



538594

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Education (Montford) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 1362 and 1363

insert:

(2) (a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have



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

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



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40 Within 90 days after receiving the preapplication review  
41 request, the committee or subcommittee must meet in the school  
42 district to review the project proposal and existing facilities.  
43 To determine whether the proposed project is a critical need,  
44 the committee or subcommittee shall consider, at a minimum, the  
45 capacity of all existing facilities within the district as  
46 determined by the Florida Inventory of School Houses; the  
47 district's pattern of student growth; the district's existing  
48 and projected capital outlay full-time equivalent student  
49 enrollment as determined by the demographic, revenue, and  
50 education estimating conferences established in s. 216.136; the  
51 district's existing satisfactory student stations; the use of  
52 all existing district property and facilities; grade level  
53 configurations; and any other information that may affect the  
54 need for the proposed project.

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

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

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



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

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

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

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



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

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

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

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



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

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

133 And the directory clause is amended as follows:

134           Delete line 1356

135 and insert:

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

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

140 And the title is amended as follows:

141           Delete line 173

142 and insert:

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