursuant to s. 235.1491(2)(b).*

Section 24. *Identification of critically overcrowded schools and critically overcrowded school districts.*—

(1) *Each district school board must report the information required by subsection (2) to the Commissioner of Education by February 1, 1998, and by January 1 each year thereafter, unless:*

(a) *The board certifies to the Commissioner of Education by the reporting date that the district's educational plant needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5-year period or from alternative scheduling or construction, leasing, rezoning, technological methods, or sound management; and*

(b) *The board certifies to the Commissioner of Education by the reporting date that no more than 25 percent of the district's schools are overcrowded and no more than 25 percent are critically overcrowded. An educational plant shall be considered overcrowded when student enrollment exceeds 100 percent of the capacity of the plant's core facilities, as defined in section 235.011, Florida Statutes. An educational plant shall be considered critically overcrowded when student enrollment exceeds 175 percent of the capacity of the plant's core facilities.*

(2) *The report must identify each educational plant that is overcrowded, critically overcrowded, or under-enrolled. An educational plant*

shall be considered under-enrolled when student enrollment is below 90 percent of the capacity of the plant's core facilities. The report must explain why each education plant is overcrowded, critically overcrowded, or under-enrolled. The report must also describe the district's action plan and timetable for eliminating critical overcrowding within the next 2 years and for achieving balanced use of the district's educational plants within the next 5 years.

(3) *By April 1, 1998, and by February 1 each year thereafter, the Commissioner of Education shall:*

(a) *Publish a report identifying the critically overcrowded schools in each school district. The report shall summarize each affected district's plan and timetable for eliminating critical overcrowding within the next 2 years. The commissioner shall submit recommendations to the school board of each affected district identifying any additional actions that the school board should implement to eliminate critical overcrowding.*

(b) *Submit a report to the State Board of Education identifying the school districts in which at least 25 percent of the schools are critically overcrowded. Beginning February 1999, the report shall also identify each school district that failed to eliminate critical overcrowding within 2 years.*

(4) *Pursuant to Article IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education may declare a school district to be critically overcrowded if at least 25 percent of the district's schools are critically overcrowded and shall declare a school district to be critically overcrowded if the district school board fails to eliminate critical overcrowding within 2 years. Before designating a school district as critically overcrowded, the state board may require the Department of Education to review the operations of the district. The state board shall report each critically overcrowded school district to the Governor, the President of the Senate, and the Speaker of the House of Representatives and may recommend that the Legislature require a state agency or state-level team to manage or oversee the critically overcrowded school district's programs for providing educational facilities.*

Section 25. Section 235.158, Florida Statutes, is created to read:

235.158 *School district facilities work program; definitions; preparation, adoption, and amendment.*—

(1) *DEFINITIONS.*—As used in this section, the term:

(a) *"Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).*

(b) *"Tentative district facilities work program" means the 5-year listing of capital outlay projects required:*

1. *To properly maintain the educational plant and ancillary facilities of the district.*

2. *To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the requirements of ss. 235.1491(2)(b) and 235.15(1).*

(2) *PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK PROGRAM.*—

(a) *Annually, before the adoption of the district school budget, each district school board that does not certify to the Commissioner of Education that the district's instructional space needs for the next 5 years can be met from the projected capital outlay sources or through other means such as alternative scheduling or construction, leasing, rezoning, technological methods, or sound financial management shall prepare a tentative district facilities work program that includes:*

1. *A schedule of major repair and renovation projects necessary to maintain the educational plant and ancillary facilities of the district.*

2. *A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule must consider:*

a. The location, capacity, and planned use of current educational facilities of the district.

b. The proposed location of planned facilities.

c. Plans for the use and location of relocatable facilities, leased facilities, charter school facilities, multitrack scheduling, block scheduling, and other alternatives that reduce the need for permanent student stations.

d. Information concerning average class size and use rate by grade level within the district which will result if the tentative district facilities work program is fully implemented. As used in this sub-subparagraph, "average" does not include special needs classes.

e. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program.

3. The estimated total project cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned total project cost and square footage for each new student station, by elementary school, middle school, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data are available from the Department of Education.

4. A schedule of estimated capital outlay revenues from currently approved and levied sources which are estimated to be available to address the projects included in the tentative district facilities work program.

5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district to address projects identified in the tentative district facilities work program which are not addressed in subparagraph 5.

(b) To the extent available, the tentative district facilities work program shall be based on information produced by the Demographic, Revenue, and Education Estimating Conferences pursuant to s. 216.136.

(c) Provision shall be made for public comment concerning the tentative district facilities work program before its consideration by the district school board.

(d) If the tentative district facilities work program would add portable facilities to a school at which student enrollment is at or above 130 percent of capacity of core facilities, the school board must notify that school's advisory council. The council shall consider alternative ways to reduce overcrowding at the school, including, but not limited to, revising attendance zones, leasing alternative facilities, and changing schedules. After considering alternatives to the addition of portable facilities, the council shall submit recommendations to the district school board. Before adopting the district facilities work program, the board must consider the council's recommendations at a public meeting. The board must also notify the council and receive recommendations from the council at a public meeting if the board deviates from an adopted work program by adding portable facilities to a school that is at or above 130 percent of capacity of its core facilities.

(3) **ADOPTED DISTRICT FACILITIES WORK PROGRAM.**—Annually, the district school board shall consider the tentative district facilities work program completed pursuant to subsection (2). The district school board may amend the program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources that may become available. The final adopted district facilities work program shall be a complete, balanced capital outlay financial plan for the district. It shall set forth the proposed commitments and planned expenditures of the district to address the educational needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

(4) **EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.**—The first year of the adopted district facilities work program shall constitute the capital outlay budget required in s. 235.18. The

final adopted district facilities work program shall include the information required in subparagraphs (2)(a)1., 2., and 3., based upon projects actually funded in the program.

Section 26. Subsection (2) of section 235.19, Florida Statutes, as amended by section 143 of chapter 97-190, Laws of Florida, is amended to read:

235.19 Site planning and selection.—

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less-than-recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.

Section 27. Paragraph (d) of subsection (1) of section 235.198, Florida Statutes, is amended to read:

235.198 Cooperative development and use of satellite facilities by private industry and school boards.—

(1) Each district school board may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. No district school board may apply for more than one facility per year. Such request shall contain the following provisions:

(d) The estimated cost of the facility and site development not to exceed the maximum total project cost per student station as specified in s. 235.435(6)(b) department's average cost of new construction adjusted to the respective county cost index. If a site must be acquired, the estimated cost of the site shall be provided.

Section 28. Subsection (3) of section 235.199, Florida Statutes, as amended by section 18 of chapter 97-95, Laws of Florida, and section 14 of chapter 97-307, Laws of Florida, is amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(3) The total cost of the proposed facility may not exceed the maximum total project cost per student station as provided in s. 235.435(6)(b) shall be determined by the district school board using established state board averages for determining new construction cost.

Section 29. Paragraphs (a), (f), (g), and (h) of subsection (2) of section 235.26, Florida Statutes, as amended by section 145 of chapter 97-190, Laws of Florida, and section 6 of chapter 97-265, Laws of Florida, are amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." It is not a purpose of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

(2) **CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.**—A district school board or community college district board of trustees may not approve any plans for the construction, renovation, remodeling, or demolition of any educational

or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. It is also the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:

(a) Prefabricated *facilities*, or factory-built facilities, or *site-built facilities* that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner of Education. *The standards must comply with the requirements of s. 235.061 for facilities intended for long-term use as classroom space.*

(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Such standards must be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions must be made for an annual updating of standards as required.

4. *By July 1, 1998, the department shall establish life-cycle cost criteria in the department maintenance index for use in evaluating projects submitted to the department for funding under s. 235.2155 in the State Requirements for Educational Facilities. By July 1, 1999, the department shall establish life-cycle cost criteria in the department maintenance index for use in calculating the statewide need assessment pursuant to s. 235.1491(2)(b) and in establishing construction cost maximums under s. 235.435(6).*

5. *By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life-expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the Community College and District School Board Capital Outlay and Debt Service Trust Fund and to require district school boards to expend local capital outlay revenues for any project that includes materials or systems that do not comply*

with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

~~(g) The maximum and minimum net square footage per student for new construction initiated by a district school board after June 30, 1997. The maximum net square footage per student may not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997.~~

~~(h) Maximum allowable space for noninstructional elements of educational facilities in relation to design criteria for space size and occupancy not to exceed the following:~~

~~1.—The net area of the building may be increased up to 6 percent for interior enclosed space necessary for electrical, heating, ventilation, and air conditioning equipment.~~

~~2.—Space for general circulation, interior and exterior walls, roof overhangs, and open malls shall not exceed 22 percent of the net square footage of the total facility for schools housing students in prekindergarten through grade 5 or grade 6 and shall not exceed 30 percent for schools housing students in grade 6 through postsecondary, including ancillary and broadcasting stations.~~

Section 30. Subsection (1) of section 235.33, Florida Statutes, is amended to read:

235.33 Payments.—

(1) The final payment to the contractor shall not be made until the construction project has been inspected by the architect or other person designated by the board for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans and specifications and approved change orders and until the board, acting on these recommendations, has accepted the project. After acceptance by the board, a duplicate copy of this written certificate, duly certified as having been accepted by the board, as well as other related data on *contract costs and total* project costs, space inventory update, and other related building information must be filed with the department for budget and cost reporting purposes.

Section 31. Paragraph (a) of subsection (2) and subsection (6) of section 235.435, Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and section 15 of chapter 97-307, Laws of Florida, are amended to read:

235.435 Funds for comprehensive educational plant needs.—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. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts other than the district submitting the project. Within 60 days after receiving the preapplication review request, the

committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the *total* capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; *the district's utilized instructional space capacity as provided in s. 235.15(1)(b)*; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; ~~the district's existing satisfactory student stations~~; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

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

4. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.

5. The district shall have *developed* a school board adopted *list of facilities that do not exceed the norm* ~~facility list developed in accordance with the minimum~~ net square feet occupancy requirements under the *State Requirements for Educational Facilities*, ~~rules of the State Board of Education~~ and using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total project cost, including change orders, must not exceed the *maximum adjusted statewide average cost per gross square foot, adjusted by the construction cost index and the 5-year statewide average inflation rate; must not exceed the minimum square footage per student specified in the State Requirements for Educational Facilities, 1997; and must not exceed the adjusted statewide average cost per student station as provided in subsection (6).*

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

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 236.25(2). Effective July 1, 1991, any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

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

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 236.25(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(6)(a) ~~Effective July 1, 1997, Each district school board must meet all educational plant instructional space needs of the respective educational sector before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any other new construction, renovation, or remodeling of ancillary space.~~

Expenditures to meet such ~~instructional~~ space needs may include expenditures for site acquisition; new construction; *maintenance*, renovation, *repair*, or remodeling of *existing educational plants, including auxiliary facilities*; and the costs of such services of school district personnel directly related to *such maintenance, renovation, repair, or remodeling.*

(b) *A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all educational plants. Unless granted a waiver under s. 235.4351, a ~~Each~~ district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an educational plant with a total project ~~contract~~ cost, including change orders, that yields a cost per student station which exceeds the following costs per student station as adjusted by the annual increase in the cost of construction as determined by the Revenue Estimating Conference:*

1. *For an elementary school, \$11,600 per student station.*

2. *For a middle school, \$13,300 per student station.*

3. *For a high school, \$17,600 per student station. ~~equals more than 110 percent of the adjusted statewide average total construction cost per gross square foot, adjusted by the appropriate construction cost index and the 5-year average statewide inflation rate.~~*

Upon request by a district school board *pursuant to s. 235.4351*, the Commissioner of Education may waive for a specific project the provisions of this paragraph which limit total ~~project contract~~ cost and the provisions of paragraph (c)2, which limit construction cost per student station if the commissioner is satisfied that the requested waiver is justified. *If the district school board does not receive a waiver from the cost limits set by this subsection*, operating funds must be used to pay any part of the total construction cost, including costs resulting from change orders, which exceeds the expenditure limits of this subsection.

(c) *Except as otherwise provided in this section, all new construction initiated by a district school board after June 30, 1997,:*

1. ~~Must not exceed the minimum square footage per student defined by the State Requirements for Educational Facilities, 1997; and~~

2. ~~must not exceed the maximum adjusted statewide average construction cost per student station as provided in paragraph (b) for the previous calendar year.~~

(d) The department shall compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute ~~the adjusted~~ statewide average *cost per student station total construction costs* for each instructional level. ~~The adjusted statewide average total construction cost shall not include any new construction project that exceeded the statewide average contract cost for new construction by more than 10 percent. Total construction Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Total construction Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements.~~

(e) *The restrictions of this subsection on the total project cost of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 163.3164(8), 212.055, 236.31, and 236.32 and s. 9, Art. VII of the State Constitution, if the board approves the project by majority vote.*

Section 32. Section 235.4351, Florida Statutes, is created to read:

235.4351 Waivers from certain requirements.—The commissioner may, by rule, adopt standards for the provision of waivers from the requirements of this chapter relating to plant surveys, need projections, and cost ceilings. Special consideration for waiver shall be given to:

(1) *Projects of school districts for which no state money is spent.*

(2) *Projects of any school district that certifies that all of the district's educational plant needs for the next 5 years can be met from:*

(a) *Capital outlay sources that the district reasonably expects to receive during the next 5 years; or*

(b) *Alternative scheduling or construction, leasing, rezoning, or technological methodologies exhibiting sound management.*

The commissioner shall annually report to the Legislature and the Governor, by January 1, the prior year's waivers granted under this section.

Section 33. Subsections (2) and (5) of section 236.25, Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida, are amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 235.056(2).

(c) The purchase, lease-purchase, or lease of school buses; drivers' education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(d) The purchase, lease-purchase, or lease of new and replacement equipment.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(2), not exceeding, in the aggregate, an amount equal to ~~one-half~~ ~~three-fourths~~ of the proceeds from the millage levied by a school board pursuant to this subsection. *Notwithstanding other limits set by this paragraph, a district school board may spend, in the aggregate, not more than two-thirds of the proceeds from the millage levied pursuant to this subsection for payments due under a lease-purchase agreement if the lease-purchase was approved before the effective date of this act by the district school board in its 5-year capital improvement plan and the district school board entered into the lease-purchase agreement after June 30, 1997, and before February 1, 1998.*

(f) Payment of loans approved pursuant to ss. 237.161 and 237.162.

(g) Payment of costs directly related to complying with state and federal environmental statutes and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities and of renting or leasing educational facilities and sites pursuant to s. 235.056(2).

(i) *Payment for startup materials for new media centers and payment to install and equip computer networks, including startup software.*

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

(5) It is the intent of the Legislature that, by July 1, 2003 ~~2004~~, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such ~~plants facilities~~; and for the purchase, lease-purchase, or lease of school buses.

(a) In fiscal year 1997-1998, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for~~

~~the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 85 percent of the amount that was spent for those purposes in fiscal year 1995-1996, which shall be the base year, from the proceeds of the millage levied under subsection (2).

(b) In fiscal year 1998-1999, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 70 percent of the amount that was spent for those purposes in the base year.

(c) In fiscal year 1999-2000, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 55 percent of the amount that was spent for those purposes in the base year.

(d) In fiscal year 2000-2001, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 40 percent of the amount that was spent for those purposes in the base year.

(e) In fiscal year 2001-2002, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 25 percent of the amount spent for those purposes in the base year.

(f) In fiscal year 2002-2003, a district school board may spend for purposes other than the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to instruction in such ~~plants facilities~~; and the purchase, lease-purchase, or lease of school buses, no more than 10 percent of the amount spent for those purposes in the base year.

(g) Beginning July 1, 2003 ~~2004~~, revenue generated by the millage levy authorized by subsection (2) must be used only for the construction, renovation, remodeling, maintenance, and repair of educational ~~plants facilities that provide space for the instruction of students~~; for the purchase, lease, or lease-purchase of equipment, buildings, and materials directly related to the delivery of student instruction in such ~~plants facilities~~; and for the purchase, lease-purchase, or lease of school buses.

A district may use its levy pursuant to this subsection to fund new construction and remodeling projects in excess of the norm space and occupant design criteria recommended in the State Requirements for Educational Facilities for each new construction and remodeling project included in its educational plant survey, provided that such construction does not exceed the cost maximums of s. 235.435(6) unless a waiver is granted by the Commissioner of Education pursuant to s. 235.4351. A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under s. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's ~~educational plant instructional space~~ needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years. As used in this subsection, the term "materials" does not include instructional materials. The term "equipment" may include, but is not limited to, computer hardware. This subsection must not be construed so as to impair a district school board's authority to expend funds for the repayment of a lease-purchase agreement entered into before July 1, 1997,

or for the renovation, maintenance, or repair of educational plants, ancillary facilities, or equipment acquired through such lease-purchase agreements.

Section 34. Section 12 of chapter 97-265, Laws of Florida, is amended to read:

Section 12. Subsections (2) and (5) of section 236.25, Florida Statutes, ~~are repealed effective July 1, 2004, and shall be reviewed by the Legislature prior to July 1, 2004 that date.~~

Section 35. *A school district may not, without the permission of the Commissioner of Education, convert any school building to administrative or any other purposes if such action results in any increased use of classroom portable facilities.*

Section 36. *Notwithstanding section 236.081(1)(d), Florida Statutes, for each calculation of the Florida Education Finance Program, the Department of Education shall, first within each district, and secondly within the state, total weighted FTE's and transfer the excess of weighted full-time-equivalent students funded in program groups 1, 2, and 3 of the first Florida Education Finance Program calculation over actual weighted full-time-equivalent students in program groups 1, 2, and 3 into program groups 2 and 3 until the total weighted full-time-equivalent students funded equals the total weighted full-time-equivalent students allocated in the first calculation of the Florida Education Finance Program. In any calculation of the Florida Education Finance Program, if a district's total weighted full-time-equivalent students exceed the total weighted full-time-equivalent students in the first calculation of the Florida Education Finance Program plus adjustments due to section 236.081(1)(d)3.a., Florida Statutes, the excess, if any, in program group 2 weighted full-time-equivalent students exceeding the program group 2 total in the first calculation of the Florida Education Finance Program shall be funded in the same manner as are students in exceptional student education programs 251, 252, 253, 254, and 255, as calculated in conformity with Specific Appropriation 105 of chapter 97-152, Laws of Florida (appearing in the first full paragraph on page 2538 of the Laws of Florida, 1997), and section 21 of chapter 97-153, Laws of Florida. Notwithstanding section 236.081(10), Florida Statutes, for fiscal year 1997-1998, the caps adjustment supplement shall be limited to 50 percent of the funds remaining in the appropriation. This section expires July 1, 1998.*

And the title is amended as follows:

On page 17, line 24, after the semicolon (;) insert: amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; allowing a certain audit or review to serve as a determination of "best financial management practices"; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building

Code for Public Educational Facilities Construction; providing legislative intent; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; prohibiting the conversion of school buildings to other uses without the permission of the Commissioner of Education; providing for transfer of certain full-time-equivalent students in Florida Education Finance Program calculations; providing additional guidelines for making such calculations; providing a caps adjustment;

Senators Horne and Grant offered the following amendment to **Amendment 1** which was moved by Senator Grant and adopted:

Amendment 1B (with title amendment)—On page 15, between lines 27 and 28, insert:

Section 15. *The Legislature recognizes that the public school system is strengthened by the professional and personal contributions of dedicated classroom teachers. The Legislature further recognizes that many teachers spend their own money to benefit their students. It is therefore the intent of the Legislature to provide monetary awards that public school teachers may use at their discretion to enrich the educational experience of their students.*

Section 16. *The Florida Teachers Lead Program is established to provide monetary awards to teachers who are employed by public schools in this state.*

(1) *There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of \$31,500,000 for the Florida Teachers Lead Program. From the funds appropriated, the Commissioner of Education shall calculate an amount for each school district which is proportional to each district's share of the total number of full-time public school classroom teachers in this state.*

(2) *The Florida Teachers Lead Program funds must be deposited into each school's internal account and made available to each classroom teacher. Each recipient must demonstrate to the satisfaction of the district school board, or the board's designee, that the recipient used the Florida Teachers Lead award exclusively for the purchase of goods or services to enrich the educational experience of students.*

(3) *This one-time appropriation must be made available to each classroom teacher in the amount of \$250. These funds must be provided to each teacher in addition to any other funds appropriated for public school operations. The funds expended by individual teachers are not subject to state or local competitive-bidding requirements.*

(4) *Each district school board shall annually publicize the total amount of funds distributed to each school's teachers from the Florida Teachers Lead Program and how the awards were used to enrich the educational experience of students at each school.*

(5) *For purposes of this section, the term "classroom teacher" includes: certified teachers whose full-time job responsibility is the classroom instruction of students in grades pre-kindergarten through twelve and media specialists. Only school district personnel employed in these positions are eligible for the Florida Teachers Lead Program.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 17, line 24, after the semicolon (;) insert: providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and

distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition;

Amendment 1 as amended was adopted.

On motion by Senator Horne, by two-thirds vote **HB 17-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Thomas
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

On motion by Senator Horne, the House was requested to concur in the Senate amendment and in the event the House refused to concur a conference committee was requested.

CONFEREES ON HB 17-A APPOINTED

The President appointed Senator Horne, Chairman; Senators Grant, Sullivan, Myers, Jenne and Holzendorf; and alternates, Senators Silver, Latvala, Lee, Cowin and Clary as conferees on **HB 17-A**.

The action of the Senate was certified to the House.

The President requested that Senator Dudley, Chairman; Senators Diaz-Balart, Brown-Waite and Williams study Exceptional Student Education issues and work with the conferees on **HB 17-A**.

MOTIONS

On motion by Senator Bankhead, the rules were waived and the Conference Committee on **HB 17-A** was granted permission to meet this day at 12:00 noon.

On motion by Senator Bankhead, the rules were waived and the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Executive Business, Ethics and Elections were granted permission to meet from 11:30 a.m. until 1:30 p.m. in lieu of 10:45 a.m. until 1:15 p.m. as scheduled this day.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

Madam President	Crist	Harris	McKay
Bankhead	Dantzler	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dyer	Jenne	Rossin
Burt	Forman	Klein	Scott
Campbell	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams

Nays—4

Cowin	Dudley	Myers	Silver
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By Senators Klein, Campbell and Burt—

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of

lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

Madam President	Crist	Harris	McKay
Bankhead	Dantzler	Holzendorf	Meadows
Bronson	Diaz-Balart	Horne	Ostalkiewicz
Brown-Waite	Dyer	Jenne	Rossin
Burt	Forman	Klein	Scott
Campbell	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Williams

Nays—4

Cowin	Dudley	Myers	Silver
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By Senators Klein, Campbell, Burt and Ostalkiewicz—

SB 38-A—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information and records of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

MOTION

On motion by Senator Bankhead, the rules were waived and the Committee on Criminal Justice was granted permission to consider **SB 36-A** and **SB 38-A** at the meeting this day.

MOTION TO INTRODUCE BILL

On motion by Senator Gutman, by the required constitutional two-thirds vote of the membership, the following bill was admitted for introduction outside the purview of the Governor's call. The vote was:

Yeas—32

Madam President	Crist	Hargrett	Lee
Bankhead	Dantzler	Harris	McKay
Bronson	Diaz-Balart	Holzendorf	Meadows
Brown-Waite	Dudley	Horne	Myers
Burt	Dyer	Jenne	Ostalkiewicz
Childers	Forman	Kirkpatrick	Sullivan
Clary	Grant	Klein	Thomas
Cowin	Gutman	Latvala	Williams

Nays—2

Kurth	Silver
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By Senator Gutman—

SB 40-A—A bill to be entitled An act relating to state meat inspections; reinstating the state meat inspection program; requiring the Commissioner of Agriculture to notify the Federal Government of the state's decision to continue the meat inspection program; suspending certain pending personnel actions; providing for an appropriation; providing an effective date.

—was referred to the Committees on Agriculture; and Ways and Means.

RECESS

On motion by Senator Bankhead, the Senate recessed at 11:29 a.m. to reconvene at 5:00 p.m. or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 5:11 p.m. A quorum present—33:

Madam President	Crist	Jenne	Rossin
Bankhead	Dantzler	Kirkpatrick	Scott
Bronson	Diaz-Balart	Klein	Silver
Brown-Waite	Dyer	Kurth	Sullivan
Burt	Forman	Lee	Thomas
Campbell	Grant	McKay	Williams
Childers	Gutman	Meadows	
Clary	Holzendorf	Myers	
Cowin	Horne	Ostalkiewicz	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment(s) to HB 17-A and acceded to the request that a conference committee be appointed.

The Speaker has appointed the following Members to the Conference Committee: Representatives Pruitt, King, Sublette, Wise, Eggelletion, Mackenzie and Lawson. Representatives Chestnut, Barreiro, Boyd and Feeney, alternates.

John B. Phelps, Clerk

HB 17-A—A bill to be entitled An act relating to accountability and funding for school facilities programs; creating the "SMART Schools Act"; creating s. 235.175, F.S.; providing legislative purpose; amending s. 235.18, F.S.; requiring school districts to prepare facilities 5-year work programs before adopting their annual capital outlay budgets; creating s. 235.185, F.S.; requiring school district facilities 5-year work programs and providing definitions and procedures; creating s. 235.186, F.S.; providing for effort index grants for school district facilities work program projects; specifying an effort index for district eligibility to receive grants; providing for computation and allocation; creating s. 235.187, F.S.; requiring the use of school construction advisory councils for certain districts; providing for appointment of council members and duties relating to the councils; amending s. 235.215, F.S.; revising requirements relating to energy efficiency contracting by school districts, community colleges, and universities; providing intent; revising measures that qualify as energy conservation measures; providing requirements for energy performance-based contracts rather than guaranteed energy savings contracts; specifying procedures for entering into such contracts; revising requirements relating to installment payment contracts; specifying the provisions and terms of energy performance-based contracts; providing duties and liabilities of energy performance contractors; reenacting and amending s. 235.2155, F.S.; revising the School Infrastructure Thrift (SIT) Program; reenacting and amending s. 235.216, F.S.; revising cost ceilings and provisions relating to SIT Program awards; providing for recognition awards; creating s. 235.217, F.S.; establishing the SMART Schools Clearinghouse and providing for membership and duties; providing for rulemaking; prohibiting certain activities; authorizing per diem and travel expenses; providing for staff; subjecting members to certain requirements for public officers and employees; creating

s. 235.218, F.S.; requiring school district facilities work program performance and productivity standards and evaluation; creating s. 235.219, F.S.; creating the Classrooms Now Loan Program within the Department of Education, subject to legislative appropriation from the Educational Enhancement Trust Fund; providing for use of funds for loans to school districts to fund certain capital outlay projects; providing requirements for such loans; providing for deposit of loan repayments to support the effort index grant program; providing for withholding of certain funds upon failure to repay such loans; providing for deposit of such withheld funds; amending s. 24.121, F.S.; authorizing recurring use of specified revenues in the Educational Enhancement Trust Fund; creating s. 235.2195, F.S.; authorizing Classrooms Now capital outlay bonds and specifying conditions; amending s. 235.321, F.S.; requiring school districts to monitor the impact of change orders on district facilities work programs; amending s. 235.017, F.S.; authorizing boards to submit phase III construction documents for review and approval to the Department of Management Services for certain projects; providing for appropriations; providing funding for a SMART school demonstration middle school project; establishing the Florida Teacher Lead Program; defining "classroom teacher"; requiring the Commissioner of Education to provide for timely encumbrances of certain funds; establishing the SMART Schools Small County Assistance Program for fiscal year 1998-1999; providing purpose of the program; providing duties of the SMART Schools Clearinghouse and the Department of Education with respect thereto; providing for funding of the program; amending s. 229.513, F.S.; revising provisions relating to the review of rules and statutes by the Commissioner of Education; amending s. 230.23025, F.S.; revising provisions relating to the "Best Financial Management Practices for School Districts"; revising provisions relating to review of a school district's best financial management practices; revising certain reporting requirements; amending s. 235.011, F.S.; redefining certain terms and defining the term "core facilities"; amending s. 235.014, F.S., relating to functions of the Department of Education; revising exceptions to departmental recommendations of maximum square footage; revising utilization standards to discourage the addition of relocatables in certain circumstances; authorizing the use of relocatables for certain purposes; revising provisions relating to validation of educational plant surveys, including student station assignment; amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities; creating s. 235.061, F.S.; requiring standards for relocatables and providing guidelines; requiring certain inspections; amending s. 235.15, F.S.; revising provisions relating to educational plant surveys and the counting of relocatables; requiring guidelines for the use of relocatables; deleting provisions relating to State Board of Education approval of surveys; amending s. 235.26, F.S.; revising provisions relating to standards of the State Uniform Building Code for Public Educational Facilities Construction; reenacting s. 235.41(3), F.S., relating to legislative capital outlay budget requests, to incorporate the amendment to s. 235.435, F.S., in a reference; amending s. 235.435, F.S.; revising provisions relating to funds for comprehensive educational plant needs; requiring guidelines for maintenance and repair schedules and remodeling and renovation; revising requirements relating to expenditures for space needs; revising square footage and cost-ceiling requirements; clarifying provisions relating to maintenance and repair; creating s. 235.4351, F.S.; authorizing waivers from certain requirements; amending s. 236.25, F.S., relating to the district school tax; revising requirements relating to use of the 2-mill tax for new construction and remodeling; revising provisions which revise the uses of said tax and phase out certain uses over a specified period; providing additional circumstances under which school districts may be exempted from expenditure restrictions; authorizing expenditures for ancillary plants under specified circumstances; providing legislative intent and requiring certain review and recommendations by the Department of Education and SMART Schools Clearinghouse; providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed; repealing s. 12, ch. 97-265, Laws of Florida, relating to future review and repeal of school district tax for capital outlay; providing an effective date.

MOTIONS

On motions by Senator Bankhead, the rules were waived and the Committee on Agriculture was granted permission to meet November 6 from 8:30 a.m. until 8:55 a.m. to consider **SB 40-A** and a deadline of 8:00 a.m. was set for filing amendments to be considered at the meeting.

On motions by Senator Bankhead, the rules were waived and the Committees on Judiciary and Natural Resources were granted permis-

sion to meet upon adjournment of the session in lieu of 9:00 a.m. as scheduled November 6.

On motion by Senator Burt, the rules were waived and by two-thirds vote **SB 36-A** and **SB 38-A** were established as the Special Order Calendar for Thursday, November 6 and a deadline of 8:00 a.m. was set for filing amendments to be considered during the session.

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 36-A with 1 amendment, SB 38-A with 1 amendment

The bills contained in the foregoing report were placed on the calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 4 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:35 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, November 6, or upon call of the President.